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A-6-OCN-22-0019 (Dillon)

July 13, 2022

CORRESPONDENCE

From:	Steve Maschue
To:	Ross, Toni@Coastal
Subject:	Appeal Number A-6-OCN-22-0019 -- Revetment Repair 900-1000 blocks of South Pacific in Oceanside
Date:	Wednesday, July 6, 2022 4:42:11 PM

Toni,
Thank you for keeping me informed.
I support the repair, refurbishment, and maintenance of our Oceanside revetments. Revetments need to be in good repair to protect the beach-going public and the beachfront homes. If anyone's home revetment falls into disrepair, it threatens the immediate neighbor's property as well as the home behind the owner's property and community infrastructure. I request that the Commissioners deny the appeal.

It would be VERY helpful if the Commission had a VERY clear and detailed standard for the design, construction and maintenance of revetments. Then if a beachfront owner submits a request that meets that standard, it could be automatically approved. As it is, it seems that the Commission picks apart requests, with continuously changing standards. Those minor changes allow well-funded political organizations to then file appeals that seem to cost a fortune in engineering, legal and valuable Coastal Commission time.

Steve Maschue
999 N Pacific #D310
Oceanside CA 92054
Phone 760-216-8017

G | D | B Gatzke Dillon & Ballance LLP
LAWYERS

July 8, 2022 *By E-mail*

California Coastal Commission
San Diego District Office
Attn: Toni Ross, Coastal Program Analyst
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402
Toni.Ross@coastal.ca.gov

Substantial Issue Hearing

Commission Appeal No: A-6-OCN-22-0019 (Applicant: Dillon)
Location: 909-1027 S. Pacific Street, Oceanside, California
Local Decision: City of Oceanside — Approved with Conditions
Project Description: *Repair Existing Rock Revetments*

Dear Ms. Ross and Coastal Commissioners:

The City of Oceanside's Planning Commission approved the Coastal Permit (RC 21-00012) to allow repairs to the existing rock revetment in the rear yards of 909 to 1027 South Pacific Street in Oceanside, California. The City's permit decision has been appealed to the California Coastal Commission by the Surfrider Foundation, Citizens for the Preservation of Parks and Beaches (Citizens), and two San Francisco Commissioners (Donne Brownsey and Caryl Hart). I am the applicant representing the homeowners of 909 through 1027 South Pacific Street in Oceanside. Coastal staff recommends that the Commission find the subject appeal presents a "substantial issue" with respect to the grounds on which the appeals have been filed under the Coastal Act, Public Resources Code section 30603.[1]

On March 28, 2022, the City's Planning Commission unanimously adopted Resolution No. 2022-P03, approving the subject coastal permit with conditions. In summary, appellants contend that the permit, as approved, does not conform to the City's certified Local Coastal Program (LCP) with regard to jurisdiction, permitting requirements, mitigation for impacts to sand supply and public access, protection of water quality, and development within rear-yard setbacks. (See Staff Report, June 24, 2022, p. 5.) The contentions are based on an incorrect and misleading description of the permit and its conditions; there is no jurisdictional issue; no other issues exist that give rise to a "substantial issue" determination; and, accordingly, we ask that the Commission deny the appeals.

Our request is based on this letter, the exhibits, and the entire record of proceedings before the City and its Planning Commission. Before addressing why the appeal should be denied, we cover important threshold procedural issues.

[1] Unless otherwise specified, other citations to the Coastal Act will be referenced by only the section number.

Procedural and Factual Issues Warrant Commission Denial of the Appeals

A. Applicant Agrees with Staff's Recommendation to Deny Citizens' Appeal.

Citizens contends that the City is using an "outdated LCP" for approval of the subject coastal permit. Coastal staff has reviewed and rejected that contention. (See Coastal Staff Report, June 24, 2022, p. 14.) In doing so, staff states the contention that the City is using an outdated LCP "does not raise a substantial issue." (*Id*.) We agree, and request that the Commission deny all appeals, but if it finds a substantial issue, then its substantial issue motion and resolution should be revised to *deny* Citizens' appeal and its contention.

B. Reservation of Other Rights.

As the applicant and representative, we reserve our rights to contest the pending appeals and the Commission's hearing procedures on three important procedural grounds.

1. Failure to Exhaust Administrative Remedies.

We contend that the Coastal Act cannot by statutory fiat eliminate the jurisdictional prerequisite for appellants to first timely exhaust all available administrative remedies before filing an appeal to a local government's decision to approve a coastal permit. Here, the City's certified LCP, adopted practices, and common law require compliance with the exhaustion doctrine. As applied, appellants have failed to exhaust their available administrative remedy by first appealing the Planning Commission's permit approval decision to the Oceanside City Council; the time period for such appeals has past; and accordingly, we ask that the Commission deny the pending appeals on the grounds that appellants have failed to exhaust remedies.

The Coastal Act imposes time requirements for such appeals and if those requirements are not followed, "the appeal shall be rejected" (§ 13111). The Coastal Act, however, also contains purported exceptions to the exhaustion doctrine stating that exhaustion of all local appeals "shall not be required" if, for example, the "local government jurisdiction charges an appeal fee for the filing or processing of appeals" (§ 13573(a)(4)) or where "a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals" (§ 13573(b)).

Surfrider and Citizens Appeals. As applied, the Surfrider and Citizens appeals admittedly failed to exhaust available local appeal procedures, contending that the City charges a fee for an appeal to its City Council. We dispute the validity of the Coastal Act's so-called "fee" exception. And in any case, while it is correct that the City charges a fee, the City also provides 2 other options for appealing the Planning Commission's permit approval decision to the City Council (i.e., submit the required number of resident signatures supporting their appeal/residents within a 100-foot radius of the owner/occupant public notification radius list; *or* submit the required number of resident signatures from the 500-foot owner/occupant public notification radius list). Neither option was followed by Surfrider nor Citizens; and for that reason, those appeals "shall be rejected."

Further, Surfrider contends that payment of the City's appeal fee was not feasible. The fee amount, and the reasonableness of imposing the fee, are evidentiary/factual issues; and neither Surfrider nor Citizens provided any facts justifying why the appeal fee was not paid. Having failed to make any such factual showing, Surfrider and Citizens cannot challenge the reasonableness of the City's appeal fee for the first time on appeal. (*E.g.*, *Sea & Sage Audubon Society v. Planning Com*. (1983) 34 Cal.3d 412, 419-422.)

Commissioner Appeals. The Coastal Act's exception for Commissioner members to exhaust local administrative remedies (§ 13573(b)) conflicts with the City's LCP, the City's adopted practices, and the common law exhaustion doctrine. For that reason, as applied, we contend that the two appeals filed by San Francisco Commissioners Brownsey and Hart must be rejected.

The exhaustion doctrine serves important policies. For example, the exhaustion doctrine permits the agency (here, the City Council) to resolve factual issues, apply its expertise, and exercise statutorily-delegated duties. (E.g., *Grant v. Comp. USA, Inc.* (2003) 109 Cal.App.4th 637, 644.) The exhaustion doctrine also serves as a preliminary shifting process, unearthing the relevant facts and evidence and providing a full record for review on appeal (by another agency or a court). (*E.g.*, *Citizens for Open Government v. City of Lo*di (2006) 144 Cal.App.4th 865, 874-875.)

Here, the pending appeals contain *several material factual inaccuracies and misstatements* that could have been corrected and/or resolved if the appellants had exhausted their local appeal remedies to the City Council. Another hearing would have been held; opportunities to resolve such factual inaccuracies and misstatements could have been cured. Instead, we are forced to identify the appellants' factual inaccuracies and convince the Commission that they fundamentally affect the grounds on which the appeals were filed — without an underlying, fully-developed record.

2. Fundamental Factual Inaccuracies/Misstatements Materially and Adversely Affect a Fair Hearing.

Appellants make the several fundamental factual inaccuracies and misstatements that materially and adversely affect the grounds on which the appeals are based. The staff report prepared by Coastal staff fails to correct the facts and simply repeats them. This results in misleading the Commission and requiring the project applicant to correct the record on basic facts that should not be disputed or part of any appellant contentions. This, in turn, leads to an unfair hearing over undisputed facts. And, as pointed out above, had appellants exhausted their available administrative remedies, these factual inaccuracies and misstatements could have been vetted and corrected before the City Council, but instead, they now "cloud" the factual record before the Commission.

(a) No "Augmentation" — Not "on the Beach" — Wrong "Addresses."

For example, appellants wrongly contend that the Planning Commission's permit decision authorizes "repairs *and augmentation*" to existing rock revetment "o*n the beach*" along "*913 to*

1027 South Pacific Street. (See Coastal Staff Report, June 24, 2022, p. 7.) This one sentence, in Coastal staff's report, contains three fundamental factual inaccuracies.

First, the permit does not seek to "*augment*" the existing rock revetment. As shown in the Planning Commission's approval resolution (see Coastal Staff Report, Ex. A – Substantive File Documents) and the City's Notice of Final Action (NOFA) to the Commission, the "project description" for *the subject coastal permit is to allow repairs to the existing rock revetment,* nothing more. There is no request or authorization to "augment" the existing revetment.

Second, the permit authorization to allow repairs to the existing rock revetment is not "*on the beach*" but in the backyards of the homes.

Third, the permit authorization is to allow repairs to the existing rock revetment at 909 to 1027 South Pacific Street, and not 913 to 1027 South Pacific Street. Coastal staff omits 909 South Pacific Street from its description of the approved permit.

(b) No Excavation "Beneath" Toe Rock.

Another egregious example is in Coastal staff's "project description" and elsewhere throughout its staff report, as well as the Commissioners' appeal. (See, e.g., Coastal Staff Report, June 24, 2022, p. 7, 11, 12, 13; Brownsey Appeal, Attachment A, pp. 1, 4-5.) Both staff and the Commissioner appeals state that the approved permit "includes repositioning or replacing filter fabric *beneath* the revetment." (*Id*.) Not so.

The project applicant *never* requested and the City's Planning Commission's permit decision *never* authorized repositioning or replacing filter fabric ***beneath or underneath*** the toe rocks within the existing revetement. This is extremely important because Coastal staff and certain appellants use this misstatement as a predicate to their factually inaccurate "jurisdictional" contention. As explained below, there is no valid jurisdictional contention for two independent reasons: (i) we are not authorized to excavate underneath the toe rock (and never requested to do so); and (ii) even if were so authorized (and were not), it would not trigger the Coastal Commission's jurisdiction because of the well-established Boundary Line Agreement between the City and the State Lands Commission. This agreement — not mentioned by any appellant nor raised by Coastal staff — permanently fixed the boundary between State lands and City property and the approved repair work and survey show that the toe of the revetment at all subject property locations is *landward* of the mean high tide line (MHTL) and within the City's *sole* jurisdiction.

In short, we never proposed to excavate *beneath* the toe rock; and the City's Planning Commission never authorized or approved any excavation *underneath* the toe rock. During the approved repair work, the toe rock will remain in place; it has not rolled seaward; there will be no movement of the toe rock; all repairs will be performed above the toe rock in the mid-to-upper revetment rocks, and it will include repositioning existing rock and installing filter fabric in areas where the fabric is damaged or missing. Additionally, the approved repairs at all subject properties will occur landward of the MHTL and within the City's sole jurisdiction. (See attached GeoSoils, Inc. July 5, 2022, letter report responding to the appeals, pp. 1-2; see also NOFA and Planning

Commission Resolution.) These undisputed facts gut the jurisdictional contentions on appeal and negate any jurisdictional "substantial issue." We ask that the Commission make such findings.

(c) Wrong Property Location/Addresses.

The Commission Notification of Appeal, the June 24, 2022, Coastal staff report, and the two Commissioner appeals, among other Commission documents, use the wrong property location/addresses for the approved permit decision. The Commission and such appeals state that the project location is 913 to 1027 South Pacific Street. However, the City files and the Planning Commission's Resolution correctly state the City's permit approval applies to 909 to 1027 South Pacific Street. We ask that the Commission reject the appeals; and if not, correct the record in terms of the permit approval coverage.

3. Other Important Factual Inaccuracies and Misstatements.

Other fundamental factual flaws leading to incorrect appeal contentions include: (i) the contention that the City Planning Commission's permit approval decision authorized "the importation an unquantified amount of sand to backfill behind the revetment in the area between the private residential backyards and the revetment." (See, *e.g.*, Coastal Staff Report, June 24, 2022, pp. 7, 12.) This is factually wrong.

(a) No Import of Sand to "Grow" Backyard Areas.

As the project applicant and representative, we never requested approval to import sand to backfill behind the revetment in the area between the backyards and the revetment; and the Planning Commission did not approve any such thing. Instead, we asked to place, and obtained approval to place, sand in the crevasses of the revetment itself as part of the repair work. This will improve overall stability of the repaired revetment. The Planning Commission understood and approved this limited repair work and, importantly, the City's staff report stated, clearly, that the "revetment will be backfilled with sand that would meet a 30% to 75% beach sand gradation." (See City Staff Report, March 2022, p. 3.) *There is no mention in the City's staff report or the Planning Commission Resolution authorizing the placement of sand in the backyards between the yards and the revetment*.

This misstatement is driven by work performed in the 1200 block of South Pacific Street in Oceanside for a different project. There, the property owners placed sand in their backyards between the yards and the repaired revetment; and in doing so, "grew" their backyards seaward. That is not requested nor authorized for this separate, different permit approval. To the contrary, the City Planning Commission's decision unanimously granted the coastal permit precisely because (in no particular order):

1. The project applicant was not proposing "new development" or new construction, but rather than repair and maintenance of existing rock revetment. The application contained no request to "augment" or "enlarge" the rock revetment area; or to add sand in the backyards between the yards and the revetment.

2. The application proposed to restore the rock revetment to a more uniform and stable slope of about 2:1 horizontal to vertical distance, but not to exceed the original revetment's footprint.
3. The application, as approved, would simply repair the revetment by repositioning rocks that have been dislodged and fallen on the beach and by placing larger rocks on top of the toe of the revetment – with smaller rocks near the top of the revetment with the aid of mechanized construction equipment.
4. All proposed repair work would be performed by retrieving rock from the beach using mechanized equipment located in the backyards of the homes. No construction machinery would be used on the beach or sandy areas (backyard areas only).
5. The City's staff report made clear that the approved work would be accomplished "without a seaward extension of the revetment and without having to place any mechanized equipment or construction materials on the sand or beach area. (See City's Staff Report, March 2022, p. 3.)
6. The City's staff report made clear that all repair work would be "conducted eastward of the mean high tide line." (See City's Staff Report, March 2022, p. 3.)
7. The City's staff report made clear that the repairs, as approved, "are needed to protect against erosion, scouring, sloughing/slipping/subsidence caused by high tides, storms, and wave action." (See City's Staff Report, March 2022, p. 3.)

