

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W15a

A-6-OCN-19-0181 (Beach Walk, Beach City LLCs)

March 10, 2021

EXHIBITS

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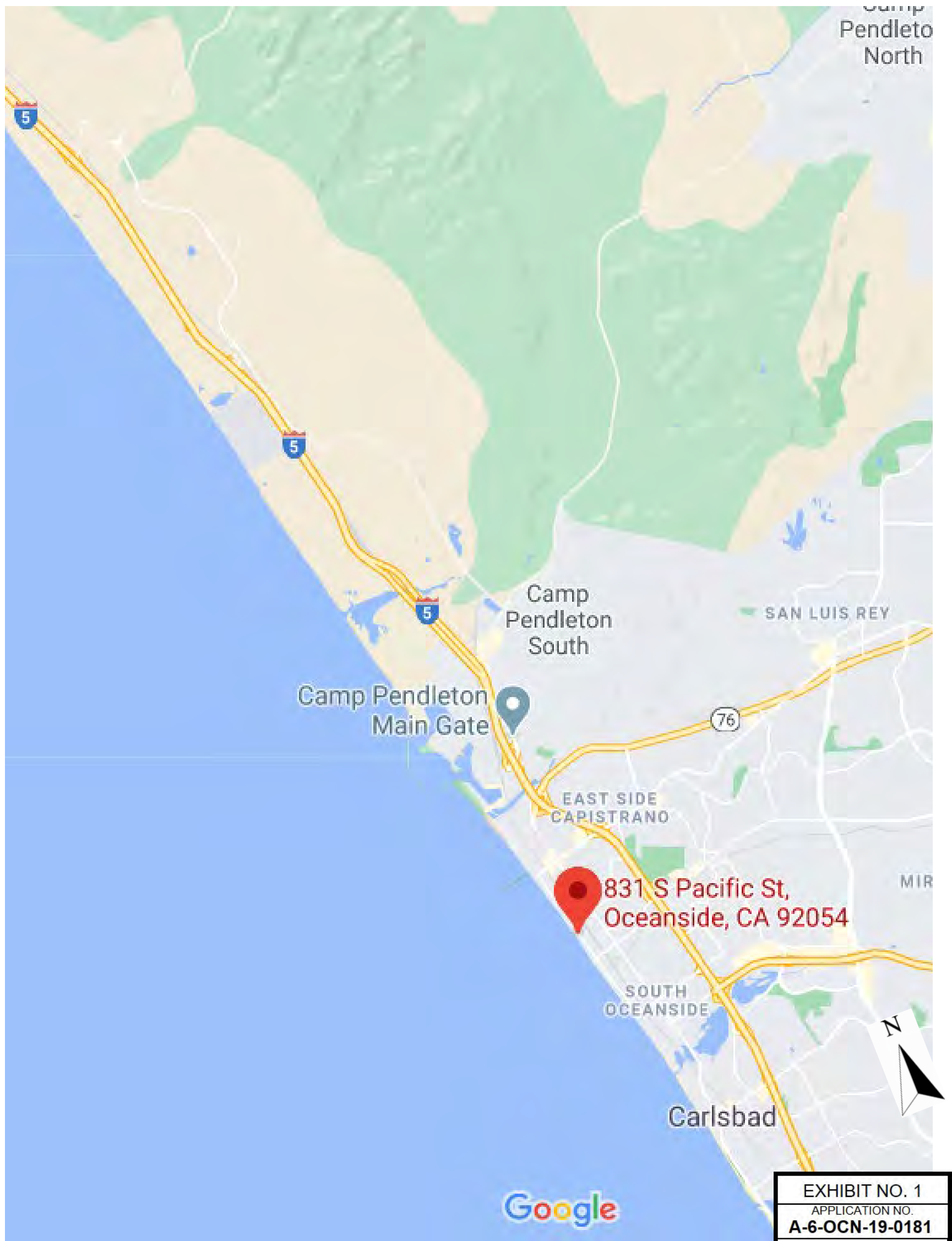
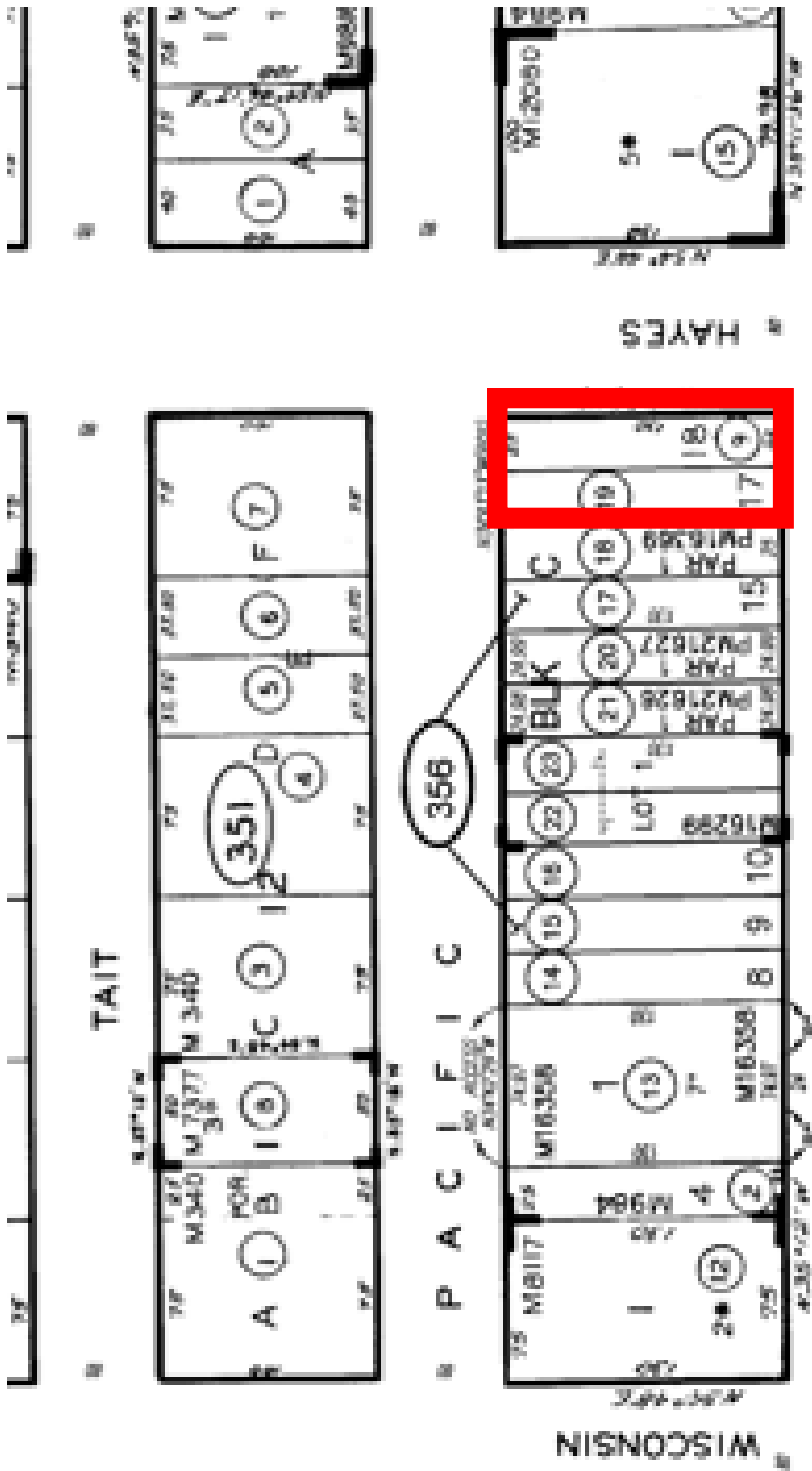


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-19-0181
Project Site
 California Coastal Commission



EXHIBIT NO. 2
APPLICATION NO.
A-6-OCN-19-0181
Aerial of Site
 California Coastal Commission

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. THE DATA ASSUMED FOR THE ACCURACY OF THE DATA MAY NOT COMPLY WITH LOCAL SUBDIVISION





Existing Structures

Location of potential View Obstruction



EXHIBIT NO. 5

APPLICATION NO.

A-6-OCN-19-0181

Location of Potential
View Obstruction



California Coastal Commission

Development as Approved by the City



EXHIBIT NO. 6

APPLICATION NO.

A-6-OCN-19-0181

Development as
Originally Proposed



California Coastal Commission



EXHIBIT NO. 7

APPLICATION NO.

A-6-OCN-19-0181

Existing vs. Originally
Proposed Development



California Coastal Commission

Development as Currently Proposed



EXHIBIT NO. 8

APPLICATION NO.

