

CALIFORNIA COASTAL COMMISSION

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Staff: WNP-SD
Staff Report: December 21, 2000
Hearing Date: January 11-14, 2001

Tue 18b

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approval with Conditions

APPEAL NO.: A-6-OCN-00-71

APPLICANT: Paul and Allison Alanis

PROJECT DESCRIPTION: Construction of a 2-story, 27-foot high, 5,595 sq.ft. single family residence, garages and patio on a vacant, 23,189 sq.ft. site that fronts on both the ocean and the ocean entrance to Buena Vista Lagoon.

PROJECT LOCATION: #50 St. Malo, Oceanside, San Diego County APN 155-104-04

STAFF NOTES:

At its July 2000 hearing, the Commission found "substantial issue" exists with respect to the grounds on which the subject appeal was filed. The appellants were Commissioner Sara Wan and Commissioner Paula Daniels.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with special conditions. The main issues raised by this proposal have been addressed by a review of the Oceanside LCP regarding application of the certified "Stringline Set back Map." While the proposed structure is larger than other homes in the surrounding area and is proposed near the maximum stringline, it 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. Also, a survey of the existing revetment on the west and south sides of the project site confirms that the existing revetment is on private property and as such would not result in adverse public access impacts. Also, a wave study indicates the proposed siting of the residence will not result in the revetment being augmented in such a way that such augmentation would occur on public property. Thus, the project can be found consistent with the new development policies of the certified LCP. Staff recommends the Commission approve conditions requiring final revetment plans and a survey to establish the seaward extent of shoreline

protection on this lot so that any future maintenance will be done on private property, a long term monitoring program to document changes to the revetment and its effect on the shoreline and other conditions consistent with the Commission's review of shorefronting development.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program (LCP), A-6-OCN-99-20/Wilt, Wave Uprush Studies Skelly Engineering, dated April 27, 1999, City of Oceanside Building Department Memorandum, dated September 5, 2000, Revetment Survey --Skelly Engineering, dated October 25, 2000; Revised Site Plan by Spear and Associates, dated December 6, 2000

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. A-6-OCN-00-71 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Special Conditions.

The permit is subject to the following conditions:

1. **Final Surveyed 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 revetment plans for the proposed project that have been approved by the City of Oceanside. Said plans shall be in substantial conformance with the site plan prepared by Sowards and Brown Engineering, date stamped received 12/1/2000 and the revetment survey dated 10/25/2000 by Skelly Engineering. The plans shall identify permanent bench marks from the property line or another fixed reference point from which the elevation and seaward limit of the revetment can be referenced for measurements in the future, and shall indicate the following:

- a. Regarding the location of the revetment along the westerly portion of the lot, the toe of the existing revetment shall extend no further seaward than 187- feet west of the easterly property boundary in the north section of the lot and 195-feet west of the easterly property boundary in the south section of the lot at an elevation of 2.01-ft. Mean Sea Level (MSL).

- b. Regarding the location of the revetment along the southerly portion of the lot, the toe of the existing revetment shall extend no further lagoonward than 105-feet from the northern property line in the east section of the lot and 112-feet from the northern property line in the west section of the lot, at an elevation of 5.0-ft. Mean Sea Level (MSL).
- c. The top of the revetment at elevation 17.2-ft MSL.

2. Future Development. This permit is only for the development described in coastal development permit No. A-6-OCN-00-71. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to any future improvements to the single-family house authorized by this permit. Any future improvements shall require an amendment to Permit No. A-6-OCN-00-71 from the Coastal Commission. Additionally, no maintenance or augmentation to the existing revetment is approved with this permit. Any such activities shall require an amendment to Permit No. A-6-OCN-00-71 from the Coastal Commission unless the Executive Director determines that no amendment is required.

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, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). 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

3. Long-Term Monitoring Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a long-term monitoring plan for the beach and shoreline protection. The purpose of the plan is to monitor and record the changes in beach profile fronting the site and to identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. The monitoring plan shall incorporate, but not be limited to the following:

- a. An evaluation of the current condition and performance of the revetment, addressing, among other things, the exposure of any geotextile material or underlining fabric, any migration or movement of rock which may have occurred on the site and any significant weathering or damage to the revetment that may adversely impact its future performance.
- b. Measurements taken from the benchmarks established in the survey as required in Special Condition #1 of CDP # A-6-OCN-00-71 to determine settling or seaward movement of the revetment and changes in the beach profile fronting the site.