The City's staff report made clear that the "current revetment is unstable and fails to afford protection to the subject properties that the existing revetment was designed to protect," that the "ongoing degradation of the existing revetment is a hazard to the public and others" and that the "repairs are designed to correct these existing conditions." (See City's Staff Report, March 2022, p. 3.)

The above analysis and findings rebut the notion that the limited amount of sand to fill crevasses within the repaired rock revetment itself would result in "water quality impacts." This is nonsensical.

(b) Exemption "Denied" and "No Prior Knowledge" Contentions are Wrong.

The Commission's staff report, page 8, states that in May 2021, the applicant filed for a coastal development permit exemption for the proposed revetment repair work, "which was denied by the City." Not so.

It is correct that the project applicant filed a coastal development permit exemption with the City for the proposed revetment repair work on May 12, 2021. It is *incorrect* that our exemption request was "denied" by the City. Instead, as pointed out in the City's staff report to the Planning Commission, after filing our exemption request, we engaged in discussions with City staff and were convinced to instead file this requested regular coastal permit for the repair work. (See City

Staff Report, March 2022, p. 2.) Our exemption request and supporting documents were also made a part of the City's permit files; and should be reviewed by the Commission.

The Commission's staff report, page 8, also wrongly states that in February 2022, "Coastal staff had no prior knowledge" of our pending City coastal permit application. The City's senior planner provided an email to Coastal staff correcting the record; and at the Planning Commission public hearing, the assigned planner corrected the record as to Coastal staff's knowledge. There were no "surprises" here. We have been in processing since May 2021, or for more than one year, on our request to repair existing rock revetment. And no one disputes that:

> "The ... repairs are needed to protect against erosion, scouring, and sloughing/slipping/subsidence caused by high tides, storms, and wave action. The current revetment is unstable and fails to afford protection to the subject properties that the existing revetment was designed to protect. The ongoing degradation of the existing revetment is a hazard to the public and others. The ... repairs are designed to correct these existing conditions."

(See City's Staff Report, March 2022, p. 3; see also GeoSoils' May 11, 2021, letter documenting the need for the repairs.)

Indeed, the latest GeoSoils letter report, July 5, 2022 (attached), states:

> "It is GSI professional opinion that the condition of the revetment requires immediate repair/maintenance to protect the life and safety of the beach going public from rock falls and water hazards, protect residential foundations, and to protect property and improvements."

(See attached GeoSoils' July 5, 2020, letter, p. 2.)

(c) Loss of Local Sand Supply Contentions are Inapplicable.

The Coastal staff report and certain appeals contend that the City "failed" to ensure that the approved permit mitigated impacts on local shoreline sand supply, citing the City's policy (Policy 5). Plainly stated, the City did not require mitigation for "impacts on local shoreline sand supply" because the record did not support any impact to "local shoreline sand supply." Thus, neither the City nor the Commission has any factual or legal basis to require mitigation where there is no impact. (See, *e.g.*, 14 Cal. Code Regs. § 15126.4 ["Mitigation measures are not required for effects which are not found to be significant"].)

The reason for the loss of local shoreline sand supply in this part of Oceanside is well-documented, and it is *not* existing rock revetment. Instead, the loss of local sand loss is due primarily to the construction in 1942 of the Del Mar boat basin and jetties, which is blocking the lateral transport of sand to the beaches in Oceanside. These individualized facts are confirmed in the Boundary Line Agreement between the State Lands Commission and the City executed in February 1963, and the U.S. Army Corps of Engineer public records contained in the City's files on our coastal permit approval request. Coastal staff has not addressed these unique, site-specific

reasons for Oceanside's loss of its local sand supply; and staff's anticipated citation to generalized reports about the erosive nature of rock revetment is insufficient as a matter of law — particularly when we have presented public documents specific to this portion of Oceanside.

(d) The "Dedication of Lateral Public Access" Contention is Inapplicable.

The Coastal staff report and certain appeals contend that the City's LCP requires that each property owner dedicate the area seaward of the existing rock revetment to the public for lateral access; however, "no such access was required by the City's approval." (See, *e.g.*, Coastal Staff Report, June 24, 2022, pp. 8-11.) Plainly stated, the City did not require the lateral access easement dedication because that requirement applies only to coastal permits requiring the construction of newly constructed rock revetments. Our coastal permit is only for the repair and maintenance of preexisting rock revetment. Thus, the requirement is inapplicable, and it would be an overreach by the Commission to impose a lateral easement condition on this coastal permit under the U.S. Supreme Court *Nollan*, *Dolan*, and *Koontz* trilogy of cases.

C. Other Reserved Rights: Due Process and End "Ghost-Written Appeals.

We contend that the two appeals filed by San Francisco Commissioners Brownsey and Hart violate the due process clause of the U.S. and California Constitutions and the Coastal Act. The Coastal Act states that two members of the Commission may appeal a coastal development permit that a local government has approved pursuant to its certified LCP (§ 30625) and the Commission may participate in the determination of the appeal (§ 30603). However, the U.S. Supreme Court in *Withrow v. Larkin*, 421 U.S. 35, 46 (1975), has held that "a fair trial in a fair tribunal is a basic requirement of due process ... This applies to administrative agencies, which adjudicate as well as to courts ... Not only is a biased decision maker constitutionally unacceptable but 'our system of law has always endeavored t o prevent even the probability of unfairness.'"

This fundamental principle is violated when Commissioners are permitted to both appeal and participate in the agency's adjudicatory hearing process. Further, these two Commissioners did not participate in the underlying permit decision making process by the City and its Planning Commission. There were no Commissioner comments, objections, or submittals to the City, as documented in the City's record of proceedings, which was provided to the Commission's San Diego Coast District Office.

Moreover, discovery will establish that the two Commissioner appeals were prepared by Coastal staff and *not* the Commissioners. This Coastal staff practice of preparing shadow appeals to be rubber-stamped by two willing commissioners is highly improper and inconsistent with the purpose of commissioner appeals. This appeal route is to be used by commissioners, and not Coastal staff. Said differently, the Coastal Act statute (§ 30625) states that two commission members may appeal a coastal permit; it does not state that Coastal staff may file an appeal to a coastal permit, using the name of two commissioners. The Commission should flatly reject these "ghost-written" appeals and terminate Coastal staff's improper appeal practices.

D. Our Agreement with Staff's Recommendation to Deny Appeal Filed by Citizens

Citizens contends that the City is using an "outdated LCP" for approval of the subject coastal permit. Coastal staff has reviewed and rejected that contention. (See Staff Report, June 24, 2022, p. 14.) In doing so, staff states the contention that the City is using an outdated LCP "does not raise a substantial issue." (*Id*.) We agree, and we request that the Commission deny all appeals, but if it finds a substantial issue, then its substantial issue motion and resolution should be revised to *deny* Citizens' appeal and its contention.

No Valid Grounds Exist to Appeal the Planning Commission's Coastal Permit Approval

There are no valid grounds to appeal the City Planning Commission's permit approval. We will touch on each ground advanced and ask that the Commission find that the appeals do not present any substantial issue and deny the appeals accordingly. We start with the threshold jurisdictional contention.

A. The Jurisdictional Contention Lacks Merit.

Coastal staff and certain appeals contend that the City Planning Commission's permit approval decision "authorized development that is likely located within the Commission's retained permit jurisdiction." (See Coastal Staff Report, June 24, 2022, p. 13.) Other related contentions provide that the permit will authorize "excavation into the sand to replace the filter fabric located *underneath* the revetment" and that such excavation "will occur at or below the [MHTL] and are not within the City's permit jurisdiction." (*Id*.) The jurisdictional contentions are wrong. The permit authorizes repair or maintenance within the City's jurisdiction only.

As stated above, the jurisdictional contention is based on bad facts. The project applicant *never* requested and the City's Planning Commission's permit decision *never* authorized repositioning or replacing filter fabric ***beneath or underneath*** the toe rocks within the existing revetement.

There is no valid jurisdictional contention for two independent reasons: (i) we are not authorized to excavate *underneath* the toe rock (and never requested to do so); and (ii) even if were so authorized (and were not), it would not trigger the Coastal Commission's jurisdiction because of the well-established Boundary Line Agreement between the City and the State Lands Commission, which is attached for review. This agreement — not mentioned by any appellant nor raised by Coastal staff — permanently fixed the boundary between State lands and City property and the approved repair work and survey show that the toe of the revetment at all subject property locations is *landward* of the mean high tide line (MHTL) and within the City's *sole* jurisdiction.

As background, on February 11, 1963, the State of California, acting by and through the State Lands Commission, legislatively granted in trust to the City of Oceanside all City lands to the east of the 1938-1939 Ordinary High Water Mark (OHWM). This was accomplished by an executed Boundary Line Agreement (attached). This Agreement was deemed "expedient and

necessary" and "in the best interests of the State and the public" to permanently fix and describe the boundary between State lands and City property, and to "forever set at rest any all questions relating to the location of said boundary line." Further, the Agreement was considered appropriate because the OHWM was artificially affected by the construction of the Del Mark boat basin and jetties that was blocking the lateral transport of sand supply to Oceanside beaches in an area currently covered by the approved permit (see attachment). (Note also that the 1938-1939 OHWM is now referred to as the Mean High Tide Line [MHTL].)

Public Resources Code section 6336 statutorily authorizes the State Lands Commission to negotiate such boundary agreements with any person or local agency having or claiming an interest in such land, and any boundary agreement "shall be binding on the state and other parties thereto when approved" by the State Lands Commission. Further, Public Resources Code section 6339 (a) provides that boundaries established by such agreements "shall be fixed and permanent without change by reason of fluctuation due to the forces of nature[.]" Moreover, Public Resources Code section 6341 provides that, generally, such boundary agreements are "conclusively presumed to be valid."

As the project applicant and representative, we had the revetment area surveyed (see GeoSoils, Inc. letter and attachment). The approved repair work and survey show that the toe of the revetment at all subject property locations is *landward* of the mean high tide line (MHTL) and within the City's *sole* jurisdiction.

As stated above, we are not authorized to excavate *underneath* the toe rock (and never requested to do so). In any event, however, even if were so authorized (and were not), it would not trigger the Coastal Commission's jurisdiction because the Boundary Line Agreement between the City and the State Lands Commission has permanently fixed the MHTL and all approved repair and maintenance work is landward of the fixed MHTL; and, therefore, within the City's sole jurisdiction.

Relatedly, our coastal engineer has explained that once the MHTL has been surveyed and established, an excavation landward of that MHTL, and to an elevation below the MHTL elevation, does not move the location of the surveyed and fixed MHTL (see GeoSoils letter [attached].) This explanation, of course, assumes that we had requested to excavate, and that we were authorized to, excavate, underneath the toe rock. We are not doing so. In short, there is no valid jurisdictional contention.

B. The Local Shoreline Sand Supply and Lateral Public Access Easement Condition are Inapplicable.

As stated above, both the local shoreline sand supply contention and the lateral public easement condition contention are inapplicable.

First, the City did not impose a local shoreline sand supply mitigation measure because the repair to existing revetement does not impact local shoreline sand supply. If there is no such impact, there is no factual or legal basis to impose such mitigation. Coastal staff may likely say

that it has imposed it before. That, however, is not the factual or legal showing necessary to show an essential nexus and rough proportionality between the permit approval and the impact of such development. And it is the Commission's heightened burden to prove that connection (nexus) and individualized proportionality under *Nollan/Dolan*.

Second, the City did not impose a lateral public access easement condition because there is no factual or legal basis for such a condition. And in any case, that condition does not apply to coastal permits requesting only repairs to existing revetment.

C. There are No Water Quality Impacts.

Coastal staff and so-called commissioner appeals contend that the City Planning Commission's permit approval decision may result in water quality impacts due to the purported importation of sand to backfill behind the revetment in the area between the backyards and the revetment. As explained above, however, the "sand importation" contention is factually wrong. Accordingly, there is no legal or factual support for such a contention, and it should be rejected as not raising any substantial issue.

D. Unpermitted Development has been Addressed by the City.

Coastal staff and so-called commissioner appeals contend that the City Planning Commission's permit approval decision failed to address unpermitted development on or in the existing revetment. The contention lacks merit. In our permit application, we committed to remove all non-conforming concrete and debris per City standards (see attachment). As a result, the permit approval will result in a betterment of the existing revetment by removing and properly disposing of any non-conforming uses in or on the existing revetment. This does not represent a "substantial issue," as described by the Commission.

Thank you for your consideration. We request that the Commission reject all pending appeals because they do not raise any substantial issue.

Very truly yours,

/s/ Mark J. Dillon

Mark J. Dillon
of
Gatzke Dillon & Ballance LLP

MJD/sjt

cc: See Related Exhibits (provided under separate email cover, July 8, 2022).

SUBSTANTIAL ISSUE HEARING

Coastal Commission Appeal No. A-6-OCN-22-0019 (Dillon)
July 8, 2022

EXHIBITS

TABLE OF CONTENTS:

EXHIBIT A

GeoSoils, Inc. Letter Response to Commission Appeals (July 5, 2022) and attached MHTL Survey

GeoSoils, Inc.

Geotechnical • Geologic • Coastal • Environmental

5741 Palmer Way • Carlsbad, California 92010 • (760) 438-3155 • FAX (760) 931-0915 • www.geosoilsinc.com

July 5, 2022 WO S8115-SC

Mr. Mark Dillon
1011 South Pacific Street
Oceanside, CA 92054

Subject: Response to California Coastal Commission (CCC) Appeal Comments, A-6-OCN-22-0019, 909 - 1027 South Pacific Street, Oceanside, California.

Dear Mr. Dillon:

At your request, GeoSoils, Inc. (GSI) is pleased to provide this letter in response to the CCC appeal comments concerning revetment maintenance/repairs at the subject properties. For ease of review the appeal comment subject will be provided in **Bold** followed by our response.

Jurisdiction

The State of California legislatively granted in trust to the City of Oceanside all City lands to the east of the 1938-1939 Ordinary Mean High Water Mark (OHWM) on February 11, 1963. The boundary line agreement permanently fixed the boundary between State lands and City property. This boundary line agreement was because the shoreline was artificially affected by the construction in 1942 of the Del Mar Boat Basin and jetties. The 1938-39 OHWM (later to be called the Mean High Tide Line (MHTL)) was located significantly more seaward than it was in 1963 and is currently located. In addition, at the start of the permit process for the subject properties, the MHTL was surveyed. The survey shows that the toe of the revetment at all of the subject properties is landward of the MHTL. The survey was conducted in early spring when the sand level is the lowest, which would mean that the MHTL is more landward than during the summer months, when the sand is higher. The survey (2 pages) is attached to this appeal response.

