

CALIFORNIA COASTAL COMMISSION

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W15a

ADDENDUM

March 8, 2021

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W15a**, Coastal Commission Permit Application **#A-6-OCN-19-0181 (Beach Walk, Beach City LLCs)**, for the Commission Meeting of March 10, 2021

The purpose of this addendum is to respond to a comment letters from an appellant and Surfrider and make minor revisions and corrections to the staff report. The revisions clarify that the project approved by the City included a total of 4 units, but as revised by the applicant, the project now includes a total of 6 units.

Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by ~~striketrough~~ and additions shall be underlined:

1. The first full paragraph on Page 2 of the staff report shall be corrected as follows:

The appellants allege that the approved condominiums raise a number of LCP consistency issues: including that; 1) the proposed development will impact housing by reducing the density of the site from 9 to 4 units, when the LCP would allow up to 6 units; 2) the scale of the development will block existing public views, and potentially be out of character with the surrounding community; 3) the existing units provide lower-cost overnight accommodations which will be lost when redeveloped with the approved 46 units with six and nine bedrooms; 4) the redevelopment of the site will result in the loss of eight on-street public beach parking spaces; and 5) the site is located on the shorefront and within the 100 year floodplain and will likely be subject to increased hazards in the near future.

2. On Page 21, Special Condition 4. No Future Shoreline Protection shall be corrected as follows:

(a) By acceptance of this Permit, the permittee agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-6-OCN-19-018, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.

(b) By acceptance of this Permit, the permittee further agrees, on behalf of itself and all successors and assigns, that the permittee shall remove the development authorized by this Permit if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to natural hazards and that there are no measures that could make the structures suitable for use without the use of ~~shoreline~~ bluff protective devices. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required. In the event that portions of the development fall to the public beach before they are removed, the permittee shall remove all recoverable debris associated with the development from the public beach and lawfully dispose of the material in an approved disposal site.

3. On page 35, the following shall be added after the fourth paragraph:

After the staff report was written, the Commission received two comment letters responding to the staff report. The first letter received was from Surfrider Foundation and raised concerns regarding the safety of the proposed structures reliance on existing shoreline protection. The second, comments from an appellant, were to support of the concerns raised by Surfrider (see Exhibits 16 and 17).

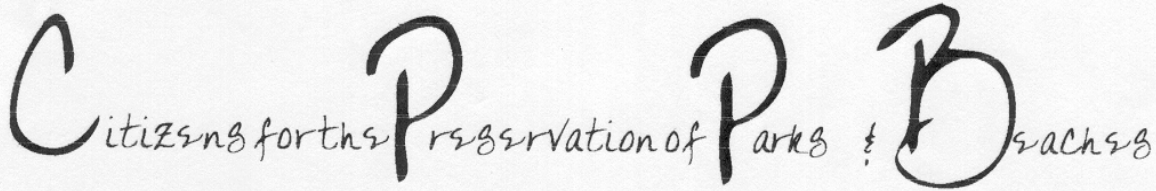
The letters assert that the new homes should not rely on existing shoreline protection, as that is inconsistent with the Commission's Sea Level Rise Guidance and the City's LCP, and that the impacts resulting from the existing shoreline protection were not adequately analyzed. As noted above, the wave runup study completed for the development concluded that the site will be safe for its anticipated lifetime because it will be adequately protected by the offsite, City maintained rock revetment. Typically, the Commission requires that new development be safe without relying on existing shoreline protection.

However, as cited above, the City's LCP, which is the standard of review, allows shoreline structures to be constructed when required to protect proposed structures, when designed to result in no significant impacts to coastal resources. In the case of the subject development, the proposed project would not require

construction of a new shoreline protective device, or any changes to the existing shoreline protection device, but would rely on an existing revetment constructed prior to the enactment of the Coastal Act, which is located entirely on City property, and is neither owned nor maintained by the applicant. The primary purpose of this revetment is protection of an existing sewer line and a public pedestrian accessway located seaward of the subject site, and as such, is expected to remain and be maintained for the foreseeable future. Construction of the subject project will not result in any new or additional impacts to public access, recreation or sand supply.