- c. Recommendations on any necessary maintenance needs, changes or modifications to the revetment to assure its continued function and to assure no encroachment beyond the permitted toe.

The above-cited monitoring information shall be summarized in a report prepared by a licensed engineer familiar with shoreline processes and submitted to the Executive Director for review and written approval. The report shall be submitted to the Executive Director and the City of Oceanside after each winter storm season but prior to May 1st of each year starting with May 1, 2001.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director and the City of Oceanside Engineering Department. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Maintenance Activities. The permittee shall be responsible for the maintenance of the existing riprap revetment in its approved state. Based on the information and recommendations contained in the monitoring report required in Special Condition #3 of CDP #A-6-OCN-00-71 above, any stones or materials that become dislodged or any portion of the revetment that is determined to extend beyond the approved toe shall be removed from the beach. However, if it is determined that repair and/or maintenance to the revetment is necessary, the permittee shall contact the Commission office to determine whether an amendment to this permit is 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 during the summer peak 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. 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.

7. Revised Final Building Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised building plans for the proposed project that have been approved by the City of Oceanside Building Department. Said final building plans shall be revised as necessary to include the following:

- a. The ocean elevation and profile of the proposed home shall be similar to the exhibits on file with the preliminary plans submitted with this file, dated December 1, 2000 and shall reflect the maximum westerly projection of the residence shall extend no further seaward than 128-feet from the seaward extent of the fronting street right-of-way on the southwestern corner of the residence and 116-feet from the seaward extent of the fronting street right-of-way on the northwestern corner of the residence.
- b. The size of the proposed residence shall be no more than 5,595 sq.ft.
- c. The lot coverage shall be no more than 40%;
- d. The City required front and side yard setbacks shall be maintained;

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.

8. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a permit amendment shall first be obtained from the California Coastal Commission.

III. Findings and Declarations:

1. Project Description/History. The proposed development involves the construction of a 2-story, 27-foot high, 5,595 sq.ft. single family residence on a 23,189 sq.ft. vacant site which fronts both the ocean and is adjacent to the mouth (western terminus) of Buena Vista Lagoon in Oceanside. The residence is designed with 5 bedrooms, 4.5 baths, kitchen, living room, dining room, library, family room, patio and 1-car garage and 2-car garage. Approximately 400 cubic yards of cut grading is proposed to create a flat pad and 50 cubic yards of fill grading is proposed with 350 cubic yards of material proposed to be exported off-site. Special Condition #8 requires that the location of exported soils be identified. If the site is located within the coastal zone, a permit amendment shall first be obtained from the California Coastal Commission. A riprap revetment exists both along the shoreline and lagoon-fronting portion of the lot.

The project site is located within the St. Malo Beach Community and is one of its last remaining vacant and undeveloped properties. St. Malo was established in 1928 and is distinguished by its private and gated access, privately maintained streets, and uniform application of French Normandy styled architecture.

The standard of review is the certified Oceanside Local Coastal Program and the public access and recreation policies of the Coastal Act.

2. No Waiver of Violation. Although development in the form of construction of a shoreline protective device may have taken place without the benefit of a coastal development permit, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to any 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, #8 and #9) 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;
8. 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;

9. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

In this case, the Architectural Review Committee has conceptually approved the project for St. Malo. The project architecture and building treatments display traditional features which are characteristic of the French Normandy style. The exterior color is stucco white, trimmed in gray, with clay tile trim and standard cedar shingles.

The LCP establishes a lot coverage standard of 40% to address neighborhood compatibility. The City found the project is consistent with this standard as it proposes a 17% lot coverage. The project maintains the required side yard setbacks (5 feet) as well as a 17-foot front yard setback (required 8.78 feet), which is determined by a "block face average" of existing structures within the block area. Special Condition #7 requires final revised building plans for the proposed project that have been approved by the City of Oceanside Building Department which identify that the project meets the development standards and design guidelines of the certified Oceanside 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. 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.