An appellant commented that if the proposed work resulted in an excavation landward of the MHTL that was below the MHTL elevation, then that portion was now seaward of the MHTL. This is incorrect for at least two reasons. First, the approved repair/maintenance work will not result in excavation underneath the toe rock. Second, and in any event, an excavation landward of that MHTL, and to an elevation below the MHTL elevation, does not move the location of the surveyed MHTL. At a recent conference, May 20, 2022, I was

seated with Ms. Jamee Patterson, Supervising Deputy Attorney General State of California, and Mr. Alex Helperin, Assistant Chief Counsel for the California Coastal Commission. I explained this scenario to them and Mr. Helperin said quickly and confidently that excavation landward of the MHTL, below the MHTL, does not move the MHTL landward.

Scope of Repairs & Lateral Public Access

The proposed repair work is to pick up rocks that have rolled seaward onto the beach area in front of the revetment and to bring the revetment back to its original condition. The toe rock, being at the base of the revetment, does not roll seaward. There will be no movement of the toe rock. The toe rock has been surveyed to be landward of the MHTL. All work will be performed above the toe rock in the mid- to upper portions of the revetment. This would include the repositioning above the toe rock in mid- to upper revetment rocks to install fabric in areas where the fabric is damaged or missing. The information that has been previously supplied, along with the pictures provided, show the rocks to be picked up are clearly visible. The attached survey is overlain on a photograph that shows rocks seaward of the toe. It is these rocks that are proposed to be re-located back onto the existing rock revetment. The work proposed is to be done when the beach is at it lowest (sand gone and rocks exposed), and during the lowest tides in daylight. These conditions occur during the fall and winter months. The City of Oceanside has determined that this type of activity is not considered grading. The rocks will simply be picked up and then re-placed back onto the existing revetment.

It is well understood by coastal engineers that as a revetment is subject to wave action, over time the height of the revetment is lowered, and the rocks on the face of the revetment roll seaward. Figures 1a thru 1c show what has occurred over time to the revetment at the subject address.

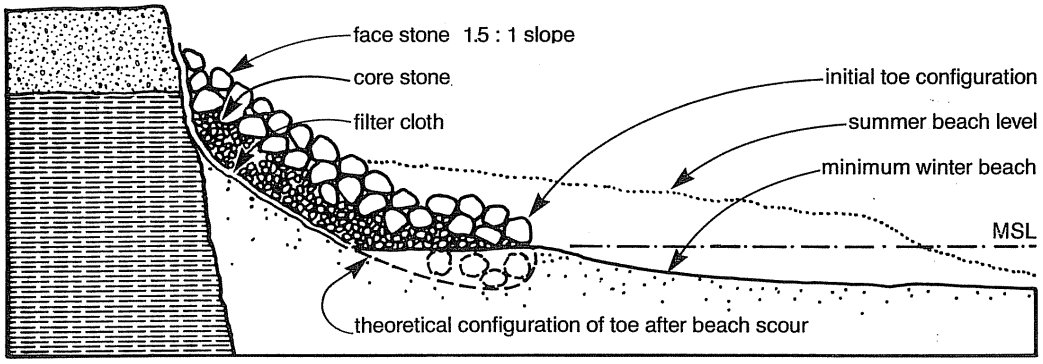


Figure 1a
Initial revetment configuration and theoretical "hinging" of revetment toe.

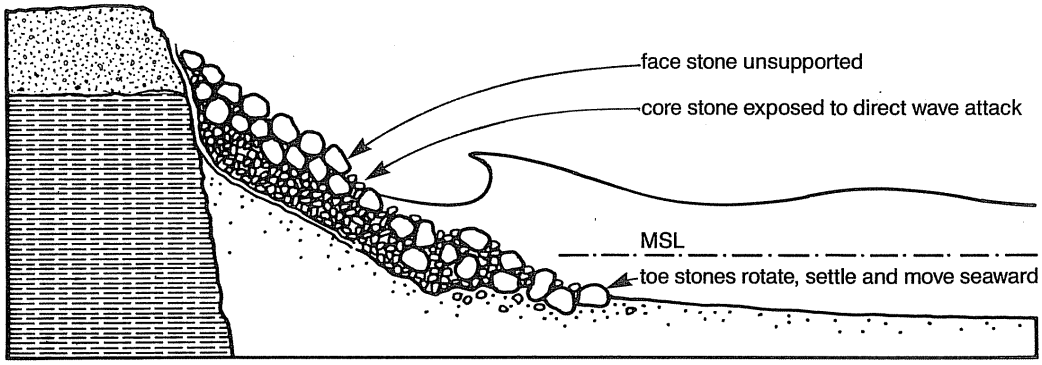


Figure 1B
Initial stages of observed toe failure (may be very rapid); note both seaward and downward movement of rock.

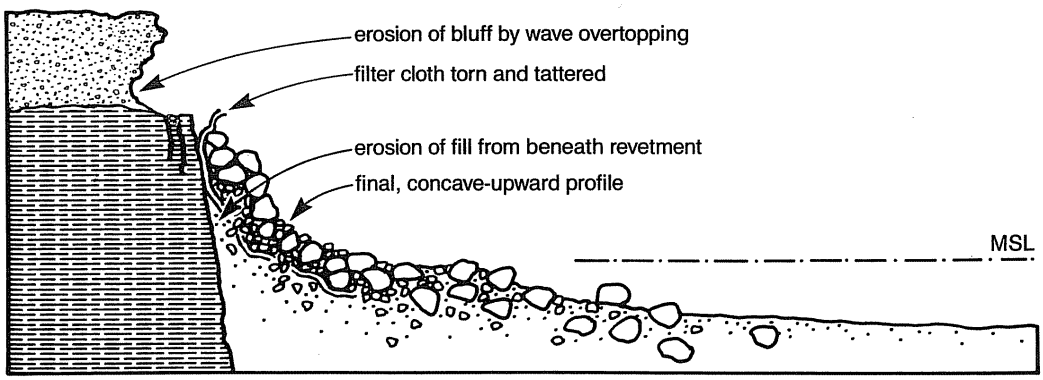


Figure 1C
Final states of observed revetment failure.

As previously stated, the revetment is subject to wave action over time, the height is lowered by a few feet, rocks can settle down vertically, rocks can roll seaward, and some rocks can break down into smaller rocks. In the case of the subject site there is a shore platform (bedrock) and cobble bed that the rolled out rocks sit on. They are exposed most of the time. This is clearly evidenced by the photographs previously provided. As the large rocks settle down vertically, and other large rocks break into smaller rocks, the revetment becomes smaller in effective volume. These are the reasons that importation of limited

rock is considered just repair/maintenance. It is not an enlargement or an augmentation of the structure. The characterization of the project as an augmentation is misleading. The approved repair/maintenance work is to bring the structure back to its original effective volume and height. There are no “as built” revetment plans available so the height of the revetment, just after completion, is not known. However, the revetment is lower than when it was built by at least a few feet due to the decades of wave attack. In addition, the City has a standard revetment drawing, which at some properties is about 1 to 2 feet higher than the revetment currently is. Recent excessive overtopping of the revetment has resulted in loss of the fill that the revetment lays upon and damage to improvements on some properties. The overtopping only became an issue recently as the revetments became lower in height and the slope flatter. Bringing the height back to the City standard is not an increase in height of the original structure but rather just repair/maintenance to bring the revetment back to as close as possible to its original configuration, as well as to be in conformance with the City standard. This is not an augmentation, or “entire” reconstruction of what was originally built. It is just an effort to remove the rocks seaward of the toe, improve lateral public access, and to bring the structure back to its original condition.

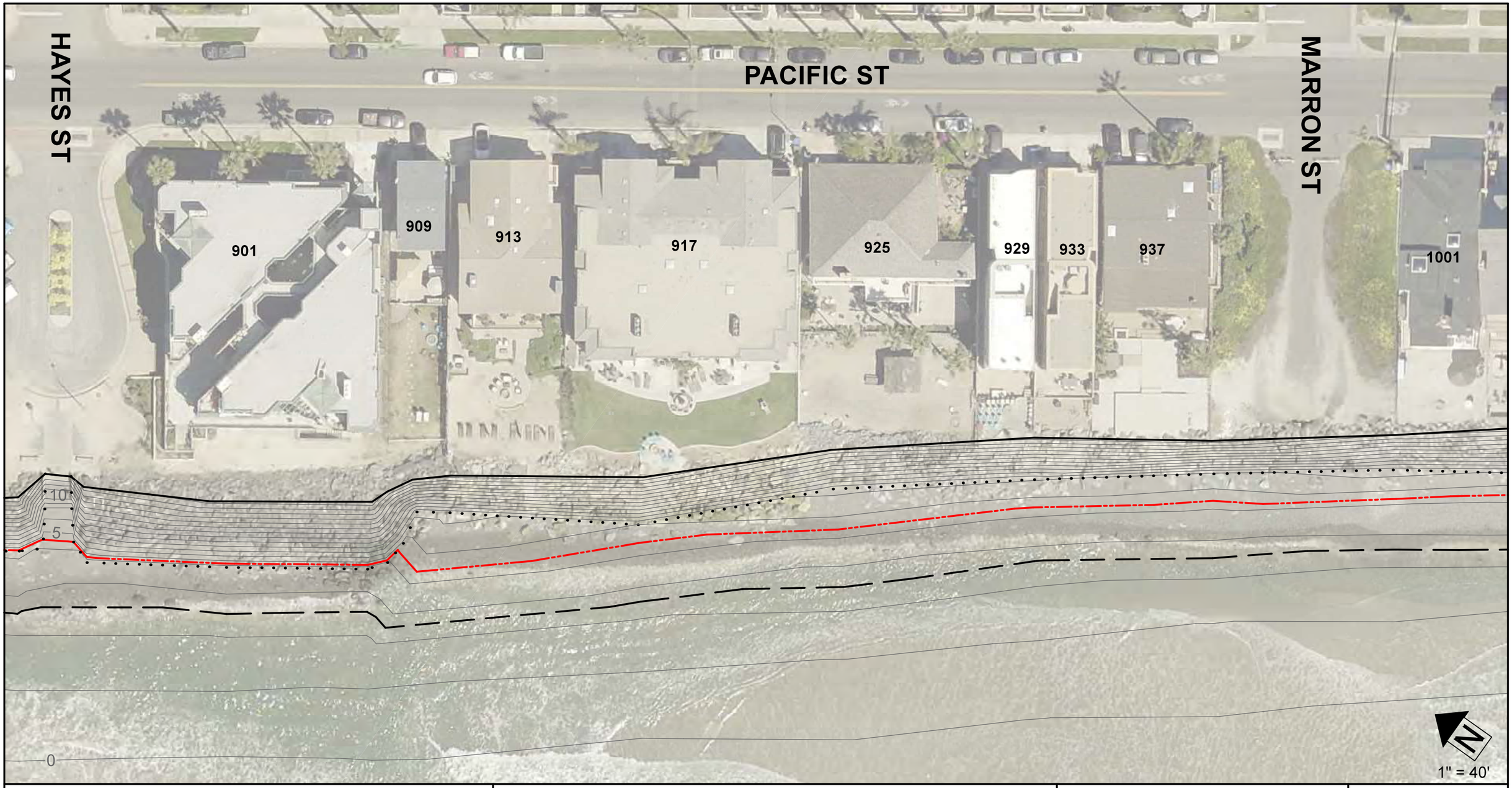
The rocks that have rolled off are an obstruction to lateral public beach access. The rolled out rocks force the public walking along the shoreline into the surf zone. There has been significant and ongoing loss of property and accessory improvements such as patios, walls, flat work, and perched beaches. The loss of back fill soils is within a few feet of the residence foundation at 1015 South Pacific Street. It is likely that the foundation will be undermined within the next storm cycle. It is also likely that the condition of the adjacent properties will be such that if action is not taken immediately the residences will be in jeopardy. It is GSI professional opinion that the condition of the revetment requires immediate repair/maintenance to protect the life and safety of the beach going public from rock falls and water hazards, protect residential foundations, and to protect property and improvements.

The opportunity to be of service is sincerely appreciated. If you should have any questions, please do not hesitate to contact our office.

Respectfully submitted,

David W. Skelly MS, PE
RCE #47857
GeoSoils Inc.

ATTACHMENT: MHTL Survey



BASIS OF COORDINATES

THE BASIS OF COORDINATES FOR THIS SURVEY IS THE CALIFORNIA COORDINATES OF 1983 (CCS83), ZONE VI, (EPOCH 2011.00) [NAD83(NSRS2007)].
THE ELEVATIONS WERE ESTABLISHED FROM CITY OF OCEANISDE GEODETIC CONTROL NETWORK STATION 2131 ELEV. = 40.80 NAVD88.

IMAGERY

CITY OF OCEANSIDE PICTOMETRY INTL. 2017 ORTHOPHOTO IMAGERY.