A-6-OCN-19-0181

Rendering of Revised
Project

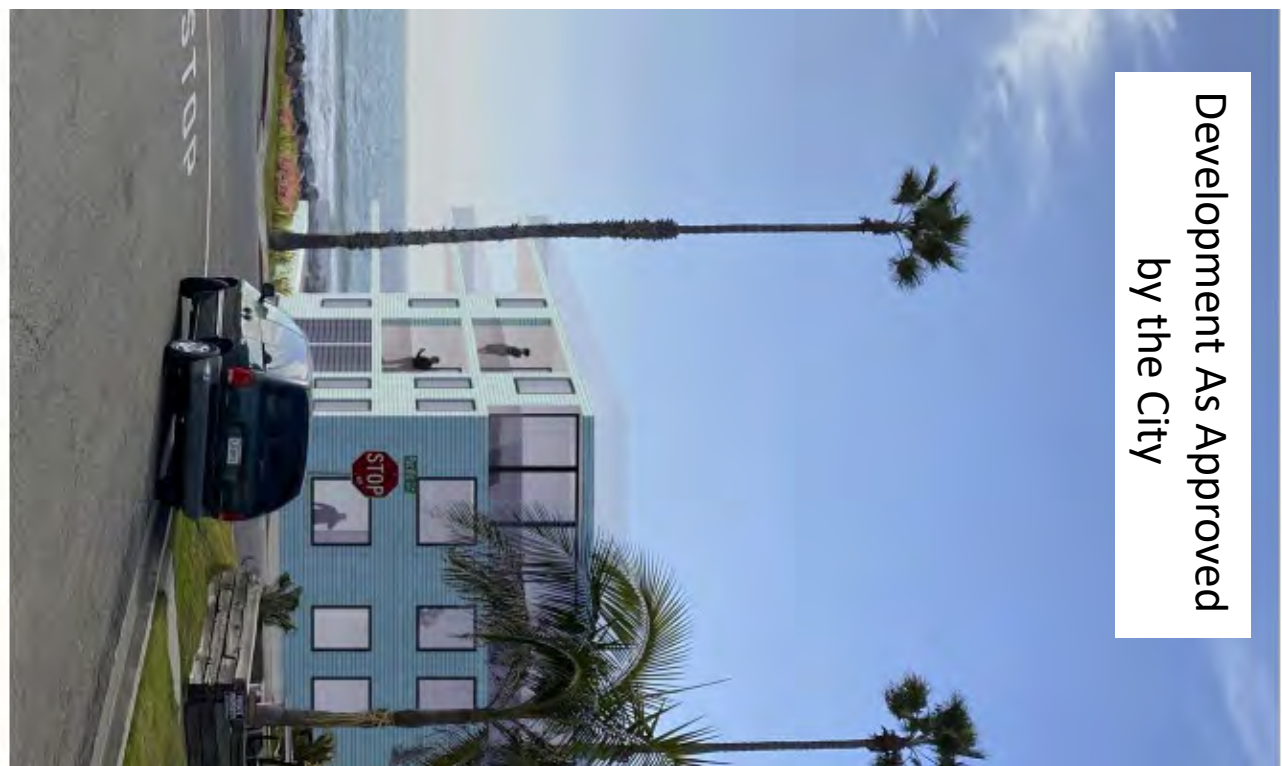


California Coastal Commission

Existing structure



Development As Approved
by the City



Development as
Currently Proposed

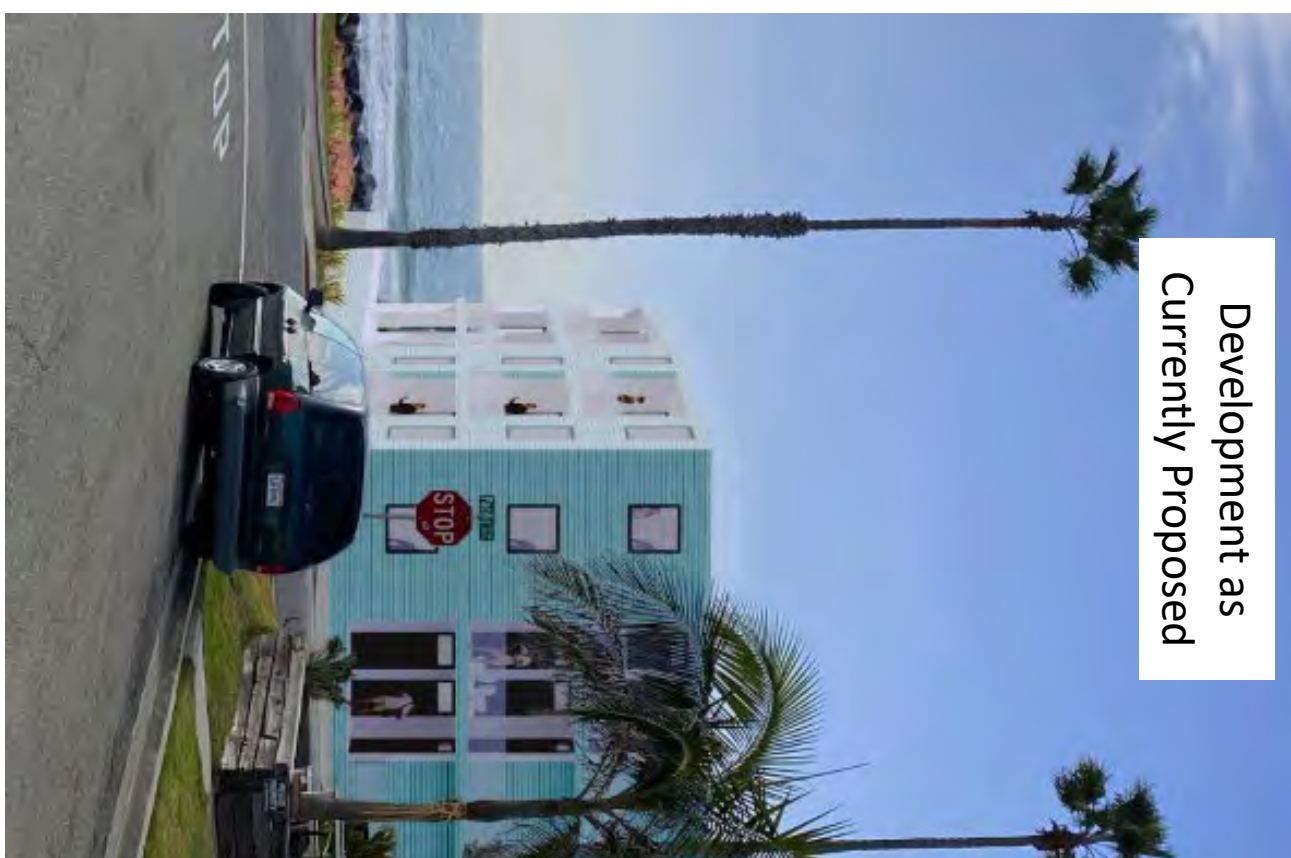


EXHIBIT NO. 9

APPLICATION NO.

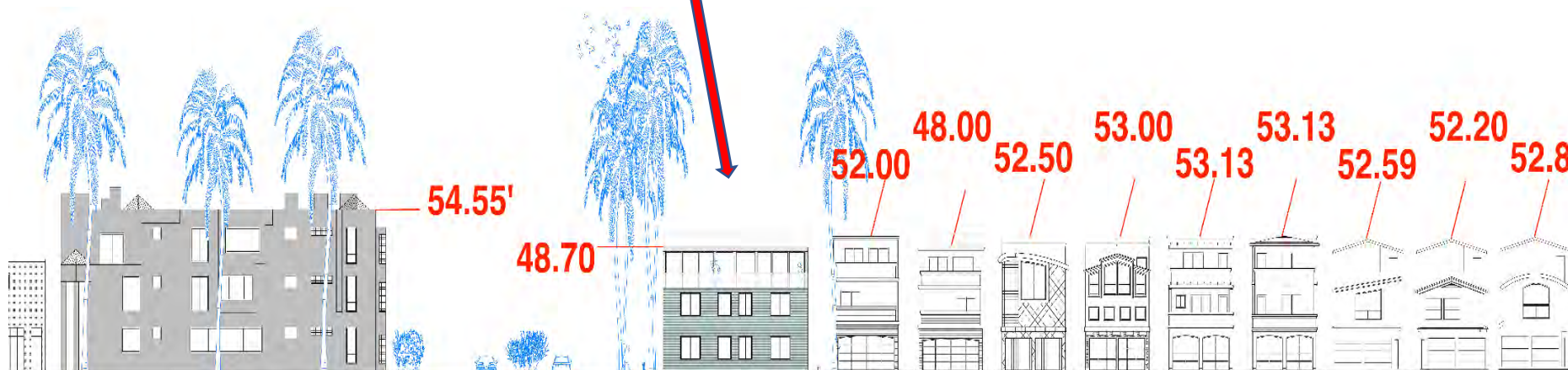
A-6-OCN-19-0181

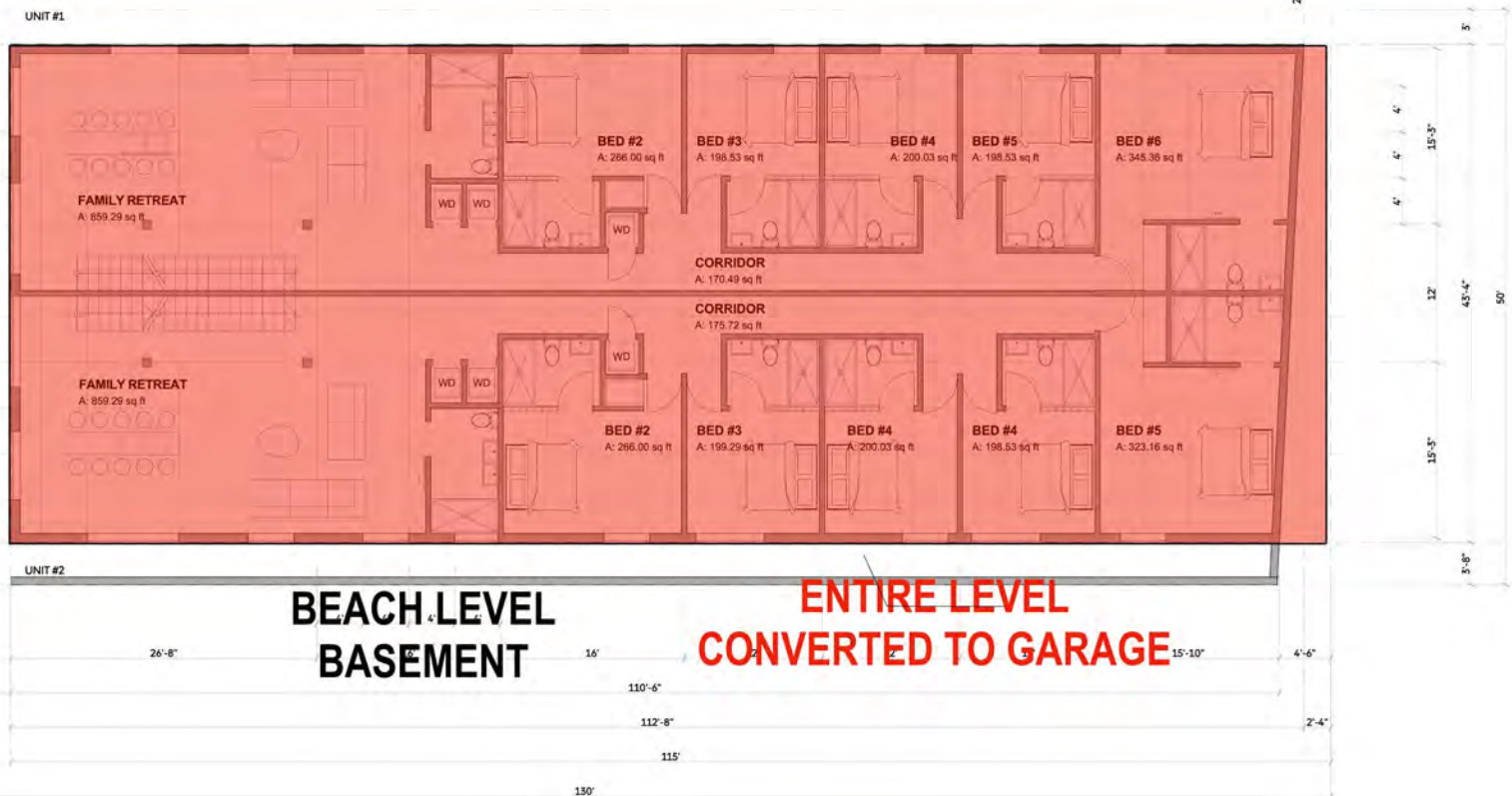
Project Comparison



California Coastal Commission

Existing Community Character





UNIT #4





ROOF DECK

2' x 0'

NEW DECK

STAIR TOWER
A: 108.29 sq ft

ROOF DECK
A: 4,477.16 sq ft

DECK REMOVED

ROOF DECK

Building Area Beyond Side-yard Setback to be
Removed



EXHIBIT NO. 12


APPLICATION NO.

A-6-OCN-19-0181

Side-yard Setback
Encroachment



California Coastal Commission



Building Area Seaward of Stringline to
be Removed

Deck Area Seaward of Stringline to
be Removed

EXHIBIT NO. 13

APPLICATION NO.