The Commission has found in another action (ref. CDP #A-6-OCN-99-20/Wilt) that building out to the stringline is not a development "right" that the applicant is entitled to automatically. Maximum buildout to the stingline can only be achieved when the proposed project is found consistent with all the governing policies of the certified LCP.

In its approval, the City found the new dwelling would extend to the maximum of the stringline as depicted on the certified Stringline Map. According to the approved plans, the proposed residence will extend out to approximately one foot away from the maximum limits of the stringline on the southwest corner of the residence. At the northwest corner, the proposed residence is approximately 2 feet behind the stringline. The City found that because the proposed residence would not extend further seaward than other structures already constructed in the area based on its conformance with the stringline map, it would not set an adverse precedent regarding seaward encroachment and as such could be found consistent with the visual resource provisions of the certified LCP.

An important concern is what, if any, adverse visual effect would approval of the proposed structure have on coastal public views. From beach level near the project site, there is no adverse visual impact as the existing revetment obstructs inland views as one walks seaward of it. From beach level at greater distances from the project site, the project's visual impact would not significantly alter the appearance of the shoreline because, as proposed, it does not represent a major change in height, bulk or seaward encroachment over existing development along the St. Malo shoreline. To the north of the proposed development, the majority of the residences in the St. Malo community are built out to the stringline. Thus, because the proposed project proposes a similar ocean setback as the majority of the beach fronting homes in the community its visual impact should be similar to or at least not significantly greater than existing development along the shoreline. Additionally, because St. Malo is a private, gated community, no important public views exist from nearby public areas such as vertical accessways near the site. Finally, although the public does have access along the channel leading to Buena Vista Lagoon, the site is higher than this access and the residence would not present a significant visual obstruction from the channel.

At-grade stone paving is proposed seaward of the stringline between the residence and the landward edge of the existing revetment. However, Section 1703 of the certified implementing ordinances states that 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. In this case the paving is at grade and should not impair the views from adjoining properties or along the beach. Because all development is proposed within the "stringline" and at 27-feet high is consistent with the LCP height standard of 35 feet from finished grade, the Commission finds the project is consistent with these LCP development standards.

Policy #9 of the LUP provides that all new development be compatible in height, scale, color and form with the surrounding neighborhood. To determine whether the project may be out of scale and character with surrounding development given its bulk/scale and given the beach and lagoon interface, a survey of the house sizes was made. According to the City of Oceanside, house sizes in St. Malo range from as little as the 2,500 sq.ft. to as much as the applicant's proposed house at 5,595 sq.ft. Generally, the more recent structures are larger than the older ones. Most of the home sizes are in the 3,000 sq.ft. -

4,000 sq.ft. range. There are two homes that are greater than 5,000 sq.ft. in size (Lot #2=5,590 sq.ft.; Lot #72=5,219 sq.ft.). According to the City of Oceanside, most of the lots in St. Malo range from 4,000 sq.ft. - 15,000 sq.ft., and the subject site, at 23,189 sq.ft., is the largest. Several of the lots are around the 17,000 sq.ft. range. While the subject lot and house are the largest in St. Malo, they are not significantly out of scale and character with the existing pattern of development there.

Given the large size of the lot, the proposed development is less dense in terms of floor area ratio than almost every other beachfront home built in St. Malo. The proposed development does not exceed the height limitations imposed within the St. Malo community, does not exceed the building density limitations imposed by local ordinance and architecturally is in conformance with the development and design standards within the St. Malo community. Thus, while the proposed home represents the largest home in the community, the proposed residence is consistent with all applicable provisions of the LCP related to height, setback, lot coverage and will not be out of character with the surrounding community. Therefore, the project can be found consistent with the LCP requirement that development must be compatible in scale and form with the surrounding neighborhood.

In summary, because the Commission finds the proposed project can be found compatible in scale and form with the intent of existing LUP policies regarding neighborhood compatibility and with LCP development and design standards, the Commission finds the project can be found consistent with the visual resource policies of the certified LCP.

4. Shoreline Protective Device/Beach Encroachment. The St Malo seawall was constructed by Silberberger Engineers, Inc. in 1974 as a 2,016 foot long rip rap revetment fronting the oceanfronting properties of St. Malo. The design of the revetment consisted of a single layer of 2.5 ton armor stone and a five foot wide toe apron on underlayer stone and filter cloth. In 1988 the toe was extended seaward approximately 7 feet and a second layer of armor stone was added. The toe was extended to provide a foundation for the enlarged revetment. In 1995, 15 new armor stones (approximately 60 tons) were added as maintenance. In 1997, another 1,000 tons of new armor stone (approximately 6% of outer armor layer volume) were added as revetment maintenance.