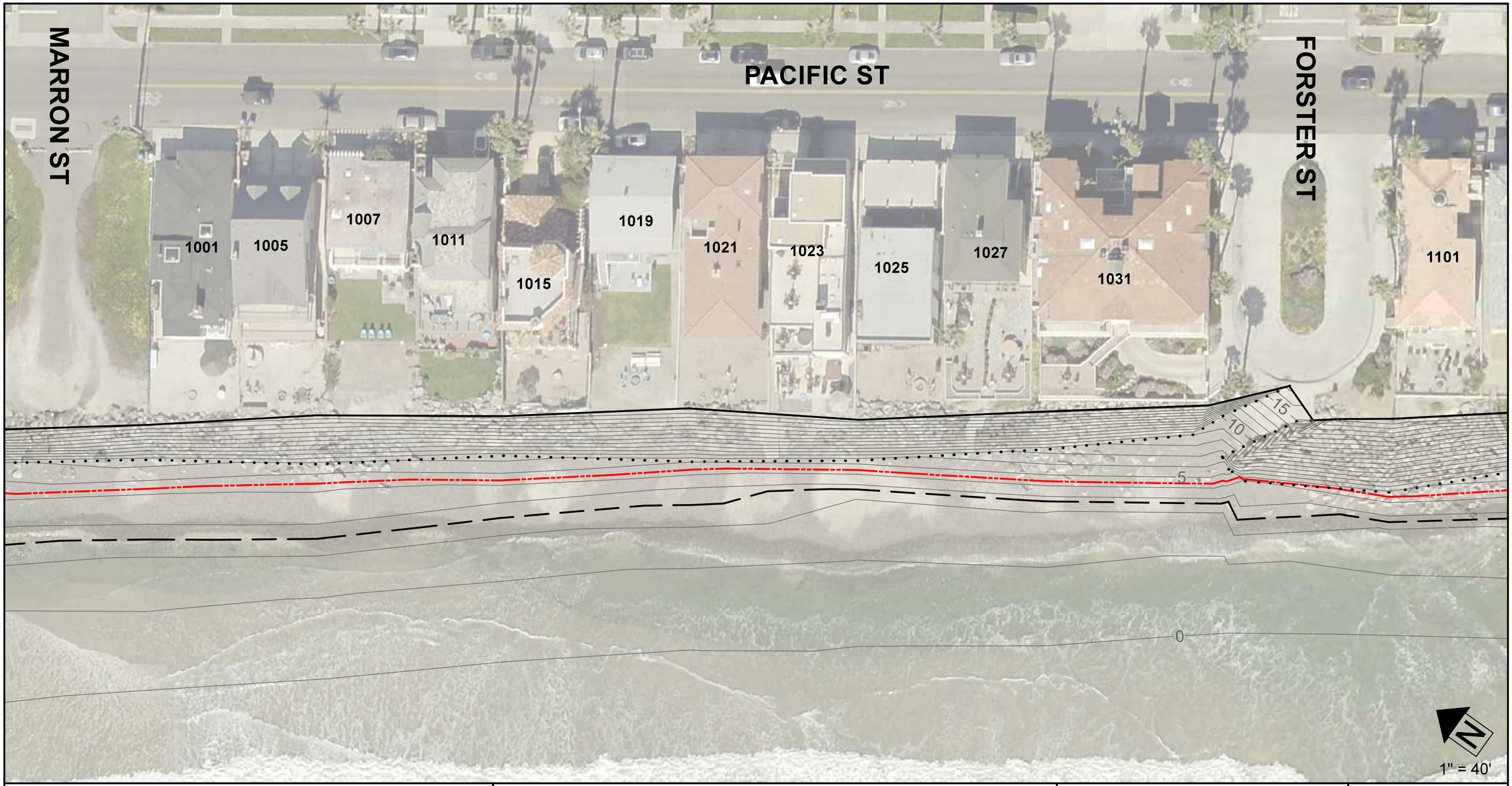
PRELIMINARY

BASIS OF TIDAL ELEVATION

THE BASIS OF TIDAL ELEVATION IS STATION 9410230, LA JOLLA, CA.
NAVD88 ELEV. = 0.19' ABOVE MLLW.
MHW = 4.60' (4.41' NAVD88) ABOVE MLLW MSL = 2.73' (2.54' NAVD88) ABOVE MLLW
TOE OF REVETMENT BASED ON INTERSECTION OF CURRENT SAND ELEVATION AT REVETMENT AND IS SUBJECT TO CHANGE AS SAND LEVEL CHANGES WITH TIME.
(MHW IS AMBULATORY SOUTH OF WISCONSIN ST. IN OCEANSIDE,CA. MHW SHOWN HEREON WAS ESTABLISHED BY A SURVEY PERFORMED 5/13/2019 THRU 5/15/2019 AND IS SUBJECT TO CHANGE WITH TIME)

- TOP OF REVETMENT
- TOE OF REVETMENT
- MEAN HIGH WATER (MHW)
- MEAN SEA LEVEL (MSL)
- CONTOUR
- MLLW..... MEAN LOWER LOW WATER

LICENSED LAND SURVEYOR
WILLIAM D. TUCK
L.S. 9282
STATE OF CALIFORNIA



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- TOE OF REVETMENT
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- CONTOUR
- MLLW..... MEAN LOWER LOW WATER

LICENSED LAND SURVEYOR
WILLIAM D. TUCK
L.S. 9282
STATE OF CALIFORNIA

EXHIBIT B

Boundary Line Agreement 37 (February 11, 1963) and Associated Maps (Larger copies of maps are available upon request to the City of Oceanside [Scott Nightingale])

Boundary Line Agreement 37

Party: CITY OF OCEANSIDE

Recording Data: UNKNOWN

W.O. No: W4141

County: SAN DIEGO

Location: CITY OF OCEANSIDE

Z 6 N 37 E 165 Z 6 N 38 E 164

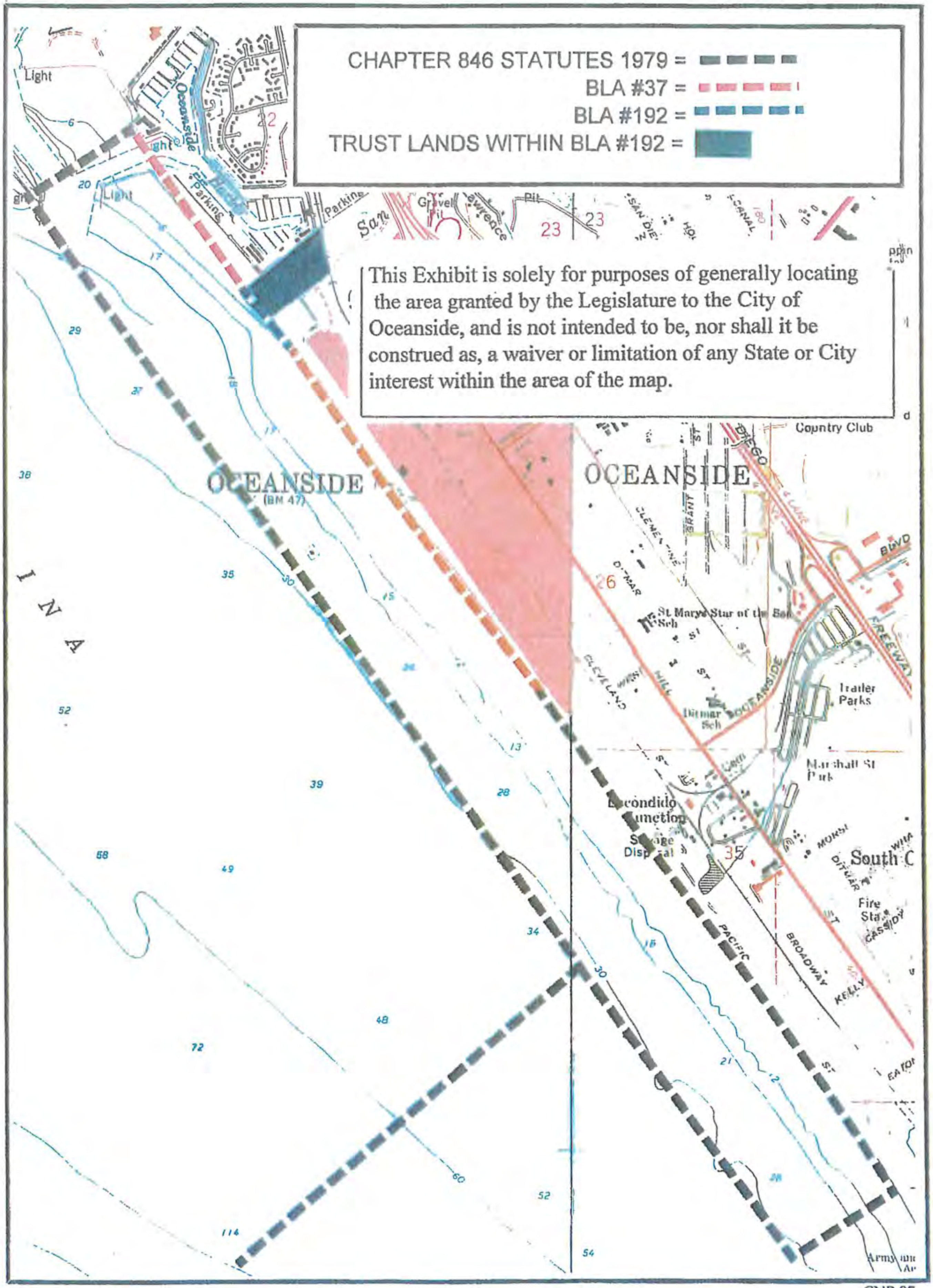
Summary: AGREEMENT, EXECUTED 2/11/1963, TO FIX AND DESCRIBE THE O.H.W.M. ALONG THE SHORE OF THE PACIFIC OCEAN. THE SHORELINE WAS ARTIFICIALLY AFFECTED BY THE CONSTRUCTION IN 1942 OF THE DEL MAR BOAT BASIN AND JETTIES. THE 1938 & 1939 O.H.W.M. WAS UTILIZED IN THIS AGREEMENT.

SEE ALSO BLA 192 AND GRANT TO THE CITY OF OCEANSIDE (G10-06).

MAP NO. CB 1169-1171 : MISC. MAP 425

Length 9,615' ±


2000
EDBW-APU-C1
197


CHAPTER 846 STATUTES 1979 =
BLA #37 =
BLA #192 =
TRUST LANDS WITHIN BLA #192 =
This Exhibit is solely for purposes of generally locating the area granted by the Legislature to the City of Oceanside, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State or City interest within the area of the map.
Light
Parking
Gravel Pit
OCEANSIDE
(BM 47)
OCEANSIDE
Country Club
BLVD
FREEWAY
Trailer Parks
PACIFIC
BROADWAY
KELLY
South C
Fire Sta
CASSIDY

CNP 97

BLA 37

Jan 24, 63

MINUTE ITEM

17. APPROVAL OF AGREEMENT STIPULATING ORDINARY HIGH WATER MARK ALONG GULF OF SANTA CATALINA AND FIXING BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY CITY OF OCEANSIDE WITHIN CITY LIMITS OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA - W.O. 4141. B.L.A. 37.

After consideration of Calendar Item 10 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE CITY OF OCEANSIDE FIXING A BOUNDARY LINE AS IS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment
Calendar Item 10 (5 pages)

BLA 37

CALENDAR ITEM

10.

APPROVAL OF AGREEMENT STIPULATING ORDINARY HIGH WATER MARK ALONG GULF OF SANTA CATALINA AND FIXING BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY CITY OF OCEANSIDE WITHIN CITY LIMITS OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA - W.O. 4141.

Wherever natural conditions along the shore of a State-owned waterway have been destroyed, the boundary becomes fixed at its last natural position, and it is desirable to map and document this fixed boundary by agreement between the State and the upland owners. The map of this fixed boundary is recorded, and the described boundary is then used in all future leases, title descriptions, etc. Such a situation exists presently at Oceanside, and an agreement with the City respecting the boundary will be needed should the City of Oceanside request a legislative grant of State tide and submerged lands.

The ocean shoreline within the northerly portion of the City of Oceanside was artificially affected by the construction in 1942 of the Del Mar Boat Basin and jetties. The extent of this artificial influence downcoast is uncertain, but in the vicinity of the Del Mar Jetty the artificial condition became very pronounced.

A Survey of Record of the Mean High Tide Line made by McKissick and Bell in 1939 is the last known survey prior to artificial changes, and has been accepted as the fixed boundary as far as the southeastern boundary of the Rancho Santa Margarita Y Las Flores. From the Rancho line to Wisconsin Avenue, a compromise line was delineated by comparing enlarged aerial photographs of 1938 and 1960 (see Exhibit "B"). As the shoreline approached Wisconsin Avenue, the divergence of the 1938 and 1960 mean high tide lines became less and they almost coincide at Wisconsin Avenue.

The City of Oceanside has reviewed the maps and form of agreement (see Exhibit "A") and has indicated approval of the permanent Ordinary High Water Mark as shown on the "Map of the Ordinary High Water Mark along the Shore of the Gulf of Santa Catalina, Vicinity of Oceanside, San Diego County, California", dated January 1962, and recorded on July 20, 1962, as Misc. Map No. 425, Records of San Diego County.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE CITY OF OCEANSIDE FIXING A BOUNDARY LINE AS IS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment
Exhibit "A"

W.O. 4141
BLA #37

BOUNDARY AGREEMENT

THIS BOUNDARY AGREEMENT, made and entered into by and between

STATE OF CALIFORNIA

(as Party of the First Part, hereinafter referred to as "the State") and

CITY OF OCEANSIDE

(as Party of the Second Part, hereinafter referred to as "the City")

W I T N E S S E T H

WHEREAS, the State acting through the State Lands Commission is authorized by Section 6357 of the Public Resources Code to establish by agreement the ordinary high water mark or the ordinary low water mark of the swamp, overflowed, marsh, tide or submerged lands of this State, whenever it is deemed expedient or necessary; and

WHEREAS, the City appears of record as owner of certain lands fronting on the tide and submerged lands along the Gulf of Santa Catalina in the vicinity of Oceanside, San Diego County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain tide and submerged land in the Gulf of Santa Catalina in the vicinity of Oceanside, San Diego County, California; and

WHEREAS, the ordinary high water mark, as it may have existed in its last natural state, has been affected by artificial and natural processes or a combination of both; and

WHEREAS, the State Lands Commission and the City consider it expedient and necessary and in the best interests of the State and the public to permanently fix and describe the boundary between State lands and City property, and forever set at rest any and all questions relating to the location of said boundary line;

NOW, THEREFORE, in order to locate, describe and permanently establish a common boundary, the parties hereto mutually agree on behalf of themselves and their successors in interest as follows:

The ordinary high water mark along the shore fronting certain lands along the Gulf of Santa Catalina and the true and correct boundary line between the State and the City is and shall be located and established along the line of the last known natural Ordinary High Water Mark as follows:

> Beginning at Sta. 1, as shown on "Map of the Ordinary High Water Mark", recorded as Misc. Map No. 425, Records of San Diego County, which is the point of intersection of the Mean High Tide Line of 1939, as shown on Record of Survey Map No. 794, San Diego County Records, and the Northwestern city limits of the City of Oceanside, and which bears N. 61° 03' 48" W., 1,199.71 feet from U.S.C.& G.S. Triangulation Sta. SIDE 1933; thence S. 33° 37' 44" E., 2227.02 feet (California Coordinate System Zone VI, as are all bearings and distances in this description) to Sta. 2 which is the intersection of the Southeastern boundary line of the Rancho Santa Margarita Y Las Flores and the Ordinary High Water Mark and which bears S. 48° 04' 45" W., 965.06 feet from Witness Corner No. 3; thence along the

Ordinary High Water Mark of 1938 S. 34° 13' 12" E., 835.49 feet to Sta. A, which bears S. 54° 13' 50" W., 302.43 feet from a 6" x 6" concrete monument and which is the end of the first segment of the permanent boundary between State lands and City of Oceanside property; thence S. 34° 13' 12" E., 1095 feet, more or less to STA. C, which is the True Point of Beginning of the second segment of the permanent boundary and which station is the point of intersection of the southwesterly extension of the northwestern line of 9th Street with the Ordinary High Water Mark of 1938; thence along the Ordinary High Water Mark of 1938 the following courses: S. 34° 13' 12" E., 1194.71 feet more or less to Sta. 3, thence S. 36° 24' 02" E., 1196.44 feet, S. 36° 57' 09" E., 969.80 feet and S. 36° 08' 27" E., 3191.06 feet to Sta. 6, which is the end of the second segment of this permanent boundary line, and which also is the intersection of the permanent boundary line and the southwesterly prolongation of the southeastern right of way line of Wisconsin Avenue.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates hereafter written.