A-6-OCN-19-0181

Development Located
Beyond Stringline



California Coastal Commission

Existing Off-Street Parking



EXHIBIT NO. 14

APPLICATION NO.

A-6-OCN-19-0181

Hayes Street Parking
and Signage



California Coastal Commission

Existing Signage



CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 EIGHTH STREET, SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950 FAX (707) 826-8960



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Carolyn Krammer

Mailing Address: 904 Leonard Avenue

City: Oceanside

Zip Code: CA

Phone: 92054

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

Tentative Parcel Map (P18-00005) Development Plan (D18-00019) and Regular Coastal Permit (RC18-00006) for the demolition of an existing nine unit multi-family complex to enable the construction of a four-unit residential condominium development

3. Development's location (street address, assessor's parcel no., cross street, etc.):

831 - 833 S. Pacific Street APN 150-356-09 and 150-356-19 (Corner of S. Pacific Street @ Hayes Street)

RECEIVED

AUG 19 2019

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-6-OCN-19-0181

DATE FILED:

08/19/2019

DISTRICT:

San Diego

EXHIBIT NO. 15

APPLICATION NO.

A-6-OCN-19-0181

Appeal Forms

Page 1 of 46



California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☒ Planning Commission
- ☐ Other

6. Date of local government's decision: 7/22/2019

7. Local government's file number (if any): P18-00005/D18-00019/RC18-00006

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Beach Walk, LLC
1951 Sanderling Circle
Costa Mesa, CA. 92626

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Carolyn Krammer
904 Leonard Avenue
Oceanside, CA. 92054

(2) Shari Mackin
1469 Moreno Street
Oceanside, CA. 92054

(3) Shelley Hayes Caron
P. O. Box 1502
Carlsbad, CA. 92018

(4) The Surfrider Foundation San Diego
Kristin Brinner & Jim Jaffee
Beach Preservation Committee
3295 Meade Avenue #221
San Diego, CA. 92116

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please See Attached letters and Information

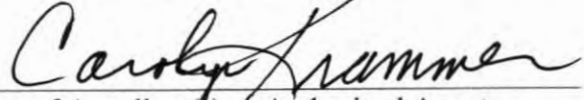
Additional Interested party:

5. Diane Nygaard
5020 Nighthawk Way
Oceanside, CA. 92056

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 8/19/2019

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

August 19, 2019

831-833 South Pacific Street

Demolition of existing 9 unit multi-family complex to a 4 unit condo complex

Consistent with mandates of the California Constitution and the Federal Coastal Zone Management Act, the Coastal Act required public access to be protected and maximized for all. Section 30213 specifically requires lower cost visitor and recreational facilities to be protected, encouraged, and where feasible, provided. This helps ensure maximum public access because without lower cost visitor serving facilities, members of the public with low or moderate incomes would be more limited in their ability to access and recreate at the coast, as compared to others who may be able to afford to pay more to access and use coastal facilities. Such an unequal limitation on access to the coast would be unjust and inconsistent with these mandates; thus, providing visitor and recreational facilities affordable to people with lower incomes was made a cornerstone of the Coastal Act's public access mandate.

These 9 units are a perfect example of Lower Cost Visitor Serving in the Coastal Zone and should be protected as such. These beach bungalows are exactly what Visit Oceanside has portrayed Oceanside to be "The Old California." These units have been remodeled and the attached photos appear on Beach Front Only (beach vacation rentals) website. They are truly affordable. Here are some examples. There were very few of the lower end ones available and they changed daily and always seem to not be available.

1 bd / 1 ba / sleeps 2 / \$105 to \$263 per night (bungalow at 831/833)

2 bd / 2 ba / sleeps 6 / \$158 to \$319 per night (bungalow at 831/833)

2 bd / 2.5 ba / sleeps 6 / \$175 to \$838 per night (condo on The Strand)

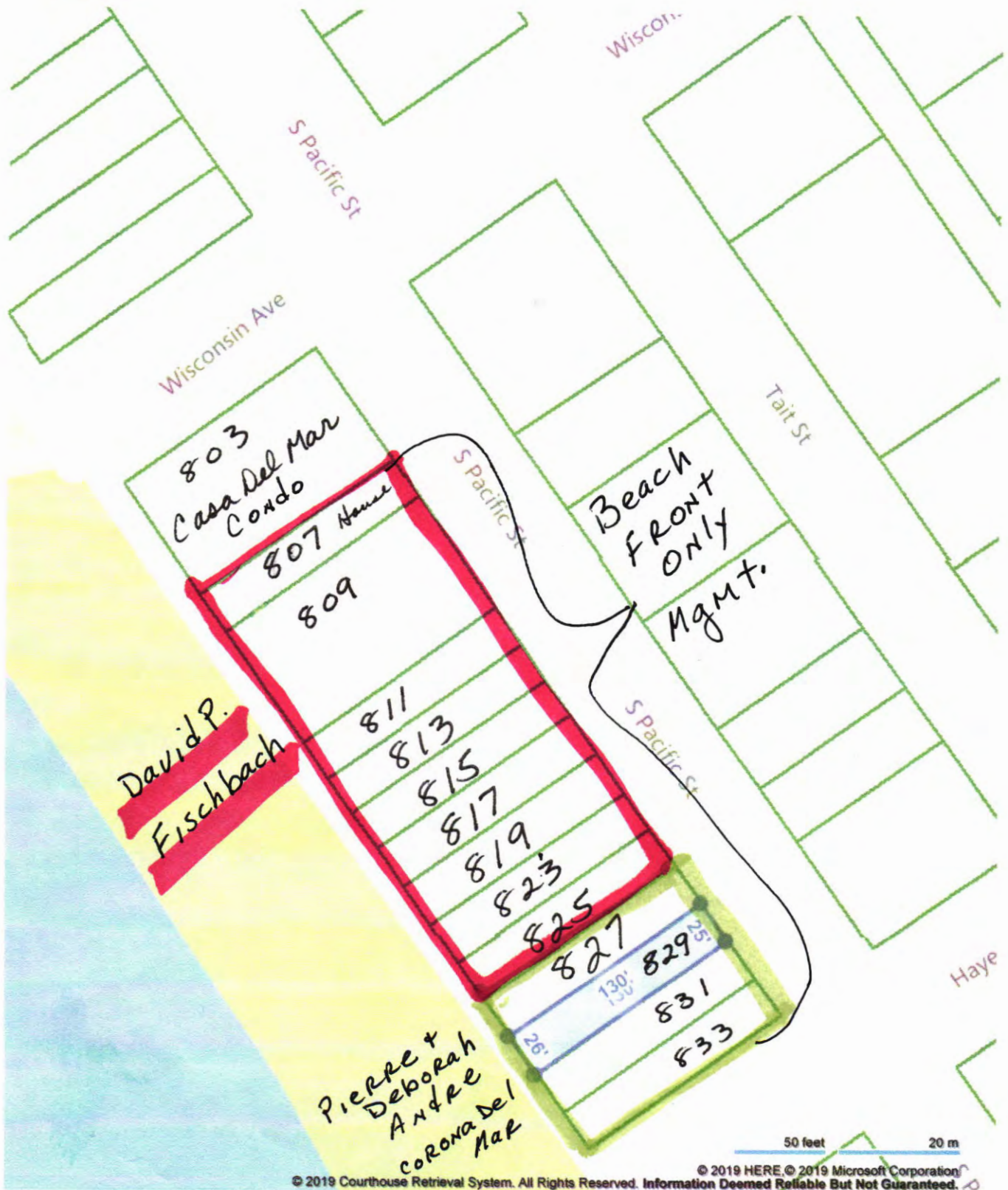
The attached chart shows the entire block except for the Casa Del Mar Condo project owned by a variety of LLC's which seem to all operate by one company Beach Front Only Management Company which is owned by David P. Fischbach. There is also now another Notice of Application posted on the remaining piece on the map which is 807 S. Pacific. It seems this entire block is controlled by one Company. These bungalows are the last remaining lower cost visitor serving remaining on S. Pacific Street. Please protect them.

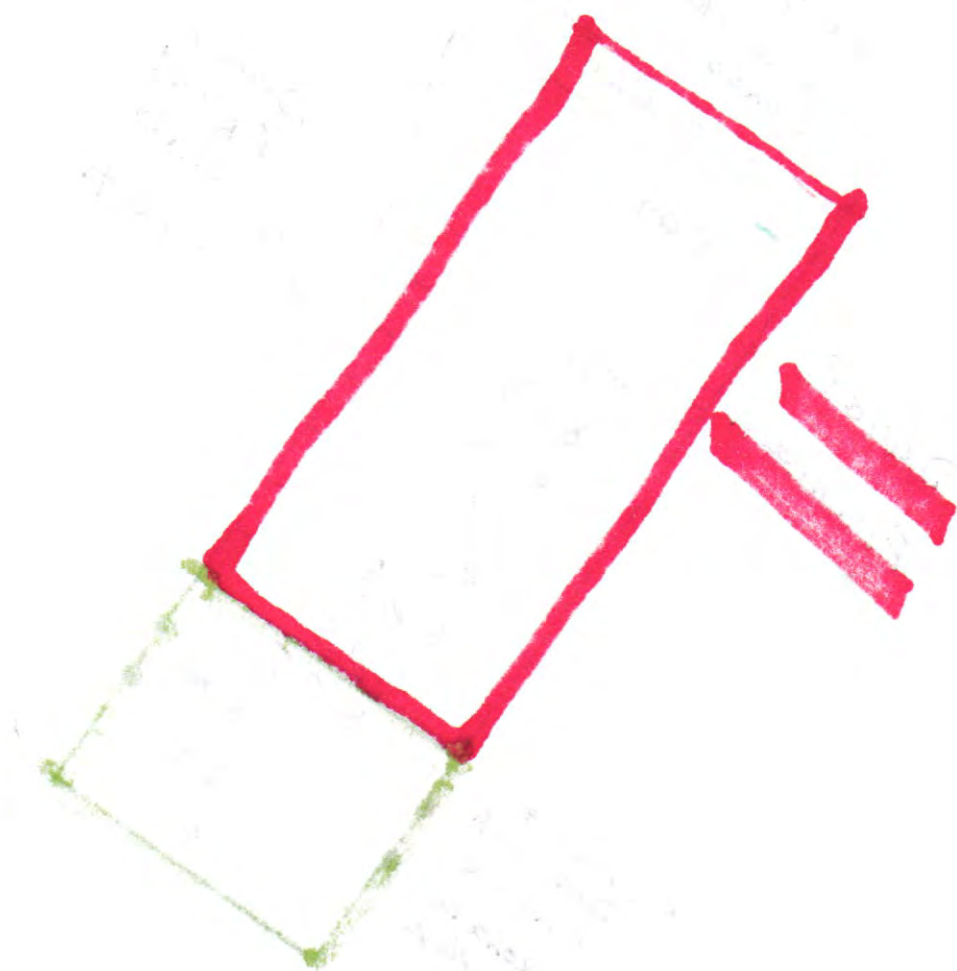
Carolyn Krammer
904 Leonard Avenue
Oceanside, CA. 92054