As noted, the subject site is the southern terminus of the St. Malo community adjacent to and north of the mouth of Buena Vista Lagoon. The portion of the revetment on-site fronts the ocean for approximately 128-feet along the western side of the property; the portion of the on-site revetment that fronts the lagoon (along the southern side of the property for approximately 209-feet) returns inland from its connection with the ocean portion of the revetment back to the weir at the mouth of the lagoon. The southern developable portion of the vacant site contains an approximately 6-foot high masonry block wall.

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). Specifically, it states:

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.

At its July 2000 hearing the Commission found Substantial Issue with the project. The concern was whether portions of the existing revetment encroached beyond the applicant's property onto public tidelands. The concern was raised when the site plan indicated the existing revetment encroached beyond the western property boundary as indicated on the site plan and potentially beyond the previously approved alignment. Additionally, a concern was that the residence was proposed near the most seaward location it was allowed on the certified Stringline Map and that as proposed at the maximum stringline the residence may require additional shoreline protection which could result in rock being placed onto public property (i.e., seaward of the mean high tide line).

In response to Commission staff concerns regarding the location of the revetment and its impact on the siting of the residence, the applicant prepared a wave uprush study. The wave study found that the existing riprap revetment is in "excellent" condition and would not need to be improved to adequately protect the site. It concludes that "no additional quarry stone or other improvements are necessary for either the western portion of the revetment or the portion of the revetment at the lagoon mouth to protect the proposed development."

In response to staff concerns regarding the location of the existing on-site ocean fronting revetment relative to the mean high tide line, the applicant prepared a survey of the existing seaward extent of the revetment. The 10/25/2000 survey by Skelly Engineering indicated that the toe of the revetment is approximately 6-feet to 9-feet landward of the mean high tide line as depicted by the 10/25/2000 survey. Additionally, there is a minimum of 12-feet between the inland extent of the revetment and the residence. This area is proposed as a patio consisting of stone pavers; however, it could be used as additional area to accommodate expansion of the revetment to ensure that should future expansion of the revetment become necessary.

In response to staff concerns regarding the location of the existing on-site lagoon fronting revetment relative to the mean high tide line, the survey indicated the revetment is located at least 25-feet within the lot boundary and above the mean high tide line. Additionally, there is a minimum of 16-feet between the inland extent of the revetment and the residence. This area is proposed as a pathway and patio consisting of stone pavers and several planters. However, it could be used as additional area to accommodate expansion of the revetment on private property should expansion of the revetment become necessary. Based on these findings there appears to be

adequate area on private property to accommodate a stable revetment at both its western and southern alignment over the long-term should the residence be approved.

The Commission finds that while there appears to be adequate area both landward and seaward of the revetment to accommodate any future augmentation of the revetment, it can only support such augmentation if it is landward of the present footprint. The Commission notes that with future rising sea level and episodic storm events, the area seaward of the revetment could erode significantly, resulting in the area becoming public tidelands. Based on these findings, the Commission finds that no further seaward encroachment of the revetment is permitted (i.e., there is adequate area inland of the existing revetment to accommodate any future revetment maintenance).

Staff also requested a comparison of the seaward encroachment associated with the St. Malo revetment construction done in 1988 when the second tier of rock was added. It was approved under the City's Coastal Development Permit (RC-30-88) and the Commission's Emergency Permit (6-88-590-G). At that time a jurisdictional question was raised between the City and the Coastal Commission regarding the proposed seawall improvements. This question has yet to be resolved and will be pursued as a separate enforcement action involving this property and the remainder of the properties in the St. Malo subdivision. However, as noted above, a recent survey of the revetment toe and the current mean high tide line has been done. The survey also plots the approved footprint of the 1988 revetment repairs and concludes that the existing rock is no further seaward than the previously approved location and is located inland of the mean high tide line and on private property as it exists today. Approval of the proposed residence will not prejudice resolution of any enforcement action regarding the revetment.