CITY OF OCEANSIDE

February 6, 1963
Date of Signature

By Erwin Sklar
Mayor

February 6, 1963
Date of Signature

By Tom Lapham
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this 6th day of February, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ERWIN SKLAR and TOM LAPHAM known to me to be the Mayor and City Clerk, respectively, of CITY OF OCEANSIDE, described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the city therein named, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Dale Austin

Dale Austin
Name (typed or printed)
Notary Public in and for said County and State.

FILE COPY

APPROVED:

Section Head
Fiscal
Legal
A.E.O.

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

FEB 11 1963
Date of Signature

By F. J. Hortig
F. J. HORTIG
Executive Officer

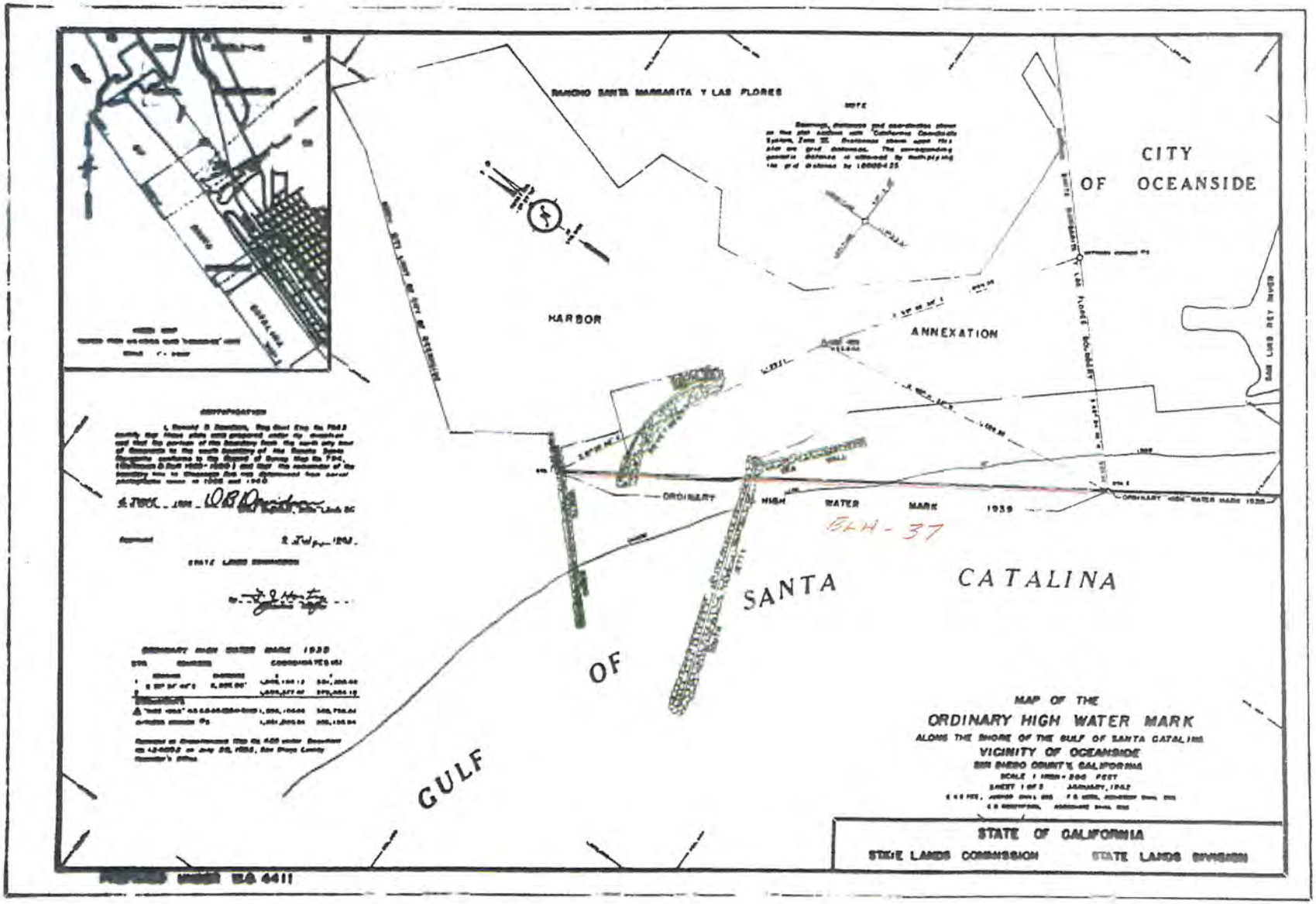
STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On this 11th day of February, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared F. J. HORTIG known to me to be the Executive Officer of the State Lands Commission, the political body that executed the within instrument, and also known to me to be the person who executed it on behalf of the political body therein named, and acknowledged to me that he executed the same.

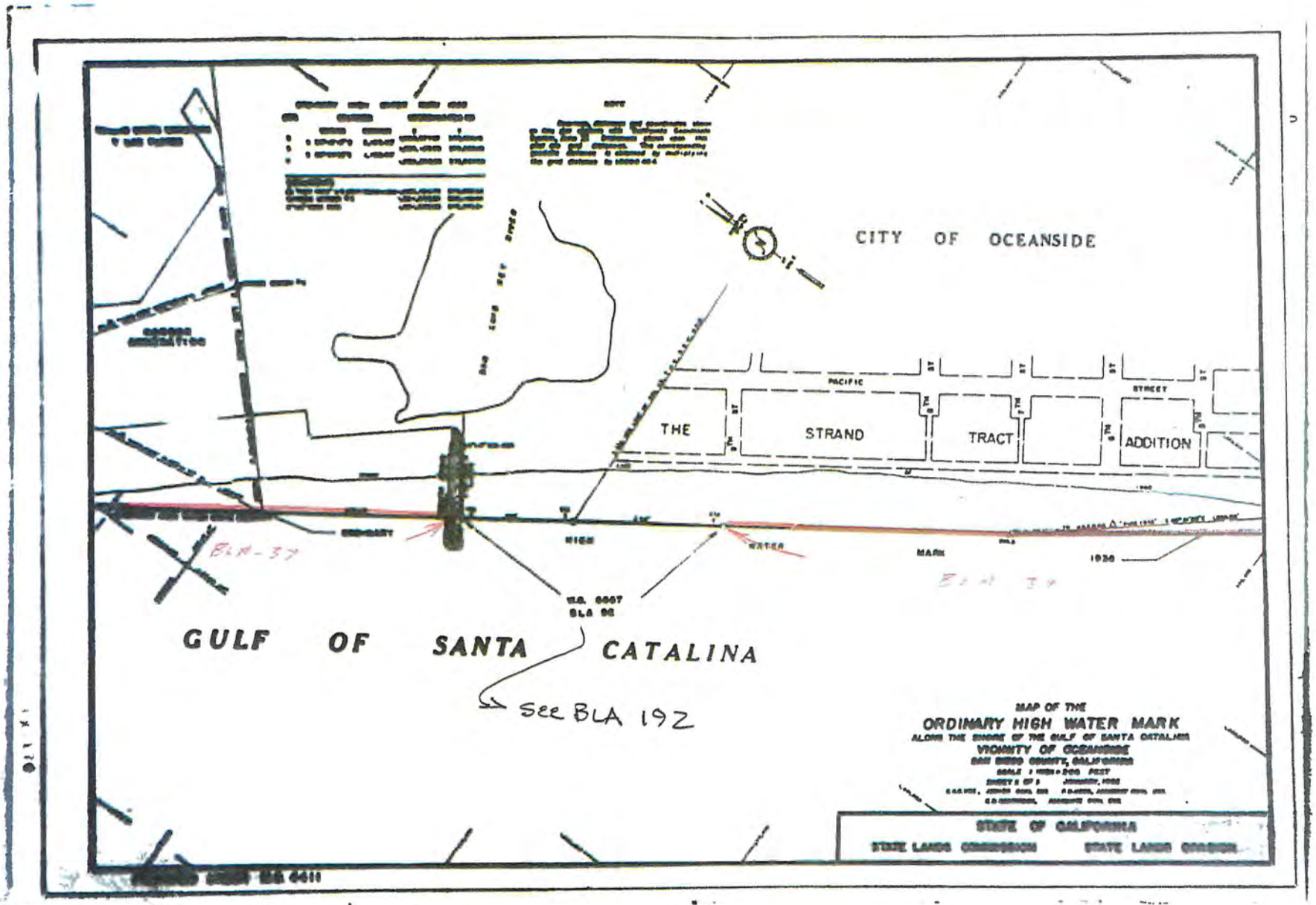
WITNESS my hand and official seal.

Myrtle Stratton

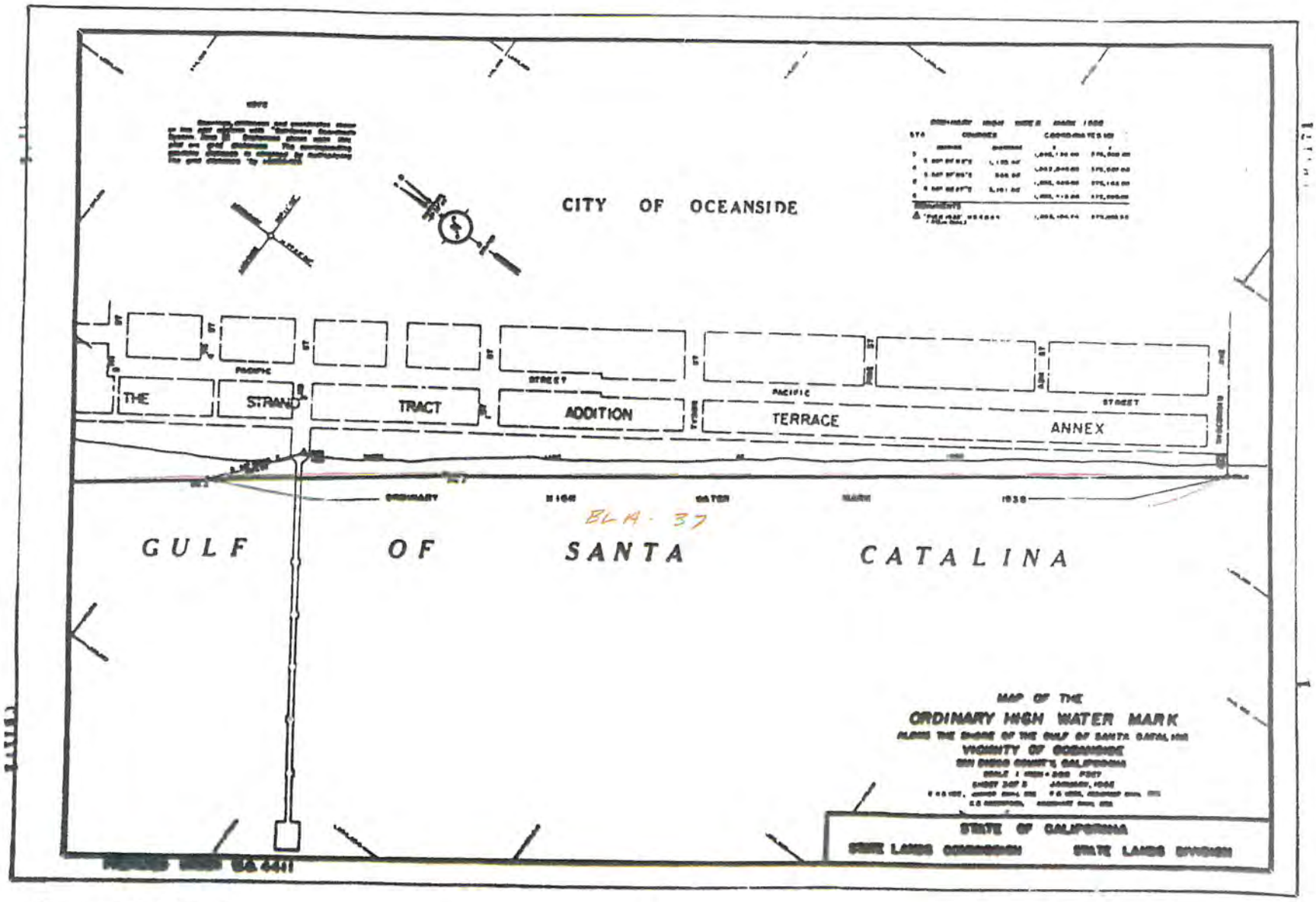
MYRTLE STRATTON, Notary Public
My Commission Expires October 30, 1966
Name (typed or printed)
Notary Public in and for said
County and State.


RANCHO SANTA MARGARITA Y LAS FLORES
CITY OF OCEANSIDE
HARBOR
ANNEXATION
ORDINARY HIGH WATER MARK 1939
SANTA CATALINA
GULF OF
MAP OF THE
ORDINARY HIGH WATER MARK
ALONG THE SHORE OF THE GULF OF SANTA CATALINA
VICINITY OF OCEANSIDE
SAN DIEGO COUNTY, CALIFORNIA
STATE OF CALIFORNIA
STATE LANDS COMMISSION
STATE LANDS DIVISION

CB 1169


CITY OF OCEANSIDE
PACIFIC
STREET
THE
STRAND
TRACT
ADDITION
HIGH
WATER
MARK
1936
BLA-37
GULF OF SANTA CATALINA
See BLA 192
MAP OF THE
ORDINARY HIGH WATER MARK
VICINITY OF OCEANSIDE
STATE OF CALIFORNIA

CB1170


CITY OF OCEANSIDE
THE STRAND
TRACT
ADDITION
TERRACE
ANNEX
PACIFIC
STREET
ORDINARY HIGH WATER MARK
BLA-37
GULF OF SANTA CATALINA
MAP OF THE
ORDINARY HIGH WATER MARK
VICINITY OF OCEANSIDE
STATE OF CALIFORNIA
STATE LANDS COMMISSION
STATE LANDS DIVISION

CB 1171

CHAPTER 846

An act relating to tide and submerged lands in the City of Oceanside, and in this connection repealing Chapter 217 of the Statutes of 1963, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1979 Filed with Secretary of State September 22, 1979]

The people of the State of California do enact as follows:

SECTION 1. Chapter 217 of the Statutes of 1963 is repealed.