*submitted by
Carolyn Krammer*



Map for Parcel Address: 829 S Pacific St Oceanside, CA 92054-3912 APN: 150-356-18-00





800 Block of Pacific Street between Wisconsin and Hayes (West side of Street)

^{walk}
Beach City LLC - 3425 Ocean Blvd, Corona Del Mar, CA. 92625 - 831 S. Pacific

Beach City LLC - 3425 Ocean Blvd, Corona Del Mar, CA. 92625 - 833 S. Pacific

Sandy Beaches LLC - 3425 Ocean Blvd, Corona Del Mar, CA. 92625 - 829 S. Pacific

Sunset View LLC - 3425 Ocean Blvd, Corona Del Mar, CA. 92625 - 827 S. Pacific

Evergreen Hebron LP - 1640 Oceanside Blvd., Oceanside, CA. 92054 - 807 S. Pacific

Evergreen Hebron LP - 1640 Oceanside Blvd., Oceanside, CA. 92054 - 813 S. Pacific

Strands End LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 809 S. Pacific

Strands End LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 817 S. Pacific

REVS Pacific North LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 811 S. Pacific

REVS Pacific North LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 815 S. Pacific

Leeds Properties LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 819 S. Pacific

S. Pacific LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 823 S. Pacific

S. Pacific LLC - 1640 Oceanside Blvd, Oceanside, CA. 92054 - 825 S. Pacific

2 Bd 2 Ba Sleeps 6

\$158 - 319 /night

2 BR/2BA Cozy Designer Decorated Beach Rental with AC



Just Steps Away from the Ocean (3)



Ocean View



Balcony Seating (4)

Enjoy Your Morning Coffee Listening to the Waves Crash (5)



Unobstructed Ocean Views (6)



Quaint Kitchen Space (7)



Interior (8)



Interior (9)

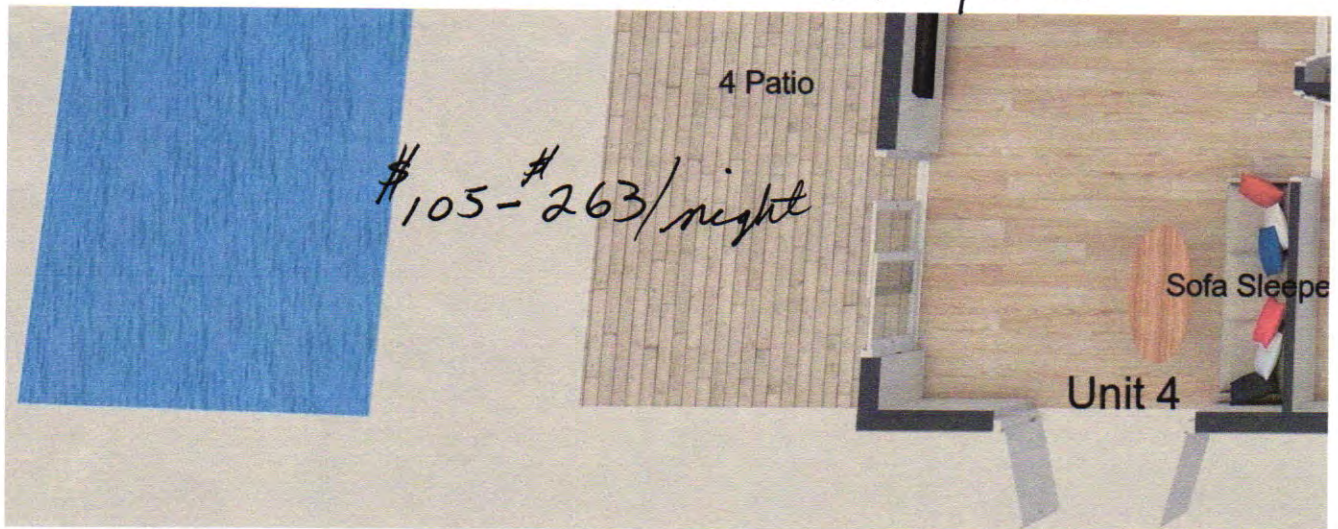


Interior (10)



Interior (11)

1 Bd 1 Ba Sleeps 2



Remodeled Beach Rental, 1br/1ba, Designer Decorated & A/C Equipped



Unobstructed Ocean Views (3)



Cozy Living for Two (4)



Just Steps Away to the Ocean (5)



Quaint Kitchen Space



Perfect for Those Homemade Dinners (7)



Exterior (8)



Exterior (9)



Exterior (10)

Beach Front Only

2 Bd 2.5 Ba Sleeps 6 \$175 - \$838



Oceanfront Patio [4]

Cozy Oceanfront



Living [5]

Open Dining and Living Space



by the Sea [6]

Bar Top Seating for Four [7]

 **NOTICE
OF PROJECT APPLICATION**

PROJECT NAME: 807 South Pacific Street
PROJECT NUMBER: P19-00004, D19-00007, RC 19-00005
PROJECT DESCRIPTION: Two Condos in a remodel addition in 3 stories over basement

CITY OF OCEANSIDE
PLANNING DEPARTMENT
1000 E. F STREET, OCEANSIDE, CA 92054
TEL: 760.431.2200
WWW.CITYOFOCEANSIDE.CA.GOV

PROJECT APPLICANT REPRESENTATIVE
NAME: [illegible]
PHONE: [illegible]
EMAIL: [illegible]

REPRESENTATIVE
NAME: [illegible]
PHONE: [illegible]
EMAIL: [illegible]



August 19, 2019

831 - 833 S. Pacific Street, Oceanside, CA. 92054

My family deeded one mile of beach property to the City of Oceanside in 1928. The deed was written by my great grandfather J. Chauncey Hayes and this gift was from him, his wife Felipa Marron Hayes, my grandparents Fred and Jemmie Hayes, and my great aunt Emily Martha Hayes Arguello. This beach land, one mile south of the Oceanside Pier, was donated to the public "forever." As a judge and a lawyer, J. Chauncey Hayes knew what future administrators might attempt to do and this is why he included restrictions to the deed to protect his legacy - **the gift of the beach to the people of Oceanside.** The deed clearly stated:

"That said land shall not, nor shall any part or parcel thereof, ever be used for business purposes, nor shall there ever be constructed or placed thereon, any building or other structure designed for, or in which there shall be conducted any business for profit, nor shall said land ever be rented to nor occupied by any person, firm or corporation for business or other gainful use and occupation." San Diego County Book of Deeds Number 1453, pages 189-190.

As his great granddaughter, and knowing the intent of his gift, I sincerely believe if he were alive today, he would support the California Coastal Act and its charge to keep beach access/recreation accessible to all – especially by way of protecting low/lower cost visitor serving uses. He had a vision for Oceanside and as shared by his words, knew what could happen if beach access wasn't protected.

I too share my great grandfather's preempted concerns about loss of beach access, not only with regards to privatizing the beach, but also the loss of low/lower cost visitor serving uses. Hence, with this letter, I ask that the Coastal Commission deny the request to remove the low/lower cost visitor serving use provided by the bungalows currently located at the 831 – 833 Hayes Street property.

Thank you for the opportunity to comment on this project. Please make this letter part of the official record. This is part of my family's efforts beginning in the early 1920's to ensure that the majesty of the California Coastline would be protected and preserved for all future generations.

Shelley Hayes Caron
P. O. Box 1502
Carlsbad, CA. 92018

*submitted by:
Carolyn Kramer*

August 19, 2019

Project Fails to Comply with Requirements to Reduce GHG and Respond to Sea Level Rise

After over three years of work, on May 8, 2019, the City of Oceanside adopted a new Energy and Climate Action Element of their General Plan. (ECAE) The ECAE "addresses energy consumption and other activities within the City of Oceanside that may contribute to adverse environmental impacts, with particular emphasis on those activities associated with human-induced climate change." The ECAE includes goals and policies "meant to incorporate the concept of sustainability into the City's decision-making process, including its long-range planning projects, development review protocols, community engagement efforts, and capital improvement programs." These sustainability policies include recognition of the need for specific actions to respond to sea level rise. It specifically references the report that details those hazards, Coastal Hazard Vulnerability Assessment, City of Oceanside, revised draft September 2018. (VA) The ECAE also includes the city's first Climate Action Plan (CAP). The CAP sets specific targets for reducing Greenhouse Gasses (GHG) and the actions that will be taken in order to achieve those reductions and thereby comply with related state law.

In reviewing this project, the City and applicant failed to comply with key provisions of the ECAP and CAP. They found the project to be exempt from Mello and CEQA and therefor conducted no analysis of its impacts on GHG, compliance with these new requirements, or how it would be impacted by sea level rise. We find numerous cases where the project fails to comply with these new requirements. The following are just a few examples of how this project fails to comply:

- ECAP requires consideration of long-term effect of new development- not evaluated
- ECAE goal ECA1-1c city will encourage energy efficiency and conservation in all new development – not evaluated
- ECAE goal for Smart growth is to increase land use intensity in areas served by transit. The existing density is 60.3 du/acre, current RT zoning allows 43 du/aces. The project proposes 13.4. There has been no analysis of how this complies with smart growth/land use policies.
- CAP requires energy reduction in new development. It provides for use of a "CEQA consistency checklist designed to streamline the process by which future development projects demonstrate consistency with the city's GHG emission reduction targets. "On other projects city staff have stated they cannot yet require consistency with the Checklist as it has not been formally adopted, but they can require demonstration of the required GHG reduction to 4.0 MT CO2/per service population. No GHG analysis was done so the project has not demonstrated it will achieve the required GHG emission reduction.
- The VA identifies the project site has existing hazards from tidal inundation, storm flooding, wave impacts and erosion. See p 3-8 storm in 1978 when cobbles moved 18-20' inland, and damage from King Tide of June 2017 on p 3-12. Figure 4-9 shows about 1/3 of the project site in the medium-term hazard zone (2025-2040) and Figure 5-3 shows the majority of the site, including building area, impacted by 2100-2140. In addition both the Strand Road/pedestrian path and S Pacific Streets are identified as two local street in the high hazard short term impact zone. There is nothing in the analysis or project conditions that discusses any action to adapt to this. Presumably this will get addressed by the yet to be adopted Adaptation Plan to Sea level rise. But in the absence of such a plan the project is knowingly being built in a flood hazard area with no consideration of future impacts and no mitigation.

- The existing Oceanside LCP requires coastal access within 250'. There is an existing coastal access stairway within 15'. The project will make required improvements to the sidewalk to access the stairs so they considered that requirement met. However, because of existing conditions at the base of the stairs there is already an issue with coastal access. The beach is substantially narrower at that location than it was a few years ago so often there is no beach accessible from the base of the stairs. The analysis in the VA shows a good portion of the stairs are in the high hazard zone where they will be under water and thereby making that no longer a viable coastal access location. The project approval has failed to consider how coastal access will be maintained.

We believe this project could have substantial adverse impacts on GHG, and fails to meet key provisions of the city's adopted ECAE and CAP. This project will exacerbate the future impacts of Sea Level Rise, will adversely affect access to the coast for everyone, could impact sensitive coastal resources, and has not been adequately evaluated.