The Commission is interested in establishing the seaward extent of shoreline protective devices in this area. The survey indicates the revetment toe is 187- feet west of the easterly property boundary in the north section of the lot and 195-feet west of the easterly property boundary in the south section of the lot. Regarding the location of the revetment along the southerly portion of the lot, the survey indicates the revetment toe is approximately 105-feet east of the northern property line in the east section of the lot and approximately 112- feet east of the northern property line in the west section of the lot.

Based on the preceding discussion, the Commission finds that no additional rock is authorized seaward of these locations. Special Condition #1 requires that the surveyed toe of the revetment be shown on a final site plan to establish the seaward extent of the permitted revetment as identified above. The survey shall verify that the toe of the revetment is at or below the identified locations and does not exceed the existing seaward extent of the revetment. If the survey determines that any portion of the revetment is seaward of the current revetment, the applicant shall obtain the necessary permits from the Commission.

Special Condition #2 identifies that based on the wave study indicating the existing revetment would protect the proposed project, no maintenance or augmentation to the existing revetment is approved with this permit. Such maintenance or augmentation shall

be the subject of a permit amendment. Special Condition #2 also requires that any future improvements to the single family house or riprap revetment authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252, shall require an amendment from the Commission. The concern is that future improvements to the revetment are limited to its existing seaward footprint to assure no impacts to public access by further encroachment onto the beach.

Special Condition #3 requires a long-term monitoring plan to monitor and record the changes in beach profile fronting the site and to identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. The concern is that any future development on the site has the potential to extend shoreline protection seaward onto public beach. This condition will assure revetment maintenance will occur in a timely and orderly way and without adverse impacts to public access.

Special Condition #4 provides that any stones or materials that become dislodged or any portion of the revetment that is determined to extend beyond the approved toe shall be removed from the beach through an amendment to the Commission's permit.

Although the wave uprush study finds the existing revetment would protect the proposed reconstruction, Special Condition #6 requires the applicant to execute assumption of risk documents, providing that the applicant understands that the site is subject to hazards based on its location on the coast and that the applicant assumes the risk of developing the property.

In summary, as conditioned so that no further seaward encroachment of the revetment is permitted with this action or in the future, that final plans are submitted that indicate the position of the existing revetment relative to a fixed reference point, that maintenance and monitoring of shoreline conditions relative to the revetment are done to minimize public access impacts and that the applicant assumes the risk of developing in a hazardous area, 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 general provisions that call for the protection and enhancement of public access. Regarding vertical access, St. Malo is a private gated community and no public access exists through St. Malo to the beach. The certified LCP does not call for vertical access to be provided within this community. The public does, however, have access along the beach seaward of the mean high tide line. Regarding lateral access, 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 Commission found above that the existing revetment is not on public tidelands and would require no further improvements to protect the proposed residence. The Commission also found that any future augmentation or maintenance of the revetment must be done on private property. As conditioned, no adverse impacts to lateral public access should occur along the shoreline. Thus, the Commission finds the project can be found consistent with the public access provisions of the certified LCP and the Coastal Act.

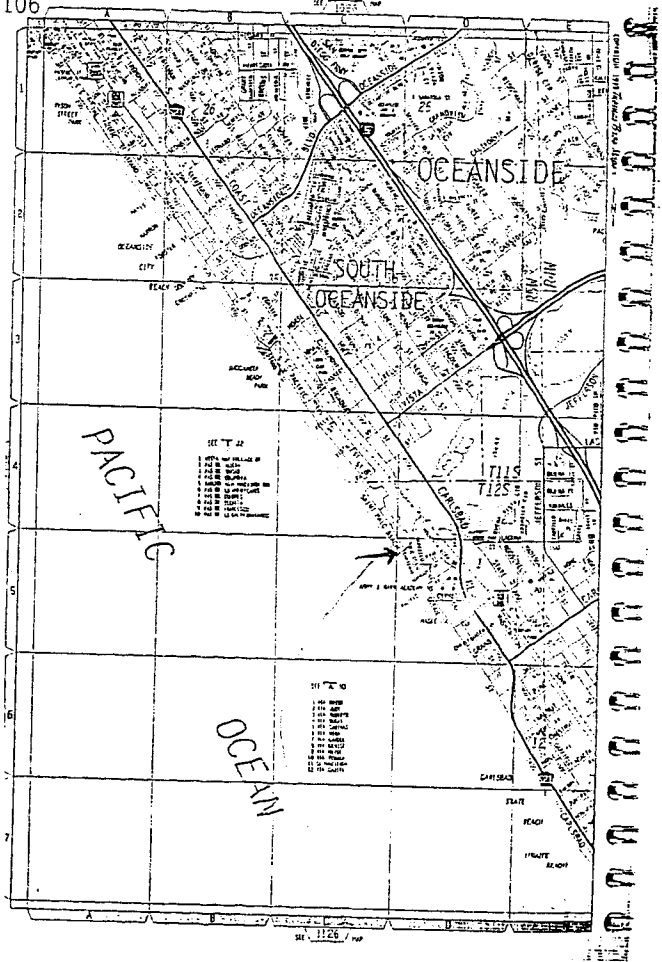
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, to be consistent with any applicable 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 is consistent with the requirements of 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. 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.
5. 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.