SEC. 2. There is hereby granted to the City of Oceanside, hereinafter referred to as "the trustee" all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty in and to all tide and submerged lands, whether filled or unfilled, situated in the County of San Diego and described in Section 14. Such lands shall be held by the trustee and its successors, in trust for the benefit of all the people of the state for purposes of commerce, navigation and fisheries, and for other public purposes, including, but not limited to, preservation of the lands in their natural state for scientific study, open space, or wildlife habitat, and recreational uses as more particularly provided in this act. This grant

is subject to the following express conditions:

(a) That the lands shall be used by the trustee and its successors, for purposes in which there is a general statewide interest. The use of the lands shall be in conformity with a general use proposal adopted by the trustee and reviewed and approved by the State Lands Commission. Changes or amendments to the general use proposal shall be reviewed and approved by the commission as provided under Section 4.

(b) That the trustee or its successors, shall not at any time grant, convey, give, or alienate the lands, or any part thereof, to any individual firm or corporation for any purposes whatsoever; except that the trustee or its successors may grant franchises thereon for limited periods not exceeding 66 years for wharves and other public uses and purposes, may lease the lands, or any part thereof, for limited periods not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held; and may collect and retain rents and other revenues from such leases, franchises, and privileges under rules and regulations adopted in accordance with the provisions of Section 6.

Nothing contained in this subdivision shall be deemed to affect the validity or terms of any franchise granted by the trustee under Division 3 (commencing with Section 6001) of the Public Utilities Code, and any such franchise shall be effective with respect to the affected lands when title thereto passes to the trustee under this act.

(c) That in the management, conduct, operation and control of the lands or any improvement, betterments, or structures thereon, the trustee or its successors shall make no discrimination in rates, tolls, or charges for any use or service in connection therewith.

(d) That the state shall have the right to use without charge any transportation, landing, or storage improvements, betterments, or structures, other than those improvements or structures owned or operated by a public utility, constructed upon the lands for any vessel or other watercraft or railroad owned or operated by the state.

(e) That there is reserved to the people of the State of California the absolute right to fish in the waters over the lands, with the right of convenient access to such waters over the lands for such purpose.

(f) That there is excepted and reserved to the state all remains of archaeological and historical significance and all deposits of minerals, including, but not limited to, all substances specified in Section 6407 of the Public Resources Code, in the lands, and the right to prospect for, mine, and remove such deposits from the lands.

(g) That the trustee shall not authorize a capital outlay project, lease, or agreement, for port facilities such as marine terminals, pipelines, or other related energy facilities on state tide and submerged lands which have been granted in trust without first requesting and receiving the approval, in writing, of the State Lands Commission. Prior to approving any such capital outlay projects, leases, or agreements, the commission shall consult with other governmental agencies and shall determine that such project is in

the best interest of the people of the state and consistent with provisions of law, and that the allocation between the state and the trustee of any revenues generated as a result of such project, lease, or agreement, shall be in accordance with provisions for allocation of excess revenue contained in Section 11.

SEC. 3. On or before September 30 of the succeeding fifth year commencing on September 30, 1984, the trustee shall submit a report of its utilization of granted tidelands for each immediately preceding five-year period ending with June 30 of the calendar year in which the report is required to be submitted.

The report required by this section shall include all of the following:

(a) A general description of the uses to which the granted tidelands have been placed during the period covered by the report.

(b) A list of the owners and holders of leases, permits, and franchises granted or issued by the trustee, which list shall specify, as to each such owner or holder:

(1) The use to which the granted tidelands have been placed by the owner or holder.

(2) The consideration provided for in each such lease, permit, or franchise and the consideration actually received by the trustee for the lease, permit, or franchise granted or issued.

(3) An enumeration of the restrictions which the trustee has placed on the use of the granted tidelands and each area thereof for the period covered by the report.

SEC. 4. (a) The trustee shall submit to the State Lands Commission by January 1, 1982, a general use proposal indicating details of intended development, preservation, or other use of the granted tide and submerged lands, and covering a period of not less than five years.

(b) The general use proposal may consist of any plan, program, or other document which includes all of the following:

(1) A general description of the type of uses planned or proposed for the granted lands. The location of such land uses shall be shown on a map or aerial photograph.

(2) The projected statewide benefit to be derived from the planned or proposed uses of the tidelands, including, but not limited to, the financial benefit, the benefit to commerce, navigation and fisheries, and the recreational, educational, or industrial benefit.

(3) The proposed method of financing the planned or proposed uses of the requested tidelands, including estimated capital costs, annual operating costs, and anticipated annual revenues.

(4) An estimated timetable for implementation of the general use proposal or any phase thereof.

(5) A description of how the trustee proposes to protect and preserve natural and man-made resources in connection with the use of granted lands.

(c) The trustee shall submit to the commission all changes and amendments to the general use proposal.

(d) The commission shall review with reasonable promptness the general use proposal submitted by the trustee, and any changes or amendments, to determine that they are in accordance with the public trust obligation and the requirements of this act. On the basis of such review, the commission shall furnish the trustee with its formal recommendations.

SEC. 5. The trustee shall demonstrate good faith in carrying out the provisions of its general use proposal and amending it when necessary in accordance with Section 4. If the State Lands Commission determines that the trustee has substantially failed to improve, restore, preserve, or maintain the lands within its grant, as required by the general use proposal, or demonstrates unreasonable delay in adopting the proposal, all right, title, and interest of the trustee in and to all lands held by virtue of its granting shall cease and all right, title, and interest in the lands shall revert to the state. All improvements, restoration, preservation, or maintenance of the granted lands shall be effected in accordance with the general use proposal.

SEC. 6. (a) The governing body of the trustee shall, by July 1, 1980, submit to the State Lands Commission for its approval, a procedure, rules, and regulations to govern the issuance, renewal, or renegotiation of any lease of granted tide and submerged lands, or any development thereon. Such rules and regulations shall specify lease rates, the bases upon which such rates are established, lease terms and conditions, provisions for renegotiation of rates, terms, and assignments, and such other information as may be required by the commission

(b) All leases, franchises, or agreements proposed or entered into by any trustee after the effective date of this section shall be consistent with the provisions of the general use proposal submitted by the trustee.

(c) Upon request, the trustee shall submit to the commission a copy of all leases, franchises, and agreements entered into, renewed, or renegotiated.

SEC. 7. The trustee shall, with approval from the State Lands Commission, establish accounting procedures whereby an accurate record of all revenues derived from the use of granted lands and of all expenditures of any such revenues shall be maintained. The purpose of this requirement is to provide for the segregation of funds derived from the use of the granted lands in order to ensure that they are only expended to enhance such lands in accordance with the trust uses and purposes upon which the granted lands are held.

In addition to any other expenditure which may be permitted by this act, the trustee shall be permitted to expend revenues derived from granted lands to acquire or improve lands immediately adjacent to the lands granted by this act for the purposes authorized in this act. Any such acquisition or improvement shall become a part

of the trust created by this act and shall become subject to the provisions of the public trust for commerce, navigation, and fishing, from the time of the expenditure forward.

SEC. 8. Property acquired with such revenues shall be considered an asset of the trust and subject to the terms and conditions of this act.

SEC. 9. Notwithstanding any other provision of law, the trustee shall, on or before October 1 of each year, cause to be made and filed with the State Lands Commission a detailed statement of all revenue and expenditures thereof from the administration of the lands, including obligations incurred but not yet paid. The statement shall be in a form specified by the commission and shall cover the fiscal year preceding its submission.

SEC. 10. As to the expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the trustee shall file with the State Lands Commission a detailed description of the capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith. Within 90 days after the time of such filing, the commission shall determine whether such capital improvement is in the statewide interest and is consistent with the conditions of this act. The commission may request the opinion of the Attorney General on the matter. A copy of any opinion so requested shall be delivered to the trustee with the notice of its determination. In the event that the commission notifies the trustee that the capital improvement is not authorized, the trustee shall not disburse any revenue for or in connection with the capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The trustee is authorized to bring suit against the state for the purpose of securing such an order or judgment, which suit shall have priority over all other civil matters. Service shall be made upon the executive officer of the commission and the Attorney General, and the Attorney General shall defend the state in the suit. If judgment is given against the state, no costs may be recovered.

SEC. 11. On June 30, 1982, and at the end of every third fiscal year thereafter, that portion of the trustee's tideland trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tideland trust activities, shall be deemed excess revenues; except that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands made for purposes authorized by this act may be considered as expenditures for the purpose of determining excess revenues.

The excess revenues, as determined pursuant to this section, shall

be allocated as follows: 85 percent shall be transmitted to the State Treasurer for deposit in the General Fund in the State Treasury; and 15 percent to the trustee for expenditures consistent with the provisions of this act.

SEC. 12. The State Lands Commission shall, from time to time, institute a formal inquiry to determine if the terms and conditions of this act, and amendments thereto, have been complied with, and if all other applicable provisions of law concerning these specific granted lands are being complied with in good faith. In this regard, and in addition to the other powers and duties specifically delegated to it, the commission may examine any records and materials relating to the administration of the granted tidelands it deems necessary in connection therewith, including, but not limited to, financial records of the trustee.

SEC. 13. (a) The trustee may establish the ordinary high-water mark or the ordinary low-water mark of any of the lands hereby granted, by agreement, arbitration, or action to quiet title, whenever the trustee deems it expedient. Any establishment of an ordinary high-water mark or ordinary low-water mark by arbitration or agreement shall not be effective until approved by the State Lands Commission.

(b) Whenever it shall appear to the trustee to be expedient for the settlement of boundary and title disputes, and to be in the best interests of the state for the purposes specified in Section 2, and that no substantial interference with the trust uses and purposes would ensue, the trustee may exchange lands of equal or greater value with any state agency, political subdivision, person, or the United States or any agency thereof. In any such exchange, all right, title, and interest in and to all deposits of minerals, including oil and gas and geothermal resources, in the lands to be received by the trustee, and the right to prospect for, mine, and remove such deposits from such lands or to authorize persons to prospect for, mine, and remove such deposits, shall be transferred to the state. Any land so acquired shall have the same status as to administration, control, and disposition as the lands for which it was exchanged. No such exchange shall be effective unless and until the State Lands Commission (1) makes a finding that the lands to be acquired by the trustee and the mineral rights to be transferred to the state are of equal or greater value than the lands and mineral rights for which they are to be exchanged and (2) approves the exchange.

(c) The lands exchanged may be improved, filled, and reclaimed by the grantee, subject to all necessary approvals by local, regional, state, or federal entities. Upon the adoption of a resolution by the State Lands Commission finding and declaring that such lands have been improved, filled, and reclaimed, and have thereby been excluded from the public channels and are no longer available, useful, or susceptible of being used for navigation and fishing and for other trust uses and purposes, and are no longer in fact tidelands or submerged lands, such lands shall thereupon be free from the public

trust upon which they are held.

SEC. 14 The land granted in Section 2 is that parcel of sovereign tide and submerged land in the Pacific Ocean, in the Gulf of Santa Catalina, vicinity of the City of Oceanside, San Diego County, State of California, within the area more particularly described as follows:

COMMENCING at National Geodetic Survey monument "Side-1933" having California Zone VI Coordinates X=1,650,194.05, Y=380,758 02 as shown on the map of the State Grant to the City of Oceanside dated October 22, 1966, and recorded as Miscellaneous Map No. 493, Official Records San Diego County; thence N 61° 03′ 48″ W 1199.71 feet to Station 1 as shown on such map, such point being the TRUE POINT OF BEGINNING; thence southeasterly to Station 22 as shown on such map; thence the following seven courses:

1 S 56° 52′ 16″ W, 1,866.45 feet;
2 N 35° 29′ 20″ W, 5,448 12 feet;
3 S 49° 54′ 49″ W, 7,009.52 feet;
4 N 40° 05′ 11″ W, 20 00 feet;
5 N 49° 54′ 49″ E, 7,011.13 feet;
6 N 35° 29′ 20″ W, 14,463.64 feet,
7 N 56° 22′ 16″ E, 1,865.85 feet

to the true point of beginning; together with any sovereign lands lying landward of the line between Stations 1 through 22 shown on the above mentioned map, including the sovereign interests of the State of California in lagoons, estuaries, and rivers within the city limits of the City of Oceanside.

SEC. 15 Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to those sections because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to carry out the program specified in this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code

SEC 16 This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are

This act is necessary to ensure that the resources at the mouth of the San Luis Rey River are duly protected In order to provide such protection at the earliest possible time it is necessary that this act go into immediate effect.

CHAPTER 217

An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Oceanside in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed in trust to the City of Oceanside (hereinafter referred to as the "city") in the County of San Diego, State of California, all the right, title and interest of the State of California (hereinafter referred to as the "State"), except as hereinafter reserved and upon the conditions specified herein, held by said State by virtue of its sovereignty in and to all of the certain tide and submerged lands under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

Beginning at the point of intersection of the northern city limit of the City of Oceanside and the ordinary high water mark of the Pacific Ocean; thence extending out into the Pacific Ocean at a 90 degree angle from the general direction

of the shore in the vicinity of said northern city limit for three statute miles to a point; thence in a southeasterly direction parallel to the ordinary high water mark to a point on a line drawn at a 90 degree angle from the general direction of the shore at the intersection of the southern city limit and the ordinary high water mark; thence along said line drawn at a 90 degree angle from the general direction of the shore to the intersection of the ordinary high water mark with the southern city limits; thence northwesterly following the ordinary high water mark to the point of beginning.

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of [illegible] roads and [illegible] ents incidental to [illegible].

(c) T[illegible]d maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California and with the requirements of commerce and navigation at said harbor. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest [illegible] shall revert to and revest in the State.