Diane Nygaard

5020 Nighthawk Way

Oceanside, CA. 92056

On behalf of Preserve Calavera

*submitted by:
Carly Kramer*

rec'd 8/19/19
from Shari Mackin
to supplement Krammer appeal

831 – 833 South Pacific St.

LCP Policy: The City shall maintain existing view corridors through public rights-of-way.

Rear yard setbacks on oceanfront lots are determined by the City's "Stringline Setback Map" and the "stringline" is defined as the line on a map generally following the line of development on the beach-fronting homes along Oceanside's coastline. Impacts to Coastal resources can result from approving development west of the established stringline setback. In opening, development can result in direct impacts to coastal views associated with the westward encroachment of the development. Following, the development would set a new western line of development, which might result in surrounding development following the newly located western line of development resulting in additional, incremental, and cumulative impacts to existing coastal views. To add, setting a new precedent for lot by lot (piecemeal) reinterpretation of the stringline by individual applicants will make implementation of such a policy difficult, and could result in additional western encroachment and additional view impacts. Lastly, the western encroachment of development may eventually increase risk associated with wave threats and decrease the buffer areas protecting development from the larger storm waves.

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

The proposed project is not compatible in height, scale, color, and form with the surrounding neighborhood. Please see the following photo's taken off Google Maps February, 2019.

Articulation and Character. Please see the photos showing the closest development south of the proposed project. "Edgewater" located at 901 South Pacific St. The Edgewater project invites the public to view the ocean via articulation. The angle shown in the renderings do not clearly articulate the Edgewater building. Please note the open space throughout the project, setbacks for public view, and scale and bulk compared to the proposed project.



Figure 1 Edgewater 901 South Pacific St. view to the south of proposed project



Figure 2 Edgewater 901 South Pacific St. view from the beach eastward

Please note these modest homes to the east of the proposed project. They are of beach style and share similar scale and bulk.





Please note the scale and bulk of 913 S. Pacific St., located east of the Edgewater building.





Shari Mackin

1469 Moreno Street

Oceanside, CA 92054

Submitted by Carolyn Krammer

A-6-OCN-19-0181

The Beach

Donation to
City of Oceanside

RECEIVED

AUG 19 2019

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



J. Chauncey Hayes



Felipa Marron Hayes



Fred Hayes



Jemmie B. Hayes



Emily Hayes Argüello

GRANT DEED

IN CONSIDERATION of the receipt by the undersigned, of One (\$1.00) Dollar, we, J. Chauncey Hayes and Felipa M. Hayes, Husband and Wife; Jemmie B. Hayes and Fred Hayes, Wife and Husband; and Emily M. Arguello, of Oceanside, San Diego County, California, do hereby grant to CITY OF OCEANSIDE, a Municipal Corporation, in the County of San Diego, State of California, that certain real property situated in the City of Oceanside, County of San Diego, State of California, described as follows:

All that certain real property lying between the Westerly line of Paseo Del Mar in the Terrace Annex (as shown on Map Number 1044 filed April 29, 1907 in the Office of the County recorder, San Diego County, California,) and the Pacific Ocean; together with all our right, title and interest and estate in and to any and all accretions to said land deposited by the Pacific Ocean.

Said real property is conveyed by us to the Grantee herein, for playground, recreational and park purposes, and such other public use as may be incidental thereto.

This conveyance, however, is made, and is by the Grantee accepted, upon the following conditions subsequent, the happening of a^{ny} one of which shall work an immediate forfeiture of the title to the said demised premises with all accretions thereto, and said title shall thereupon revert to and become vested in the Grantors, their heirs, executors, administrators or assigns, and said Grantors, their heirs, executors, administrators or assigns shall be entitled to enter upon the said premises and remove all persons therefrom, and to wholly repossess the same.

The conditions subsequent on which this conveyance is made are:

That said land shall not, nor shall any part or parcel thereof, ever be used for business purposes, nor shall there ever be constructed or placed thereon, any building or other structure designed for, or in which there shall be conducted any business for profit, nor shall said land ever be rented to nor occupied by any person, firm or corporation for business or other gainful use and occupation:

That said property shall never be leased for or drilled upon for oil, gas or other hydrocarbon substances or minerals;

That said property shall never be used for storing or dumping any material, rubbish, refuse, or any natural elements which would unfit the same for public use and enjoyment for the purposes for which this conveyance is made:

That said land shall not be dredged, nor filled in such manner as to unfit the same for the public use thereof, for the purposes for which this conveyance is made;

That said land shall never be wholly taken for street or boulevard purposes, nor shall any part thereof ever be taken for street or boulevard purposes, which would extend entirely to the Pacific Ocean, thereby leaving no space between said boulevard and said Ocean;

That no sewer, storm drains, pipe lines nor conduits shall ever be constructed upon, along or across said land, unless the same be wholly constructed below the surface of the ground, and so maintained as to remain wholly below the surface of said land.

If any of the conditions subsequent herein imposed, should ever be held to be void for any reason whatsoever, the holding of such condition or conditions to be void shall not affect the other conditions hereof, but each condition shall be considered as separate and distinct each from the other, and not in any wise interdependent, and the conditions not so held to be void shall remain in full force and effect.



Charles J. Walker



Carrie Ziegler Walker

GRANT DEED

IN CONSIDERATION of the receipt by the undersigned, of One (\$1.00) Dollar, we, C. J. WALKER and CARRIE D. WALKER, husband and wife, of Long Beach, Los Angeles County, California, do hereby grant to CITY OF OCEANSIDE, a Municipal Corporation, in the County of San Diego, State of California, that certain real property situated in the City of Oceanside, County of San Diego, State of California, described as follows:

All that certain real property lying between the Westerly line of "The Strand", in the Strand Tract Addition (as shown on map No. 936, filed December 8th, 1904, in the office of the County Recorder of San Diego County, California), and the Pacific Ocean;

together with all our right, title and interest and estate in and to any and all accretions to said land deposited by the Pacific Ocean.

Said real property is conveyed by us to the Grantee herein, for playground, recreational and park purposes, and such other public use as may be incidental thereto.

This conveyance, however, is made, and is by the Grantee accepted, upon the following conditions subsequent, the happening of any one of which shall work an immediate forfeiture of the title to the said demised premises with all accretions thereto, and said title shall thereupon revert to and become vested in the Grantors, their heirs, executors, administrators or assigns, and said Grantors, their heirs, executors, administrators or assigns shall be entitled to enter upon the said premises and remove all persons therefrom, and to wholly repossess the same.

The conditions subsequent on which this conveyance is made are:

That said land shall not, nor shall any part or parcel thereof, ever be used for business purposes, nor shall there ever be constructed or placed thereon, any building or other structure designed for, or in which there shall be conducted any business for profit, nor shall said land ever be rented to nor occupied by any person, firm or corporation for business or other gainful use and occupation;

That said property shall never be leased for or drilled upon for oil, gas or other hydrocarbon substances or minerals;

That said property shall never be used for storing or dumping any material, rubbish, refuse, or any natural elements which would unfit the same for public use and enjoyment for the purposes for which this conveyance is made;

That said land shall not be dredged, nor filled in such manner as to unfit the same for the public use thereof, for the purposes for which this conveyance is made;

That said land shall never be wholly taken for street or boulevard purposes, nor shall any part thereof ever be taken for street or boulevard purposes, which would extend entirely to the Pacific Ocean, thereby leaving no space between said boulevard and said Ocean;

That no sewer, storm drains, pipe lines nor conduits shall ever be constructed upon, along or across said land, unless the same be wholly constructed below the surface of the ground, and so maintained as to remain wholly below the surface of said land.

If any of the conditions subsequent herein imposed, should ever be held to be void for any reason whatsoever, the holding of such condition or conditions to be void shall

4-24-1928
p.1 Oceanside Blade

Rights To Beach Are Given To the City

The deed for a strip of land on the beach south of Second street and west of Paseo del Mar was filed with the city this week by J. Chauncey Hayes. This waives to the city any rights in this property and dedicates it for the free use of the public. This gift follows a similar one made recently by C. J. Walker for similar rights on the beach north of Third street. The council accepts the gift from Mr. Hayes and will vote the thanks of the city for the public spirit which actuated it.

Attractive Beach Gift to Oceanside

OCEANSIDE CITY COUNCIL

By J. A. Walsh, Executive Secretary of Community Service.

The movement to "Save the Beaches" in San Diego county has made a great forward step as a result of the gift of two miles of beach, which, sandy beach to Oceanside, Mr. and Mrs. C. J. Walker of Long Beach, and the Hayes family of Oceanside, are the donors. The beach is dedicated to the use of the public for all time. Papers drawn up by the Walker's attorney, which convey the property to the city of Oceanside, provide that the ownership and use of it by the public may never be disturbed by future municipal administration.

Mr. Hayes has announced that the deed from the Hayes family interests would be similar to the one given by the Walkers. The beach given to Oceanside is immediately in front of the city. The Walkers owned the beach from the San Luis Rey river to a point near the municipal pier, while the Hayes families, including J. Chauncey Hayes, Felipe M. Hayes, Jimmie B. Hayes, Fred Hayes, and Emily M. Arguello, owned from the Walker property to the lagoon.

Members of the city council, which include E. A. Walsh, mayor, H. D. Brodie, H. F. Crandall, Bernard Macdonald and C. D. Merrill, recently went to Long Beach to ask for the gift of the beach on behalf of the city. Mr. Walker, who has long been interested in Oceanside, readily consented.

Simultaneously, Fred Hayes announced the gift from the Hayes families. The donors of this attractive beach and the present councilmen, who have vision to see that by so doing they will



Left to Right—Dr. H. F. Crandall, Chas. D. Merrill, Mayor E. A. Walsh, Bernard Macdonald, Harry P. Brodie.

accomplished more for Oceanside, for San Diego county, and indeed for the entire state of California, than this generation can comprehend," according to a statement issued by the Board of Directors of Community Service, the agency which inaugurated the movement to "Save the Beaches" of San Diego county several years ago.

"Let no one think that the 'Save the Beaches' ordinance adopted two years ago is sufficient. As we stated at that time, it was only the first step. We followed it by outlining the next steps which should be taken. We issued an appeal to the people of this county to make every effort to secure the ocean front by gift from the present owners. It is by gift from the present owners that the people will regain access to the beaches, we believe. Men of generous instincts will return to the portions of their lost inheritance. Other private owners will give enough ocean frontage for a roadway and a strip of park, because they have the vision to see that by so doing they will

make their own property more valuable. Still others will have learned by traveling widely in Europe or America that the most valuable ocean front property has been created by giving private homes along the water front and beach a set back, with the roadway and public park between the residences and the ocean."

Carlsbad for some time has entertained a hope that it might become the object of philanthropy through a gift of beach property which may be utilized in its progress as a health and recreational center.

An example set in this direction would do much to stimulate civic pride and community loyalty and with the proposed developments now under way in Carlsbad there is nothing that would tend so much to the assurance of progress as the gift of a public beach.