S.H.C

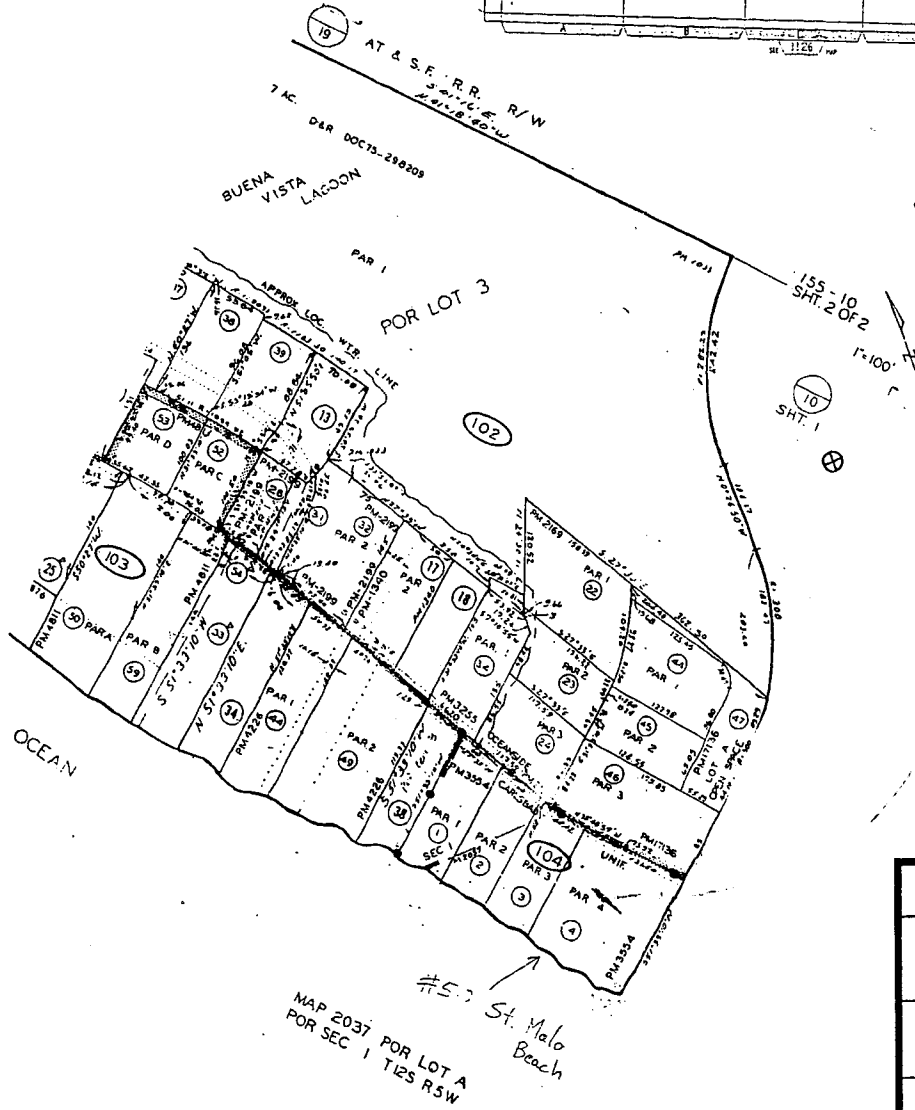
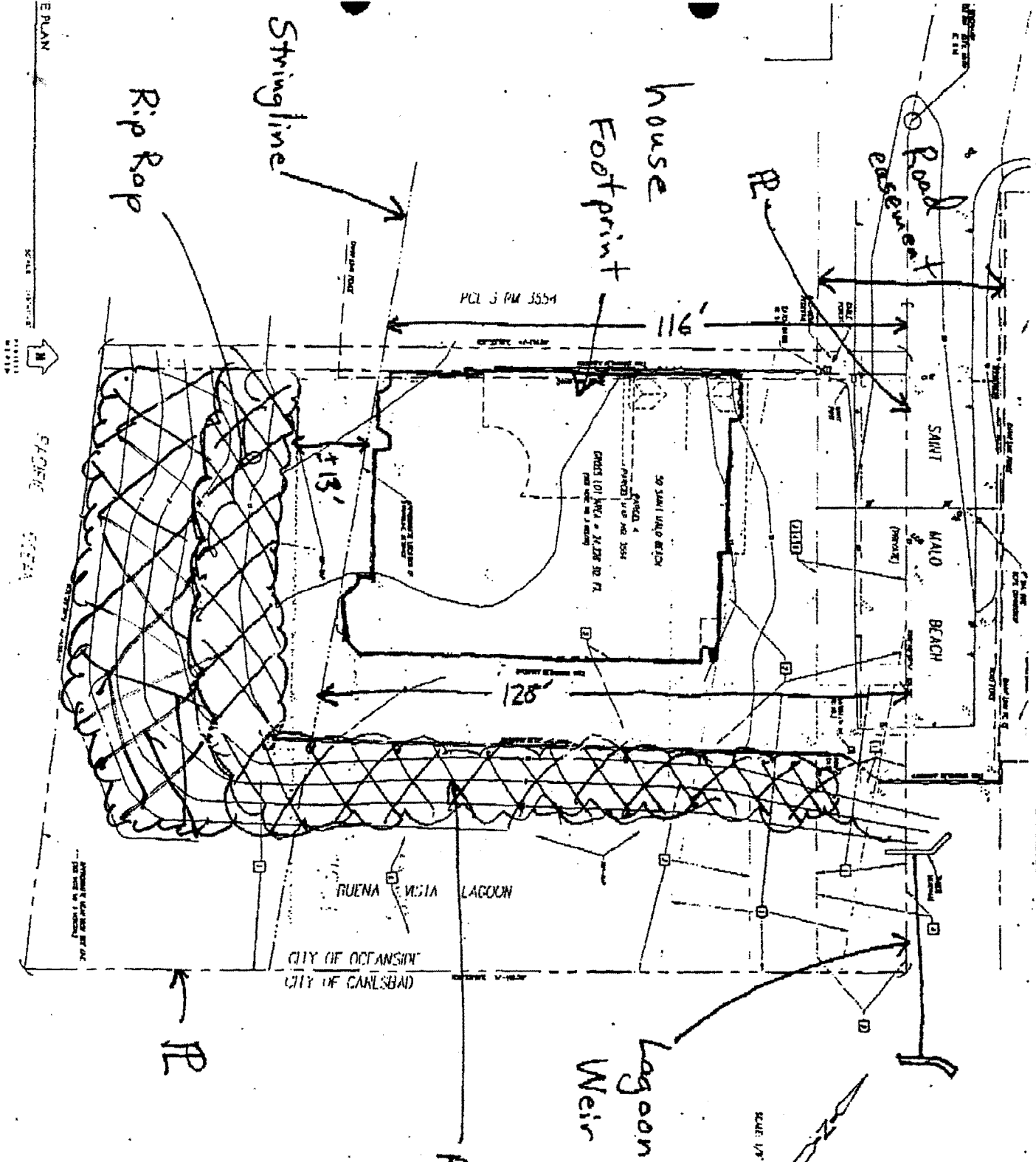


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-00-71
Location Map
California Coastal Commission