SEC. 5. [illegible] the city shall have [illegible] s, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon, from and after the effective date of the grant, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm

or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

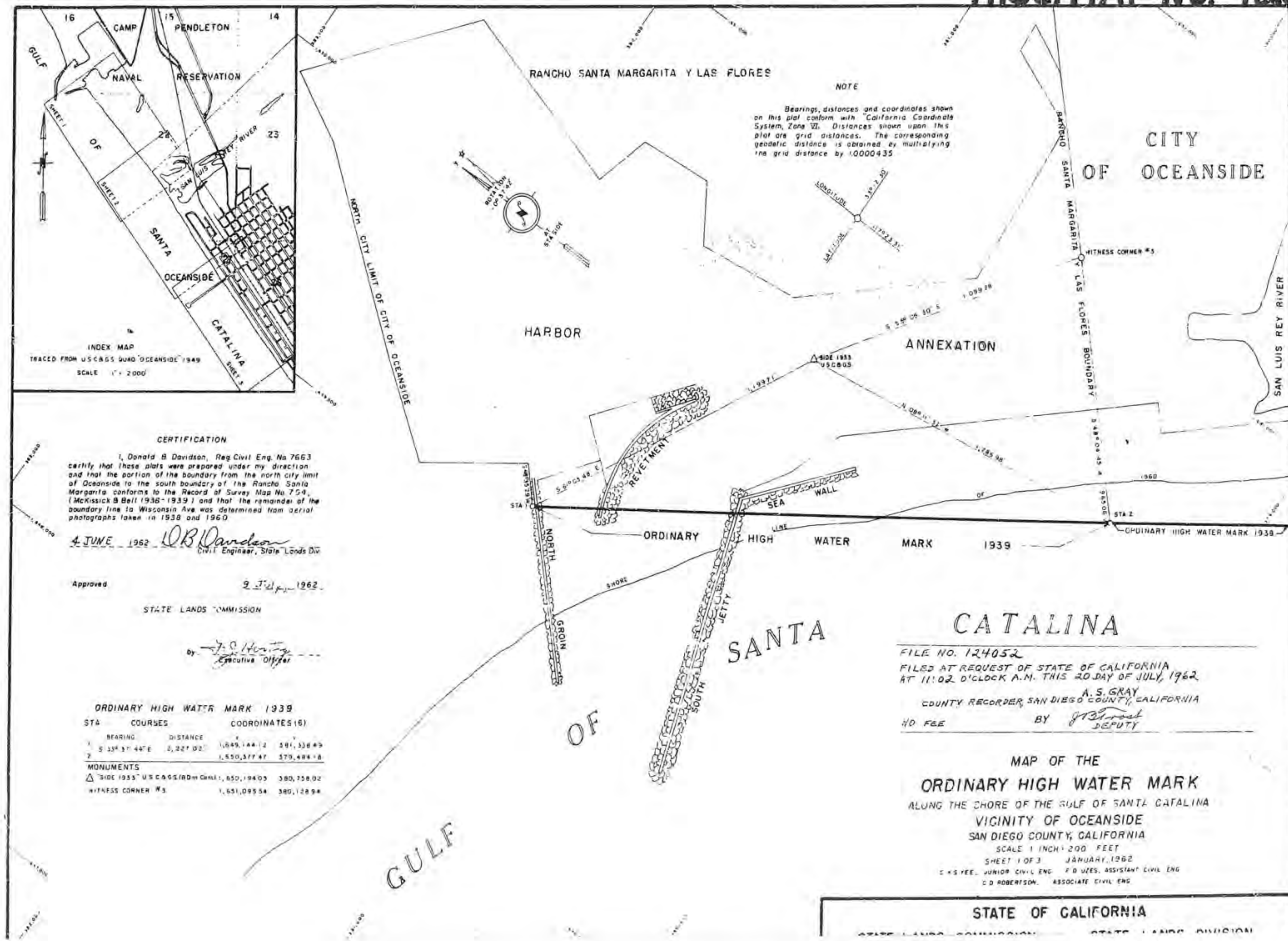
SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the granted lands, prepare a metes and bounds description and plat of the granted lands, and record such description and plat in the office of the County Recorder of San Diego County.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

MM 00925 BAA37

MISC. MAP NO. 42.5



NOTE

Bearings, distances and coordinates shown on this plat conform with "California Coordinate System, Zone VI. Distances shown upon this plat are grid distances. The corresponding geodetic distance is obtained by multiplying the grid distance by 1.0000435

CERTIFICATION

I, Donald B Davidson, Reg Civil Eng. No 7663 certify that these plats were prepared under my direction and that the portion of the boundary from the north city limit of Oceanside to the south boundary of the Rancho Santa Margarita conforms to the Record of Survey Map No 754, (McKissick & Bell 1936-1939) and that the remainder of the boundary line to Wisconsin Ave was determined from aerial photographs taken in 1938 and 1960

4 JUNE 1962 D.B. Davidson
Civil Engineer, State Lands Div

Approved 9 July 1962

STATE LANDS COMMISSION

by F. J. Hortig
Executive Officer

ORDINARY HIGH WATER MARK 1939

STA	COURSES		COORDINATES (6)	
	BEARING	DISTANCE	x	y
1	S 33° 37' 44" E	2,221.02'	1,649,144.12	381,336.49
2			1,550,377.47	379,484.18
MONUMENTS				
△ "SIDE 1933" U.S.C.&G.S. (RD in Conc)			1,650,194.05	380,758.02
WITNESS CORNER #3			1,651,095.54	380,128.94

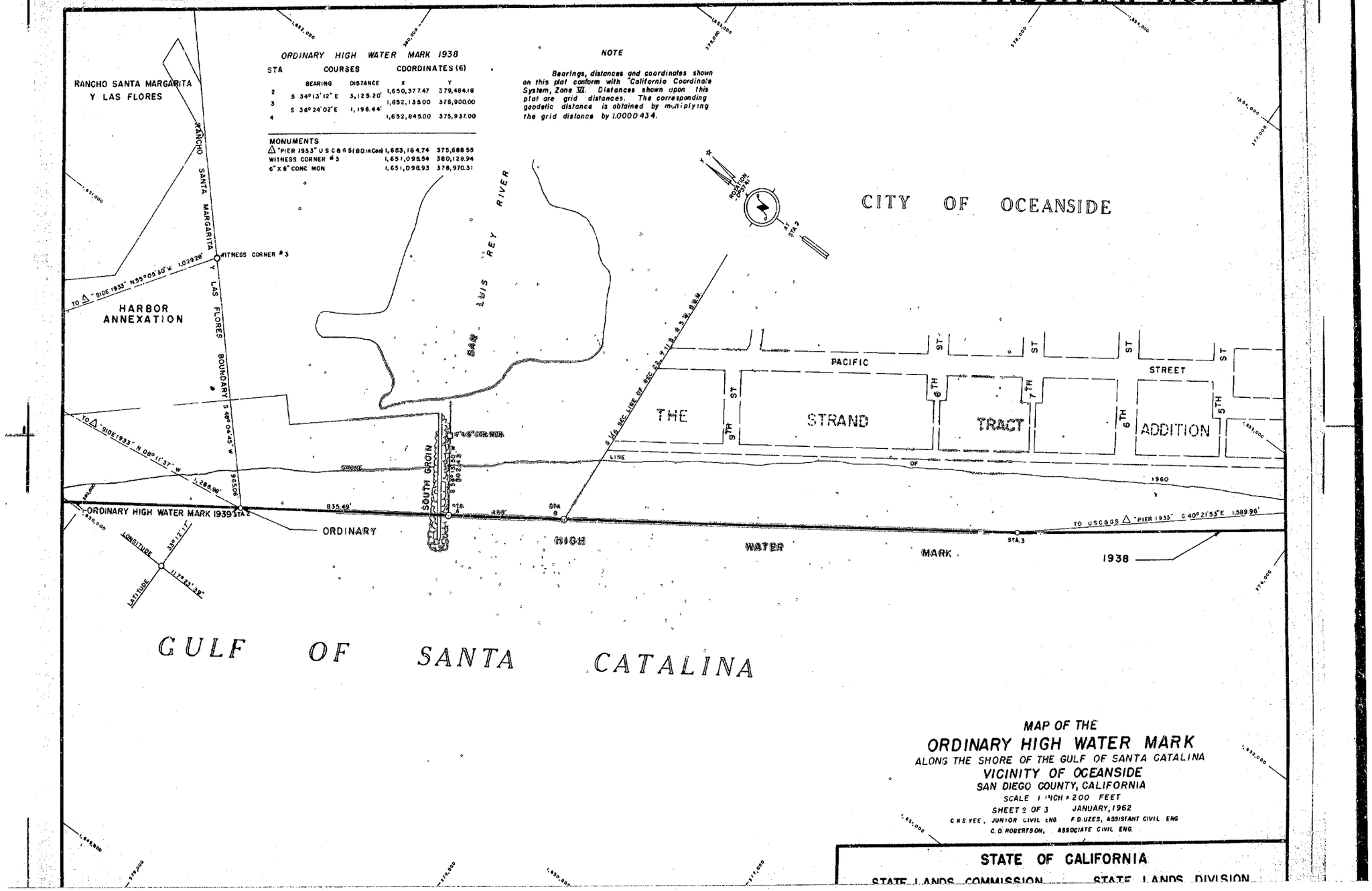
CATALINA

FILE NO. 124052
FILED AT REQUEST OF STATE OF CALIFORNIA AT 11:02 O'CLOCK A.M. THIS 20 DAY OF JULY, 1962
A. S. GRAY
COUNTY RECORDER, SAN DIEGO COUNTY, CALIFORNIA
NO FEE BY J. B. Frost DEPUTY

MAP OF THE
ORDINARY HIGH WATER MARK
ALONG THE SHORE OF THE GULF OF SANTA CATALINA
VICINITY OF OCEANSIDE
SAN DIEGO COUNTY, CALIFORNIA
SCALE 1 INCH = 200 FEET
SHEET 1 OF 3 JANUARY, 1962
E. K. S. FEE, JUNIOR CIVIL ENG F. D. UZES, ASSISTANT CIVIL ENG
C. D. ROBERTSON, ASSOCIATE CIVIL ENG

STATE OF CALIFORNIA
STATE LANDS COMMISSION — STATE LANDS DIVISION

MISC. MAP NO. 425



MAP OF THE
ORDINARY HIGH WATER MARK
ALONG THE SHORE OF THE GULF OF SANTA CATALINA
VICINITY OF OCEANSIDE
SAN DIEGO COUNTY, CALIFORNIA
SCALE 1 INCH = 200 FEET
SHEET 2 OF 3 JANUARY, 1962
C.K.S. YEE, JUNIOR CIVIL ENG. F.D.UZES, ASSISTANT CIVIL ENG.
C.D. ROBERTSON, ASSOCIATE CIVIL ENG.

STATE OF CALIFORNIA
STATE LANDS COMMISSION STATE LANDS DIVISION

MISC. MAP NO. 425

NOTE

Bearings, distances and coordinates shown on this plat conform with "California Coordinate System, Zone VI" Distances shown upon this plat are grid distances The corresponding geodetic distance is obtained by multiplying the grid distance by 1.0000429.

ORDINARY HIGH WATER MARK 1938

STA	COURSES		COORDINATES (6)	
	BEARING	DISTANCE	X	Y
3			1,652,135.00	376,900.00
	S 36° 24' 02" E	1,196.44'		
4			1,652,845.00	375,937.00
	S 36° 57' 09" E	969.80		
5			1,653,428.00	375,162.00
	S 38° 06' 27" E	3,191.06'		
6			1,655,410.00	372,585.00

MONUMENTS

△ "PIER 1933" U.S.C.&G.S. (R.D. in Conc.) 1,653,164.74 375,681.55

CITY OF OCEANSIDE

PACIFIC STREET

PACIFIC TERRACE ANNEX

THE STRAND 3RD TRACT ADDITION

4TH ST

5TH ST

ASH ST

WISCONSIN AVE

PIER 1933

S 52° 03' 06" E 804.92

STA. 4

STA 5

STA. 6

SHORE LINE OF 1980

ORDINARY HIGH WATER MARK 1938

GULF OF SANTA CATALINA

MAP OF THE

ORDINARY HIGH WATER MARK

ALONG THE SHORE OF THE GULF OF SANTA CATALINA

VICINITY OF OCEANSIDE

SAN DIEGO COUNTY, CALIFORNIA

SCALE 1 INCH = 200 FEET

SHEET 3 OF 3 JANUARY, 1962

C.K.S. YEE, JUNIOR CIVIL ENG F.D. UZES, ASSISTANT CIVIL ENG

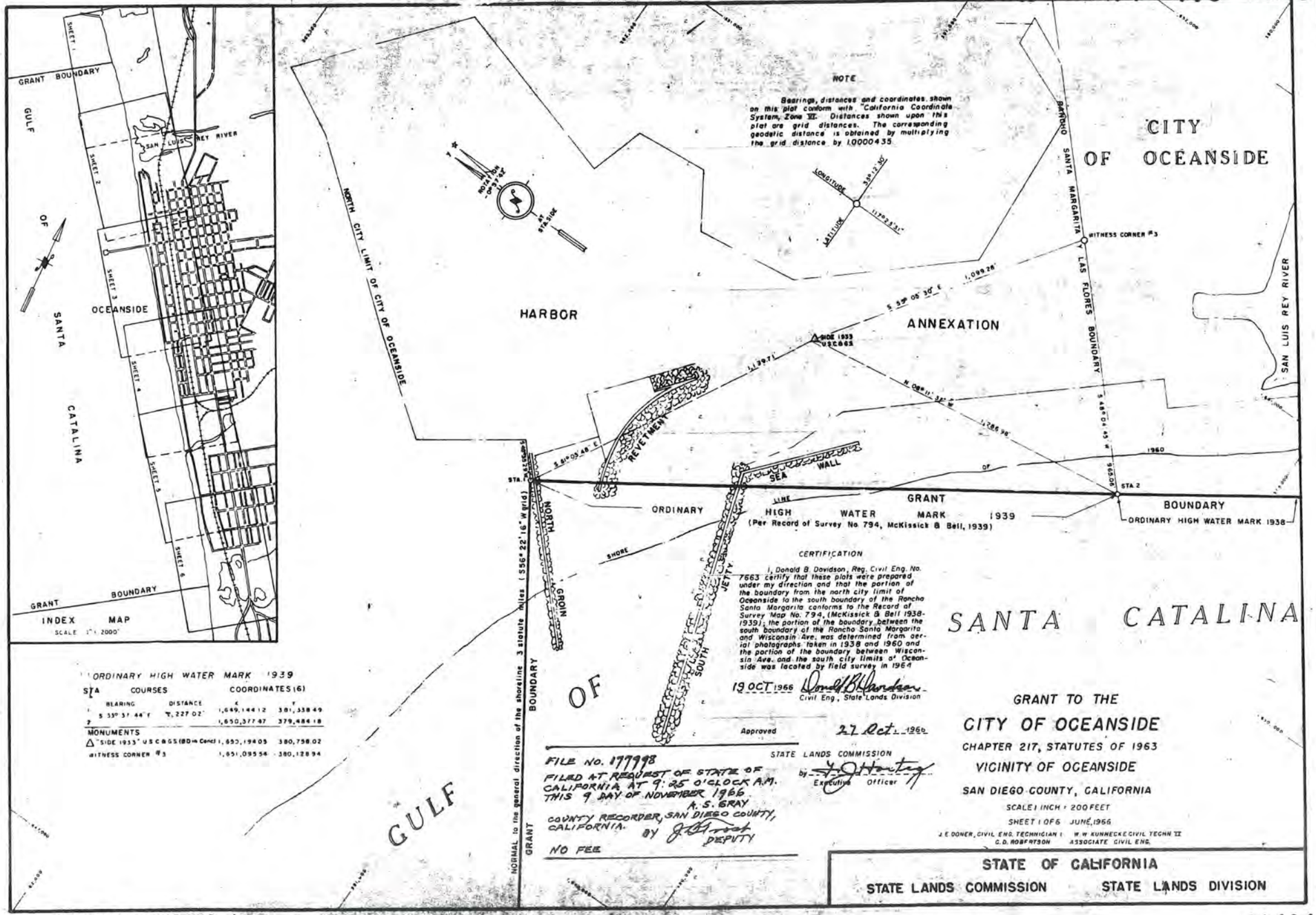
C.D. ROBERTSON, ASSOCIATE CIVIL ENG

STATE OF CALIFORNIA

STATE LANDS COMMISSION STATE LANDS DIVISION

MM-00493 State Coastal Land Grant

MISC. MAP No. 493



ORDINARY HIGH WATER MARK 1939

STA	COURSES BEARING	DISTANCE	COORDINATES (6) N	E
1			1,649,144.12	381,338.49
	S 53° 37' 44" E	1,227.02'		
2			1,650,377.67	379,484.18