Sam Deering, executive secretary of Community Service, will be remembered in history as one of the foremost civic figures of Southern California.

TWO MILES OF BEACH GIVEN TO THE CITY BY TWO FAMILIES

Two miles of beach given to a city by two families is the unique possession of Oceanside. When realtors visiting this section of the country get the time today to drive along this wonderful beach they will see quickly that Oceanside was doubly fortunate, first in having such a beach, second in having such public spirited citizens who would give it to the use of the public instead of holding it for selfish ends. This two mile beach now proudly displays an electric lighted concrete drive way its entire length, a 1600 foot concrete and steel supported pier, municipal band stands and other improvements, one of the finest ocean fronts on the entire Pacific ocean. At the time of the gift Sam Deering, executive secretary of Community Service, made the following official comment which well sets forth what this meant to the people.

The movement to "Save the Beaches" in San Diego county has taken another great forward step as a result of the gift of two miles of beautiful wide, sandy beach at Oceanside.

Mr. and Mrs. C. J. Walker of Long Beach, and the Hayes families of Oceanside, are the donors. The beach is dedicated to the use of the public for all time. Papers drawn up by the Walker's attorney, which convey the property to the city of Oceanside, provide that the ownership and use of it by the public may never be disturbed by future municipal administration. Fred Hayes has announced that the deed from the Hayes families' interests would be similar to the one given by the Walkers.

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CITY COUNCIL SEEKS GIFT

Members of the City Council, which include Mr. E. A. Walsh, Mayor, Mr. H. D. Brodie, Dr. H. F. Crandall, Mr. Bernard Macdonald, and Mr. C. D. Merrill, recently went to Long Beach to ask for the gift of the beach on behalf of the city. Mr. Walker, who has long been interested in Oceanside, readily consented. Simultaneously, Fred

Hayes announced the gift from Hayes families.

The donors of this attractive beach and the present councilmen who have labored to bring gift about, have accomplished more for Oceanside, for San Diego county, and indeed for the entire state of California, than this generation can comprehend," according to a statement issued by the Board of Directors of Community Service, the agency which inaugurated the movement to "Save the Beaches" of San Diego County several years ago.

OTHER BEACH GIFTS EXPECTED

"Let no one think that 'Save the Beaches' ordinance adopted two years ago, is sufficient. As we stated at that time, it was only the first step. We followed it by outlining the steps which should be taken. We issued an appeal to the people of this county to make every effort to secure the ocean front by gift from the present owners. It is by gift from the present owners that the people will gain access to the beaches, we believe. Men of generous instincts will return to the portions of their lost inheritance. Other private owners will give enough ocean frontage for a roadway and a strip of park, because they have the vision to see that by so doing they will have learned by traveling widely in Europe or America that the most valuable ocean front property has been created by giving private homes along the water front and beach a set back, with the roadway and public park between the residences and the ocean."

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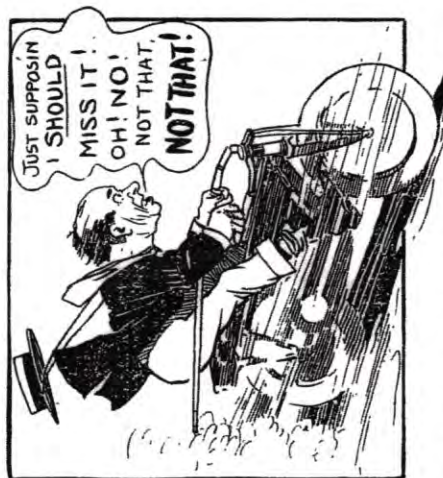
ALL IN READINESS FOR FIRST TALK AT LOCAL THEATRE

Everything is all "set to go" at the Palomar theatre tonight for their changing over from a "talkie" amusement. During the past 10 days crews of electricians, technical experts, carpenters and other workmen have been engaged in installing Western Electric sound equipment so that in the future the Palomar will be able to run talking and synchronized pictures just as satisfactorily as any of the cities. Last night the last test was completed and at 7 o'clock the first "talking" performance will be given. The installation of sound equipment in the

Oceanside Blade - Tribune
Oct 8, 1929



(Continued on Page 6)



(Continued on Page 8)



(Concluded on Page 13)

EXCURSION

(NEXT SUNDAY)

ROUND TRIP FARE \$1.00

Regular Sunday Fare \$2.55).

Special Train Leaves Santa Fe Depot at 8:50 A. M. and Returns the Same Evening

YOUR TICKETS EARLY!

OCEANSIDE



FREE MUSIC—FREE BARBECUE—FREE AUTO RIDES
Read These Names **\$200,000 in Three Weeks**
Some Substantial Facts

Read These Names

GEORGE M. COHAN of New York, World-Renowned Play-right and Actor.

A. L. ABRAHAM of Los Angeles, Officer and Director of the BIG FIVE CORPORATION, The City Builders Investment Company and the Althoff Mfg. Co.

WILLIAM L. WILSON of Los Angeles. Officer and Director of the **BIG FIVE CORPORATION** and the **L. A. Building Company**.

M. N. JONES of Los Angeles. President SPINELESS CACTUS NURSERY AND LAND COMPANY.

JOHN M. ROOT, President
AMUSEMENT COMPANY
EUROPEAN-AMERICAN
Realty Operator.
NAT L. GOODWIN of Los Angeles. Eminent Actor and

LOU HOUSMAN of Chicago. Sporting Writer of National Reputation.

These well-known men have purchased ocean front property at Oceanwide within the last two weeks; they have made an aggregate investment there of \$100,000.00; they will build summer homes there immediately, and this is the ANSWER to what Oceanwide is GOING to be.

is blessed with the finest, safest beach on

Oceanside is the metropolis of the beautiful, fertile San Luis Rey Valley, which contains 100,000 acres of tillable soil. Oceanside is on the main line of the Santa Fe, the

terminus of two completed branch lines and another now under construction, the last named to tap the San Luis Rey Valley and connect at Temecula.

Oceanside now has a steel rail pier, 1400 feet in length, a commodious bathhouse and plunge, good electric light plant, its own water system and miles of cement sidewalks.

Oceanside is installing a sewer system and building a costly high school.

Oceanside is 80 miles south of Los Angeles and 40 miles north of San Diego.

what it is going to be—just what George M. Cohan, Nat C. Goodwin, John M. Root, William L. Wilson, A. L. Abrahams and other same men are predicting.

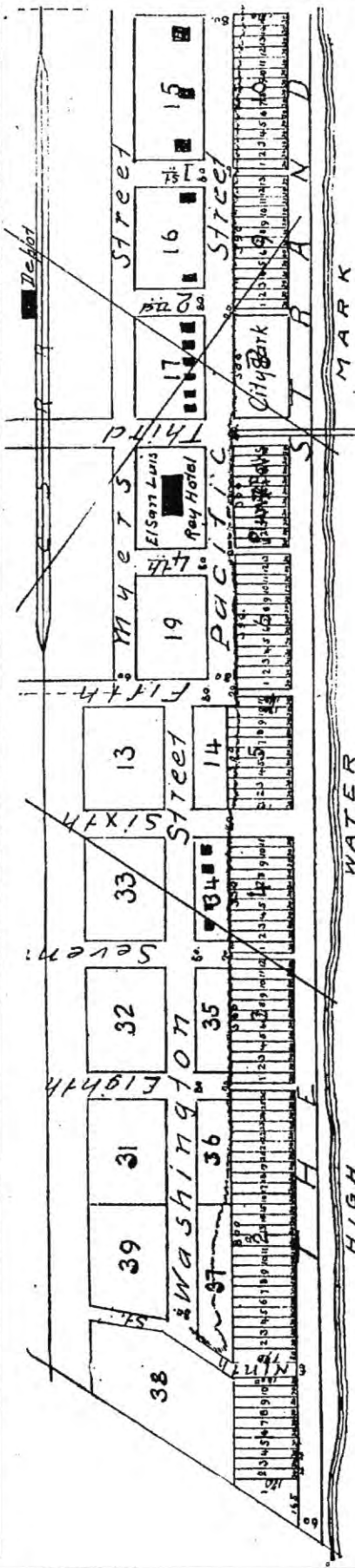
THE HAYES LAND COMPANY

311-312 Citizens National Bank Building

Home Phone F2035.

J. Chauncey Hayes, Jr., Manager

THE STRAND—Oceanside



THE STRAND

A superb spot for an ideal summer and winter home.

The Strand is the Ocean Front of Oceanside and contains over one hundred choice lots. Oceanside climate is unsurpassed, being very mild, with scarcely any fog and no frost.

The beach is one of Oceanside's attractions. At low tide there is often 300 feet of hard, sloping sand the entire front.

The sea here is very calm and surf bathing the safest along the coast. There has never been a person drowned at this beach. It is rightly called "The Children's Playground."

The land on which the City of Oceanside is built is a rich granite soil, sloping gradually toward the beach, thereby giving people living six or eight blocks from the front a beautiful view of the ocean. The bluff is from twenty to thirty feet high.

The city owns its own water system and furnishes abundant water for all uses. The city also owns a great pleasure pier extending 1400 feet into the ocean.

Oceanside has one bank, two good hotels, four churches, one high school, one lumber yard, several general merchandise stores, hardware stores, groceries, etc.

The Oceanside Electric and Gas Company has just been incorporated and is now erecting an electric lighting plant and large plunge bath.

The city has just let contracts for \$16,000 worth of street improvements, and a great many other improvements are in prospect. In fact, the city is just awakening to her possibilities.

Has been graded, staked and sidewalked, and is placed on the market at the following prices and terms:

Block 1, per lot...	\$100.00
Block 2, per lot...	\$200.00
Block 3, per lot...	\$300.00
Block 4, per lot...	\$400.00
Block 5, 6, 9 and 10, per lot...	\$500.00
\$25.00 cash, balance \$10.00 per month. Unlimited certificate will be furnished with deed.	

Restriction—A very nice cottage or bungalow can be built on the Strand. The city has no restrictions, with the exception of making the building restrictions prohibitive as to make the building of houses, and require that no house shall be built on the Strand worth less than \$500.00 and require all houses to be built at least twenty feet from the front of the lot.

At Oceanside is the junction of the Escondido Railroad and Fairbrook, with the main line of the Santa Fe, and the city is the only city between San Diego and Santa Ana and San Diego. Enough country is solely tributary to Oceanside to assure a city of considerable importance.

The beauties and advantages have at last been discovered, and as the people investigate this garden spot and realize its superb climate, soil, water and location, there will be a great demand for the Strand. The city has been equalled in any city in Southern California and we believe that within the next few months present values will double and treble.

The surrounding country is very rich and fertile, good land extending twenty to twenty-five miles inland. The San Luis Valley has an inexhaustible quantity of pure water which can be used for irrigation and stock raising. The best land can be purchased at \$20 to \$40 per acre.

This entire section of country is just beginning to be developed. Therefore you can see the opportunity of "getting in on the ground floor" and securing the increase in value which is sure to come as the city and country build up.