The Commission acknowledges that any new construction located upland of the revetment could limit the ability of the City to relocate the public facilities inland in the future as sea level rise increases. However, the entire block where the subject property is located has been redeveloped within the last decade with new homes and is committed to development. The proposed development does not include any caissons or footings that could not be removed if threatened in the future. Although the applicant did not specifically analyze whether the site would be safe from hazards without the revetment, the structure will be located approximately 35 feet inland of the existing revetment, and the project has been redesigned so that the first level of the building is non-habitable parking and capable of withstanding periodic flooding. As noted below, should the structure become at risk in the future, special conditions require the removal of the structure if threatened, and waive the right for any future shoreline protection. Thus, the development has been designed and conditioned to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources, consistent with the requirements of the LCP.

4. Exhibit No. 16 – Appellant Comment Letter – and Exhibit No. 17 – Surfrider Comment Letter – shall be added to the exhibits of the Staff Report.



March 3, 2021

Delivered via email

TO: Toni Ross, California Coastal Commission

RE: Appeal Number A-6-OCN-19-0181
Beach Walk, Beach City LLC's
831 & 833 S. Pacific Street, Oceanside

Thank you for the opportunity to file the appeal on this project. We truly appreciate all the hard work that staff has put into working with the applicant to revise the project. With Sea Level Rise being an important part of the determination, we concur with The Surfrider Foundation findings. The rock revetment throughout most of our Oceanside coastline is a major contributor to the loss of our sandy beach.

We sincerely hope that the Coastal Commission will take a good look at the findings provided by Surfrider and proceed in a manner that guarantees access to our shoreline for many more years to come.

Thank You,
Carolyn Krammer & Shari Mackin
Citizens for the Preservation of Parks & Beaches
904 Leonard Avenue, Oceanside, CA. 92054

904 Leonard Avenue ~ Oceanside ~ CA ~ 92054

EXHIBIT NO. 16
APPLICATION NO. A-6-OCN-19-0181
Appellant Comment Letter
 California Coastal Commission



March 3, 2021

Delivered via email

To: Steve Padilla, Chair, California Coastal Commission
Karl Schwing, District Director, San Diego Coast

Re: Item W15a, Appeal Number A-6-OCN-19-0181, Applicant: Beach Walk

Dear Chair Padilla and District Director Schwing,

The San Diego Chapter of the Surfrider Foundation was listed as a party of interest on the appeal from coastal permit decision of local government filed by Carolyn Krammer (appellant) concerning the decision by the city of Oceanside to approve the demolition of an existing nine unit complex to enable the construction of a four-unit condo development. We commend Coastal Commission staff for working with the applicant to revise the project to address many of the concerns Ms. Krammer raised in her appeal. However we object to the determination that the proposed development will be safe through the expected economic life of the structure. This safety determination depended on the presence of a existing rock revetment on City property seaward of the proposed development:

"...the wave runup study completed for the development concluded that the site will be safe only because it will be adequately protected by the offsite, City maintained rock revetment. The Commission's engineer has reviewed the material submitted by the applicant and concurs that the site will be safe due to the existing revetment." (staff report page 34, emphasis added)¹

Approving new development that relies on coastal armoring violates the 2018 Sea Level Rise Guidance adopted by the Commission:

" MAXIMIZE PROTECTION OF PUBLIC ACCESS, RECREATION, AND SENSITIVE COASTAL RESOURCES [Coastal Act Chapter 3 policies]...

¹ Staff report:

<https://documents.coastal.ca.gov/reports/2021/3/W15a/W15a-3-2021-report.pdf>

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EXHIBIT NO. 17
APPLICATION NO. A-6-OCN-19-0181
Surfrider Comment Letter
California Coastal Commission

12. Maximize natural shoreline values and processes; avoid expansion and minimize the perpetuation of shoreline armoring....Major renovations, redevelopment, or other new development should not rely upon existing shore protective devices for site stability or hazard protection. Where feasible, existing shoreline protection that is no longer being relied upon in this way, or no longer needed otherwise, should be phased out.”² (2018 Sea Level Rise Guidance page 40, emphasis added)

The staff report also points out that the City’s LCP contains conflicting policies regarding the construction of new development that relies on shoreline protective devices. While the City’s Land Use Plan only allows protection for existing development, the City’s Seawall Ordinance allows shoreline structures to protect proposed or existing structures. The Ordinance reads:

*“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.**”* (staff report page 34-35, emphasis added)

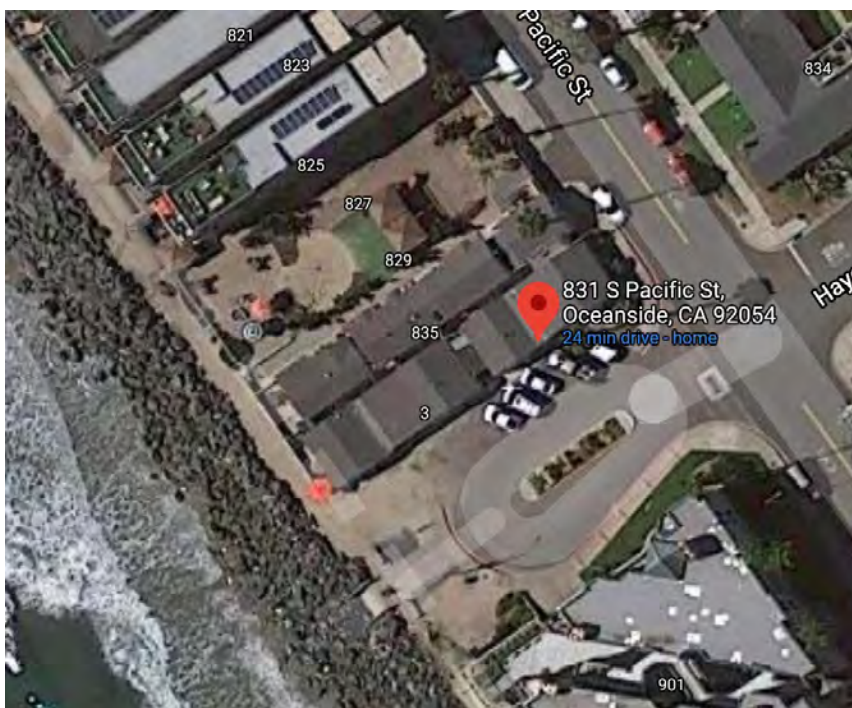
The staff report also states:

“Additionally, if, in the future, maintenance work is proposed for the revetment by the City, public access and recreation impacts will be reviewed and mitigated if needed at that time.” (staff report page 35)

The proposed development can only be deemed acceptable when the impacts of the existing revetment are better understood. An analysis of wave runup absent a revetment is needed to show that the proposed development can withstand wave conditions if the revetment is not perpetuated. Without this it will not be possible to determine if the proposed development is in conformance with the LCP, or to determine the impacts of the proposed development on sand supply and other coastal resources, as required by the City’s Seawall Ordinance. Given the Seawall Ordinance’s guidance on determining impacts, and the Commission’s 2018 Adopted SLR Guidance directive that new development not rely on shoreline protection, an impact analysis must be performed before approval of any permits. The analysis may show the need for additional conditions or mitigation measures. As such approval of this permit is premature.

² 2018 ADOPTED CALIFORNIA COASTAL COMMISSION SEA LEVEL RISE POLICY GUIDANCE (SLR Guidance) : https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf

From aerial photos of the subject site, the rock revetment is much wider than the dirt path open for public pedestrian use as well as wider than the sandy beach below. It seems plausible that the city may want to remove the revetment in the future in order to provide more beach space, which is currently not available in much of Oceanside due to a lack of sand and presence of wide rocky structures such as this. The staff report states the revetment is necessary to protect the access path, but absent the revetment there may be improved access. However, since no impact analysis of the revetment has been performed, it's not possible to know.



Google Earth, Imagery Captured in 2021

We therefore request that the Coastal Commission ask the applicant to provide a wave runup analysis without the revetment to determine if the proposed development would be safe for the economic life of the structure. Without this determination, the Coastal Commission should not vote to approve the requested Coastal Development Permit.

Sincerely,

Kristin Brinner & Jim Jaffee
Co-leads, Beach Preservation Committee
San Diego Chapter, Surfrider Foundation

Laura Walsh
Policy Coordinator
San Diego Chapter, Surfrider Foundation

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