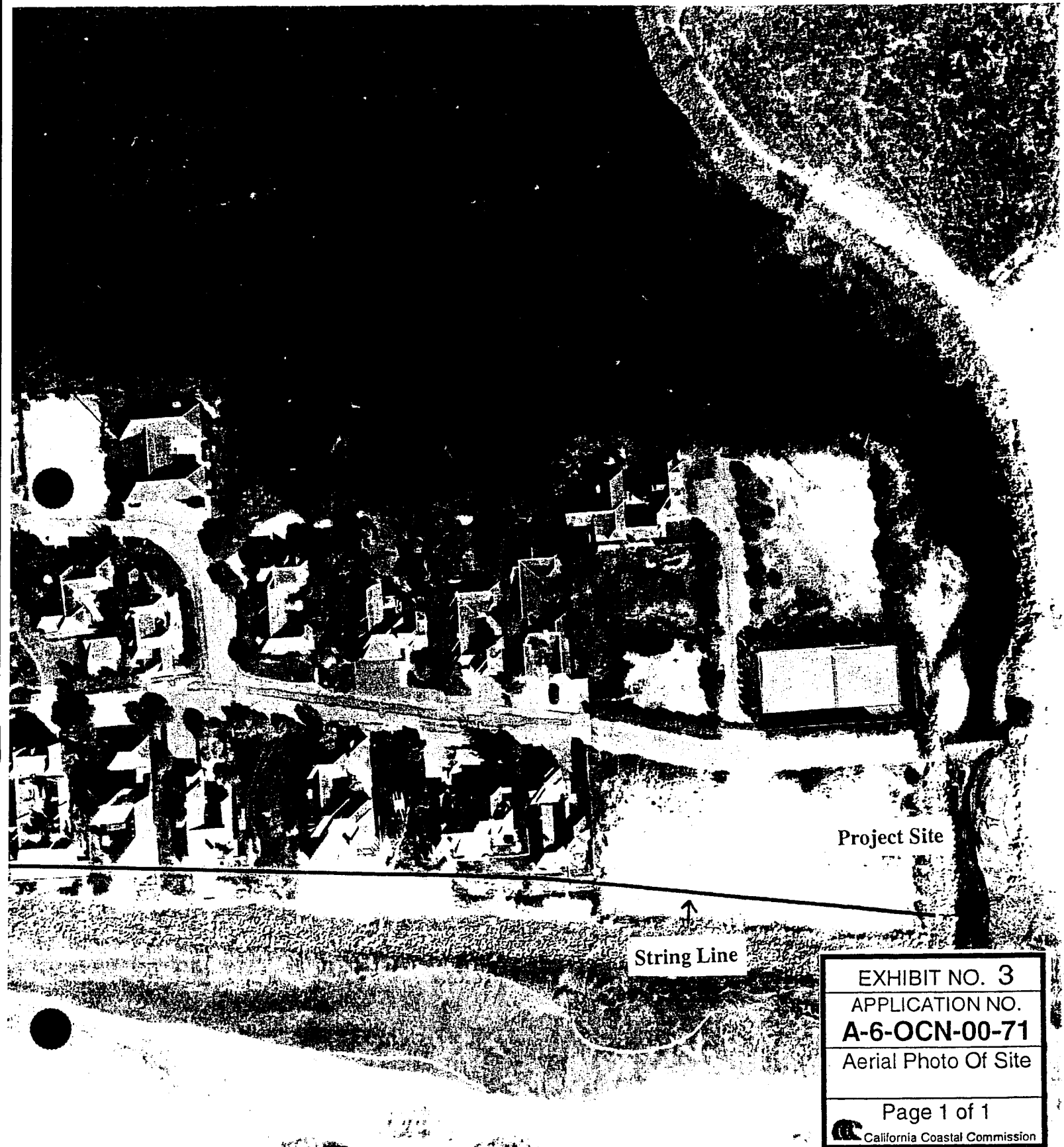
NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	11/11/00	...
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NO.	DESCRIPTION	DATE	BY
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EXHIBIT NO. 2
APPLICATION NO.
A-6-OCN-00
Site Plan


City of Oceanside

Stringline Map



Project Site

String Line

EXHIBIT NO. 3
APPLICATION NO.
A-6-OCN-00-71
Aerial Photo Of Site
Page 1 of 1
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