Comparative values about the opportunity for a remarkable increase in above prices. Lots as nicely situated as these we offer you at \$500.00, at Long Beach or Ocean Park are now worth \$5000.00 and upwards. There is every reason to believe that with the completion of the Huntington Electric road from Los Angeles to Long Beach, which must pass through Oceanside, the Strand will be established by now.

Many of the best business men in the country believe in Oceanside and are making heavy investments there.

A SPECIAL OFFER

For the first house completed in each block, costing not less than \$750.00, we will rebate 75 per cent. of the purchase price of the lot on which it is built.

For the second, 50 per cent.
For the third, 25 per cent.
And for every other house 10 per cent., provided each house is completed before July 1, 1905.

The above property is for sale by

C. J. WALKER & CO. Cor. First and Pine, Long Beach, Cal.
STEARNS & COUNTS, 415 Braly Building, Los Angeles, Cal.
and No. 140 Pine Avenue, Long Beach, Cal.
M. J. SHAUL & CO.
J. C. HAYES and E. D. McGRAW, Oceanside, Cal.



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Steve Padilla, Vice Chair
Mailing Address: City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910
Phone Number: _____

RECEIVED

AUG 19 2019

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Demolition of nine residential units on two separate legal lots; lot consolidation and construction of four level, four unit condominium structure.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
831/833 South Pacific Street, Oceanside
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☐
 - b. Approval with special conditions: ☒
 - c. Denial: ☐
 - d. Other : ☐ _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-19-0181

DATE FILED: 8/19/19

DISTRICT: San Diego

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
- b. ☐ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: July 22, 2019

Local government's file number (if any): P18-00005/D18-00195/RC18-00006

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Beach Walk LLC
1951 Sanderling Circle
Costa Mesa, CA 92626

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

Carolyn Krammer
904 Leonard Avenue
Oceanside, CA 92054

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated 8/19/19

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent

Date: _____

attached

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

NA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

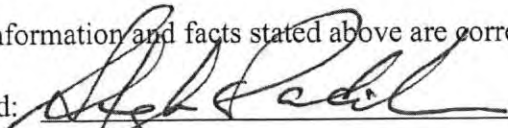
Page 3

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Dated: 8/19/19

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Signed: NA

Dated: NA

Attachment A

August 19, 2019
Beach Walk LLL Condominiums
831/833 South Pacific Street

The proposed project includes the demolition of 9 residential units and construction of a single three-level over a basement structure consisting of 4 condominium units. The structure includes an 8-space tandem parking garage and rooftop deck with glass railings. Units 1 and 2 will be 3,701 sq. ft. and will include 6 bedrooms and 7 bathrooms. Units 3 and 4 will be 3,387 sq. ft. and include 9 bedrooms and 9 bathrooms. The project will also consolidate the two existing parcels into one legal 13,000 sq. ft. oceanfront lot.

The project site is surrounded by Pacific Street to the east, an abandoned City right-of-way, the beach and Pacific Ocean to the west, residential development to the north and the end of Hayes Street to the south. The right-of-way located on the west side of the site is a continuation of public road called "The Strand". Further to the north, The Strand is a paved two-lane road that is open to the public and provides access to a single row of homes along the east side of the Strand. However, this section of The Strand is not developed, and remains dirt. This dirt section of The Strand does not provide vehicular access but does provide pedestrian access west of the homes and inland of the existing rock revetment to the west.

The subject properties are located within the Residential-Tourist (R-T) zoning designation and an Urban High-Density land use designation (UHD-R). These designations allow single and multi-family residential structures serving both residential and visitor serving uses.

The development, as approved by the City, raises several LCP consistency issues including that; 1) the proposed development will reduce the density of the site from 9 to 4 units, when; based on zoning, up to 12 units would be allowed; 2) the scale of the development will block existing public views, and potentially of character with the surrounding community; 3) the existing units provide affordable overnight accommodations which will be lost when redeveloped with the proposed six and nine bedroom condominiums; 4) the redevelopment of the site will include the loss of eight on-street public beach parking spaces; and, 5) the site is located within the 100 year floodplain and will likely be subject to increased hazards in the near future.

1) Reduction in Density. The City's LCP includes provisions that promote development when located near high levels of transportation facilities and reduction of vehicle miles traveled and include the following:

VII. New Development and Public Views

A. Coastal Act Policies.

The Coastal Act requires mitigation of impacts on archaeological and paleontological resources, the location of new development in or near existing urban areas, improvement of transit and parking opportunities, and provision of on-site recreation facilities.

C. Policies

The City shall promote development of a high level of transportation facilities, public services and amenities in the Coastal Zone as a means for reducing energy consumption and vehicle miles travelled.

The proposed development includes a reduction of density from 9 to 4 units. Additionally, the site is zoned as Residential-Tourist (R-T) and has an Urban High-Density land use designation (UHD-R). Both the land use and the zoning on the property are the highest density designations permitted in the coastal zone. Based on this designation, the maximum density of the site is 43 units per acre, or, a total of 12 units. As proposed, the site will be developed with a significantly lower density of 13.4 units per acre or a total of four units. Additionally, the site is located less than one mile from the Oceanside Transit Center. This transit center is one of the largest in the county and connects to the Coaster, the Sprinter, the North County Transit District Breeze Buses and the Riverside Transit Area Commuter Link. Thus, given its location and zoning, the subject site is located within an area that would be appropriate and desirable to concentrate, and at the very least, maintain housing density, consistent with City's LCP. The City's review failed to address the proposed reduction in density.

2) Public View Obstruction. The City's LCP includes provisions that protect public views and require new development to maintain and enhance visual quality in the coastal zone and include the following:

VI. Visual Resources and Special Communities

B. Summary of Major Findings:

2. The City's grid street pattern allows public views of these water bodies from several vantage points. Most east-west streets in the Coastal Zone offer views of the ocean...

C. Objectives:

The City shall protect, enhance, and maximize public enjoyment of Coastal Zone public resources.

The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

Policies:

- 1. In areas of significant natural aesthetic value, new development shall be subordinate to the natural environment.*
- 3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.*
- 4. The city shall maintain existing view corridors through public rights-of-way.*

The City of Oceanside's LCP also contains design standards that further address the preservation and creation of views and states:

The visual orientation to the Pacific Ocean is a major identity factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of buildings and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location of further coastal improvements.

The proposed development includes the redevelopment of a site located directly north of Hayes Street; an east-west street that ends on the shorefront. East-west oriented streets are recognized by the LCP as areas that contain significant public ocean views and are, therefore, protected. The site is located directly north of the Hayes Street street end is currently developed with a number of single-level, smaller-sized, bungalow-style units. The combination of the street end and the low height of the existing structures provides views to the ocean from a number of vantages as you travel west on Hayes Street as well as traveling north or south along Pacific Street. The proposed development will demolish the single-level bungalows and redevelop the site with a much larger, three-level over basement structure including a roof top deck which will likely obstruct a significant portion of the existing views. In addition, the development includes consolidation of the two lots into one single lot which allows for the construction of a single structure where if the lots are developed separately, two structures would be permitted. If the lots were to be developed separately, each structure would be required to provide a 3-foot side yard setback, which combined would allow for a 6-foot wide view corridor across the sites and to the ocean. Because the consolidated lots will be developed with one single structure, this 6 foot wide view corridor will also be eliminated. Therefore, the proposed height and lot consolidation may result in significant impacts to existing views, inconsistent with the City's LCP. The proposed development raises further concerns regarding protection of community character and whether the design respects the integrity of the adjacent open space (beach area) given the bulk and scale of the proposed structure.

3) Affordable Overnight Accommodation. The approved development raises concerns regarding the protection of the existing affordable overnight accommodations. The City's LCP contains a policy pertaining to public recreation and visitor serving facilities and states:

II. Recreation and Visitor Serving Facilities

Policies:

6. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where possible, provided.

7. In granting approvals for new development within the Coastal Zone, the City shall give priority to visitor serving commercial recreation facilities over private residential, general industrial or general commercial uses.

26. The City shall protect a minimum of 375 lower cost hotel and motel units and 220 recreational vehicle/camping sites within the coastal zone. Twenty percent of those hotel/motel units shall be maintained in shorefront locations. The City shall not allow any demolitions of affordable hotel/motel units which would allow the coastal zone inventory of such units to drop below the number required by this policy. In order to verify this policy, the City shall report the inventory of affordable hotel/motel units to the Coastal Commission on an annual basis.

The proposed development includes the demolition of nine 1- and 2- bedroom bungalow style units currently being used as vacation rentals. These rental units can be considered lower-cost as many of them rent for as little as \$75/night. This is increasingly unique given that the units are located on the shorefront. As such, the existing development can be considered a very high priority, lower-cost overnight accommodation. As proposed, the smaller units will be demolished and the site will be developed with four condominium units ranging in size from 6-9 bedrooms. While the applicant has indicated they intend to continue to use the newly constructed units as vacation rentals, it is highly unlikely the units will continue to be considered lower-cost. As a comparison, other shorefront vacation units located in other portions of the City's shorefront and have a similar number of bedrooms rent for as high as \$2,926/night. The City's LCP includes a number of provisions that protect lower cost accommodations, and give additional protection to accommodations located along the shorefront. At the time the LCP was certified, the City identified a number of lower-cost shorefront accommodations located along The Strand. However, since that time, the City has allowed The Strand to be redeveloped almost exclusively as residential development; and through the redevelopment of The Strand, a significant portion of the City's shorefront overnight accommodations have been lost. As such, the use of the bungalows as visitor serving, lower cost, overnight accommodations located along the shorefront would be considered the highest priority use, and; allowing the site to be redeveloped with significantly higher cost overnight accommodations raises concerns regarding protection of such uses. The City did not address the loss of affordable overnight accommodations.

4) Loss of Public Parking/Potential Impacts to Public Access. The approved development raises concerns regarding the protection of the public access and specifically public beach parking. The City's LCP contains a policy pertaining to public access and beach parking and states:

II. Recreational and Visitor Serving Facilities

C. Objectives and Policies

12. If existing beach parking is removal for any reason, one-to-one replacement parking shall be provided west of the railroad track.

In addition, because the site is located between the sea and the first coastal road, the public access and recreation policies of the Coastal Act apply and state in part:

Section 30210.

In carrying out the requirement 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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway...

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The Coastal Act and the City's LCP both contain provisions that address coastal access and protect public beach parking. The LCP requires 2 spaces per unit, which the development is providing; however, the redevelopment of the site will remove as many as eight on-street parking spaces that are currently providing public beach parking. As proposed, the City is requiring the end of Hayes Street be reconstructed to allow for turnaround of vehicle (and fire trucks) and this reconfiguration will remove all but one of these existing spaces. So, the approved project will result in the loss of 8 informal public parking spaces. As stated above, the City's LCP requires that any beach parking is removed west of the railroad track, those spaces must be replaced. The City's approval failed to address the loss of the parking spaces in its review. In addition, given the

number of bedrooms proposed for the four unit condominium complex, there are concerns about whether or not there will be usurpation of additional public street spaces that could further affect coastal access.

5) Hazards. The approved development raises concerns regarding geologic stability and natural hazards. The City's LCP contains a policy pertaining to these concerns and states:

III. Water and Marine Resources; Diking, Dredging, Filling, and Shoreline Structures; and Hazard Areas

C. Objective and Policies

6. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate impacts on local shoreline sand supply. Such structures shall be designed and constructed to minimize erosive impacts on adjacent unprotected property and minimize encroachment on to the beach. The structures shall not interfere with access along the beach. The property owner shall dedicate all area seaward of the shoreline structure for lateral access for the public.

The site is located along the shorefront and within the FEMA 100 year floodplain. The site is separated from the sandy beach by a 15-ft wide dirt section of The Strand, which is protected by a City owed and maintained revetment. The sea level rise model developed by the U.S. Geological Survey (U.S.G.S.) - Cosmos - shows the site as relatively safe; however, sections of The Strand north of the subject site are already subject to flooding during King Tides and storm events. Therefore, the site is likely to be considered hazardous. The LCP requires that new development be designed without the need for future shoreline protection. A more detailed analysis of the shoreline hazards and sea level rise is warranted. In addition, the location of new development proposed within the 100 year floodplain also warrants addition review.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Donne Brownsey, Commissioner
Mailing Address: 45 Fremont Street, Suite 2000
San Francisco, CA 94105

Phone Number: (415) 904-5202

RECEIVED

AUG 19 2019

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Demolition of nine residential units on two separate legal lots; lot consolidation and construction of four level, four unit condominium structure.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
831/833 South Pacific Street, Oceanside
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☐
 - b. Approval with special conditions: ☒
 - c. Denial: ☐
 - d. Other: ☐ _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-19-0181

DATE FILED: 8/19/19

DISTRICT: San Diego

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
- b. ☐ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: July 22, 2019

Local government's file number (if any): P18-00005/D18-00195/RC18-00006

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Beach Walk LLC
1951 Sanderling Circle
Costa Mesa, CA 92626

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

Carolyn Krammer
904 Leonard Avenue
Oceanside, CA 92054

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated 8/19/19

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent

Date: _____

> attached

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

NA

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

- see attached -

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____

Appellant or Agent

Dated: _____

August 19, 2019

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

NA

Dated: _____

NA

Attachment A

August 19, 2019
Beach Walk LLL Condominiums
831/833 South Pacific Street

The proposed project includes the demolition of 9 residential units and construction of a single three-level over a basement structure consisting of 4 condominium units. The structure includes an 8-space tandem parking garage and rooftop deck with glass railings. Units 1 and 2 will be 3,701 sq. ft. and will include 6 bedrooms and 7 bathrooms. Units 3 and 4 will be 3,387 sq. ft. and include 9 bedrooms and 9 bathrooms. The project will also consolidate the two existing parcels into one legal 13,000 sq. ft. oceanfront lot.

The project site is surrounded by Pacific Street to the east, an abandoned City right-of-way, the beach and Pacific Ocean to the west, residential development to the north and the end of Hayes Street to the south. The right-of-way located on the west side of the site is a continuation of public road called "The Strand". Further to the north, The Strand is a paved two-lane road that is open to the public and provides access to a single row of homes along the east side of the Strand. However, this section of The Strand is not developed, and remains dirt. This dirt section of The Strand does not provide vehicular access but does provide pedestrian access west of the homes and inland of the existing rock revetment to the west.

The subject properties are located within the Residential-Tourist (R-T) zoning designation and an Urban High-Density land use designation (UHD-R). These designations allow single and multi-family residential structures serving both residential and visitor serving uses.

The development, as approved by the City, raises several LCP consistency issues including that; 1) the proposed development will reduce the density of the site from 9 to 4 units, when; based on zoning, up to 12 units would be allowed; 2) the scale of the development will block existing public views, and potentially of character with the surrounding community; 3) the existing units provide affordable overnight accommodations which will be lost when redeveloped with the proposed six and nine bedroom condominiums; 4) the redevelopment of the site will include the loss of eight on-street public beach parking spaces; and, 5) the site is located within the 100 year floodplain and will likely be subject to increased hazards in the near future.

1) Reduction in Density. The City's LCP includes provisions that promote development when located near high levels of transportation facilities and reduction of vehicle miles traveled and include the following:

VII. New Development and Public Views

A. Coastal Act Policies.

The Coastal Act requires mitigation of impacts on archaeological and paleontological resources, the location of new development in or near existing urban areas, improvement of transit and parking opportunities, and provision of on-site recreation facilities.

C. Policies

The City shall promote development of a high level of transportation facilities, public services and amenities in the Coastal Zone as a means for reducing energy consumption and vehicle miles travelled.

The proposed development includes a reduction of density from 9 to 4 units. Additionally, the site is zoned as Residential-Tourist (R-T) and has an Urban High-Density land use designation (UHD-R). Both the land use and the zoning on the property are the highest density designations permitted in the coastal zone. Based on this designation, the maximum density of the site is 43 units per acre, or, a total of 12 units. As proposed, the site will be developed with a significantly lower density of 13.4 units per acre or a total of four units. Additionally, the site is located less than one mile from the Oceanside Transit Center. This transit center is one of the largest in the county and connects to the Coaster, the Sprinter, the North County Transit District Breeze Buses and the Riverside Transit Area Commuter Link. Thus, given its location and zoning, the subject site is located within an area that would be appropriate and desirable to concentrate, and at the very least, maintain housing density, consistent with City's LCP. The City's review failed to address the proposed reduction in density.

2) Public View Obstruction. The City's LCP includes provisions that protect public views and require new development to maintain and enhance visual quality in the coastal zone and include the following:

VI. Visual Resources and Special Communities

B. Summary of Major Findings:

2. The City's grid street pattern allows public views of these water bodies from several vantage points. Most east-west streets in the Coastal Zone offer views of the ocean...

C. Objectives:

The City shall protect, enhance, and maximize public enjoyment of Coastal Zone public resources.

The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

Policies:

- 1. In areas of significant natural aesthetic value, new development shall be subordinate to the natural environment.*
- 3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.*
- 4. The city shall maintain existing view corridors through public rights-of-way.*

The City of Oceanside's LCP also contains design standards that further address the preservation and creation of views and states:

The visual orientation to the Pacific Ocean is a major identity factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of buildings and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location of further coastal improvements.

The proposed development includes the redevelopment of a site located directly north of Hayes Street; an east-west street that ends on the shorefront. East-west oriented streets are recognized by the LCP as areas that contain significant public ocean views and are, therefore, protected. The site is located directly north of the Hayes Street street end is currently developed with a number of single-level, smaller-sized, bungalow-style units. The combination of the street end and the low height of the existing structures provides views to the ocean from a number of vantages as you travel west on Hayes Street as well as traveling north or south along Pacific Street. The proposed development will demolish the single-level bungalows and redevelop the site with a much larger, three-level over basement structure including a roof top deck which will likely obstruct a significant portion of the existing views. In addition, the development includes consolidation of the two lots into one single lot which allows for the construction of a single structure where if the lots are developed separately, two structures would be permitted. If the lots were to be developed separately, each structure would be required to provide a 3-foot side yard setback, which combined would allow for a 6-foot wide view corridor across the sites and to the ocean. Because the consolidated lots will be developed with one single structure, this 6 foot wide view corridor will also be eliminated. Therefore, the proposed height and lot consolidation may result in significant impacts to existing views, inconsistent with the City's LCP. The proposed development raises further concerns regarding protection of community character and whether the design respects the integrity of the adjacent open space (beach area) given the bulk and scale of the proposed structure.

3) Affordable Overnight Accommodation. The approved development raises concerns regarding the protection of the existing affordable overnight accommodations. The City's LCP contains a policy pertaining to public recreation and visitor serving facilities and states:

II. Recreation and Visitor Serving Facilities

Policies:

6. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where possible, provided.

7. In granting approvals for new development within the Coastal Zone, the City shall give priority to visitor serving commercial recreation facilities over private residential, general industrial or general commercial uses.

26. The City shall protect a minimum of 375 lower cost hotel and motel units and 220 recreational vehicle/camping sites within the coastal zone. Twenty percent of those hotel/motel units shall be maintained in shorefront locations. The City shall not allow any demolitions of affordable hotel/motel units which would allow the coastal zone inventory of such units to drop below the number required by this policy. In order to verify this policy, the City shall report the inventory of affordable hotel/motel units to the Coastal Commission on an annual basis.

The proposed development includes the demolition of nine 1- and 2- bedroom bungalow style units currently being used as vacation rentals. These rental units can be considered lower-cost as many of them rent for as little as \$75/night. This is increasingly unique given that the units are located on the shorefront. As such, the existing development can be considered a very high priority, lower-cost overnight accommodation. As proposed, the smaller units will be demolished and the site will be developed with four condominium units ranging in size from 6-9 bedrooms. While the applicant has indicated they intend to continue to use the newly constructed units as vacation rentals, it is highly unlikely the units will continue to be considered lower-cost. As a comparison, other shorefront vacation units located in other portions of the City's shorefront and have a similar number of bedrooms rent for as high as \$2,926/night. The City's LCP includes a number of provisions that protect lower cost accommodations, and give additional protection to accommodations located along the shorefront. At the time the LCP was certified, the City identified a number of lower-cost shorefront accommodations located along The Strand. However, since that time, the City has allowed The Strand to be redeveloped almost exclusively as residential development; and through the redevelopment of The Strand, a significant portion of the City's shorefront overnight accommodations have been lost. As such, the use of the bungalows as visitor serving, lower cost, overnight accommodations located along the shorefront would be considered the highest priority use, and; allowing the site to be redeveloped with significantly higher cost overnight accommodations raises concerns regarding protection of such uses. The City did not address the loss of affordable overnight accommodations.

4) Loss of Public Parking/Potential Impacts to Public Access. The approved development raises concerns regarding the protection of the public access and specifically public beach parking. The City's LCP contains a policy pertaining to public access and beach parking and states:

II. Recreational and Visitor Serving Facilities

C. Objectives and Policies

12. If existing beach parking is removal for any reason, one-to-one replacement parking shall be provided west of the railroad track.

In addition, because the site is located between the sea and the first coastal road, the public access and recreation policies of the Coastal Act apply and state in part:

Section 30210.

In carrying out the requirement 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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway...

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The Coastal Act and the City's LCP both contain provisions that address coastal access and protect public beach parking. The LCP requires 2 spaces per unit, which the development is providing; however, the redevelopment of the site will remove as many as eight on-street parking spaces that are currently providing public beach parking. As proposed, the City is requiring the end of Hayes Street be reconstructed to allow for turnaround of vehicle (and fire trucks) and this reconfiguration will remove all but one of these existing spaces. So, the approved project will result in the loss of 8 informal public parking spaces. As stated above, the City's LCP requires that any beach parking is removed west of the railroad track, those spaces must be replaced. The City's approval failed to address the loss of the parking spaces in its review. In addition, given the

number of bedrooms proposed for the four unit condominium complex, there are concerns about whether or not there will be usurpation of additional public street spaces that could further affect coastal access.

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III. Water and Marine Resources; Diking, Dredging, Filling, and Shoreline Structures; and Hazard Areas

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