MONUMENTS

△ "SIDE 1933" USC&GS (BD in Conc)	1,650,194.05	380,758.02
WITNESS CORNER #3	1,651,095.56	380,128.94

CERTIFICATION

I, Donald B. Davidson, Reg. Civil Eng. No. 7663 certify that these plats were prepared under my direction and that the portion of the boundary from the north city limit of Oceanside to the south boundary of the Rancho Santa Margarita conforms to the Record of Survey Map No. 794, (McKissick & Bell 1938-1939); the portion of the boundary between the south boundary of the Rancho Santa Margarita and Wisconsin Ave. was determined from aerial photographs taken in 1938 and 1960 and the portion of the boundary between Wisconsin Ave. and the south city limits of Oceanside was located by field survey in 1964

19 OCT 1966 Donald B. Davidson
Civil Eng., State Lands Division

Approved 27 Oct., 1966
STATE LANDS COMMISSION
by J. J. Hunting
Executive Officer

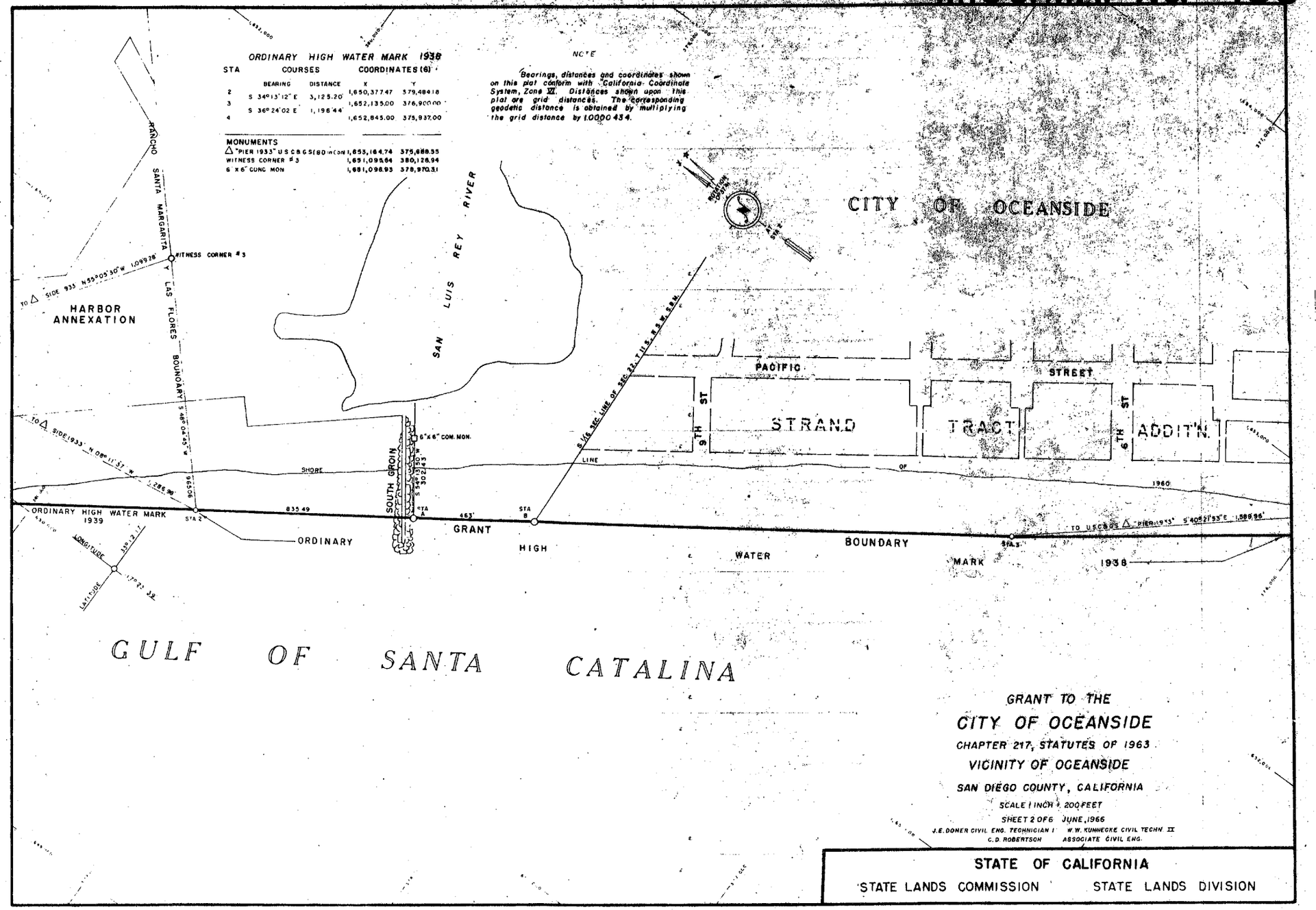
FILE NO. 177998
FILED AT REQUEST OF STATE OF CALIFORNIA AT 9:25 O'CLOCK A.M. THIS 9 DAY OF NOVEMBER 1966
A. S. GRAY
COUNTY RECORDER, SAN DIEGO COUNTY, CALIFORNIA.
BY J. J. Hunting DEPUTY
NO FEE

STATE OF CALIFORNIA
STATE LANDS COMMISSION STATE LANDS DIVISION

PREPARED UNDER W.O. 4872

M-164

MISC. MAP No. 493



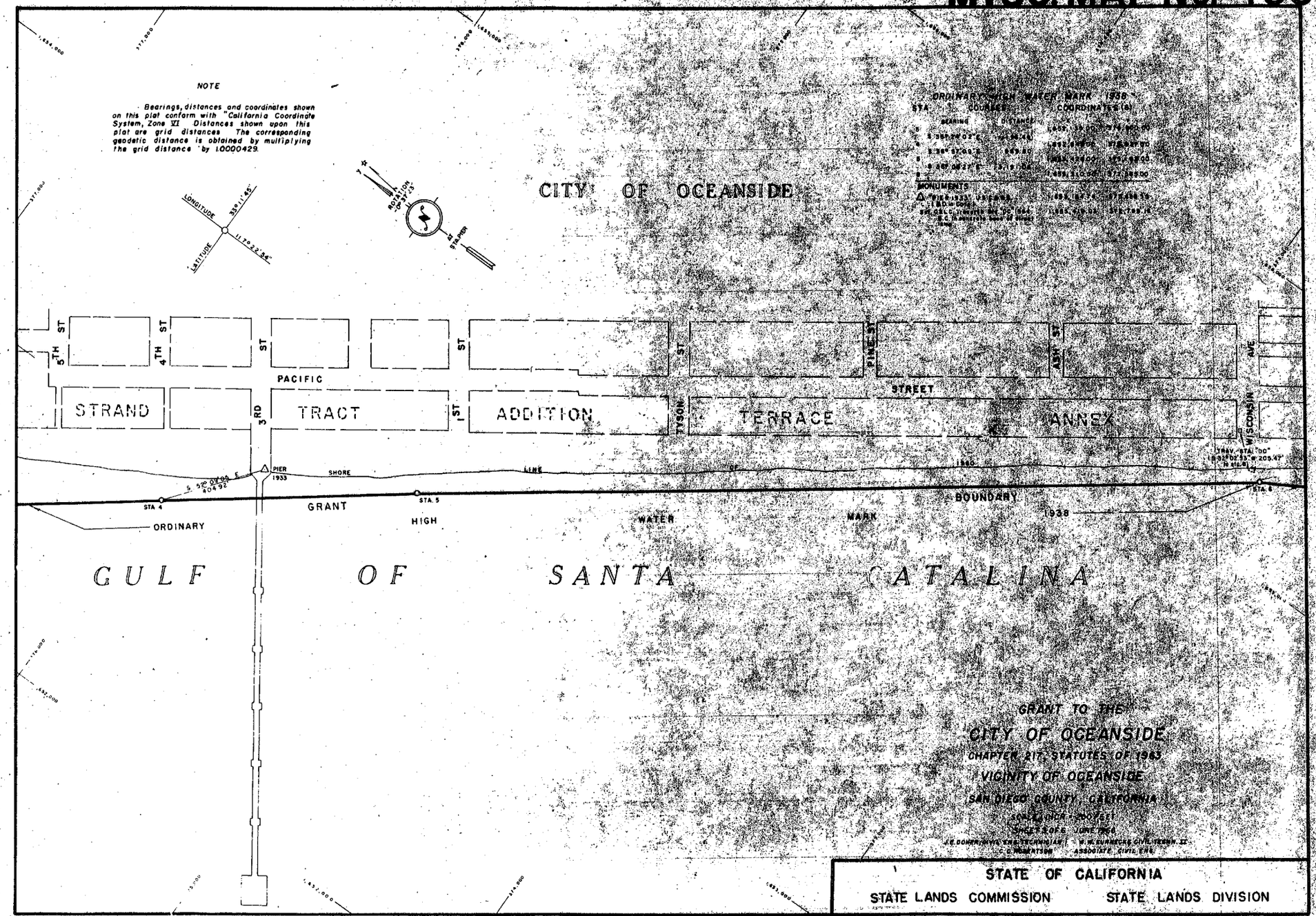
GRANT TO THE
CITY OF OCEANSIDE
CHAPTER 217, STATUTES OF 1963
VICINITY OF OCEANSIDE
SAN DIEGO COUNTY, CALIFORNIA
SCALE 1 INCH = 200 FEET
SHEET 2 OF 6 JUNE, 1966
J.E. DONER CIVIL ENG. TECHNICIAN I W.W. KUNNECKE CIVIL TECHN. II
C.D. ROBERTSON ASSOCIATE CIVIL ENG.

STATE OF CALIFORNIA
STATE LANDS COMMISSION STATE LANDS DIVISION

PREPARED UNDER W.O. 4872

M-165

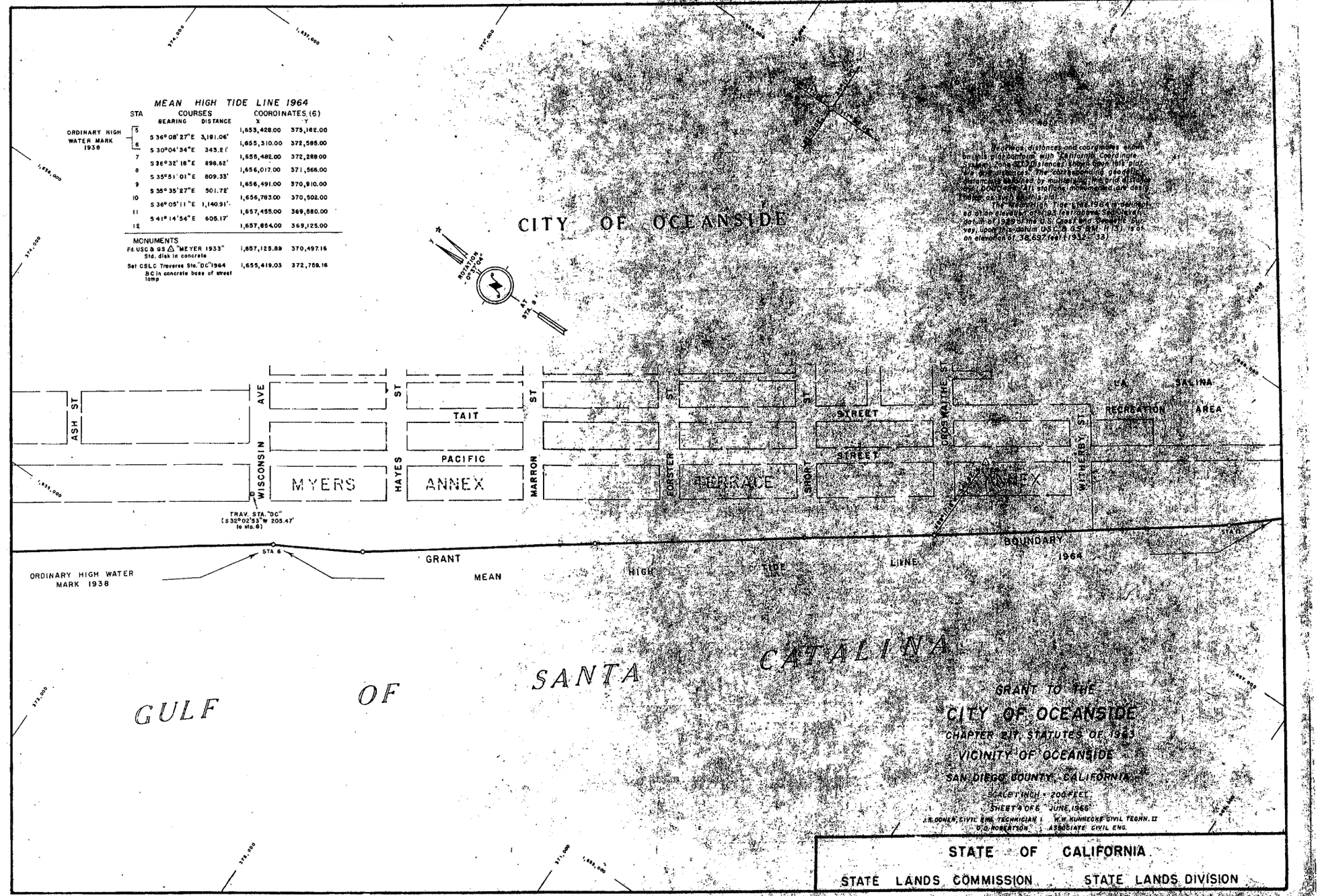
MISC. MAP No. 493



PREPARED UNDER W.O. 4872

M-166

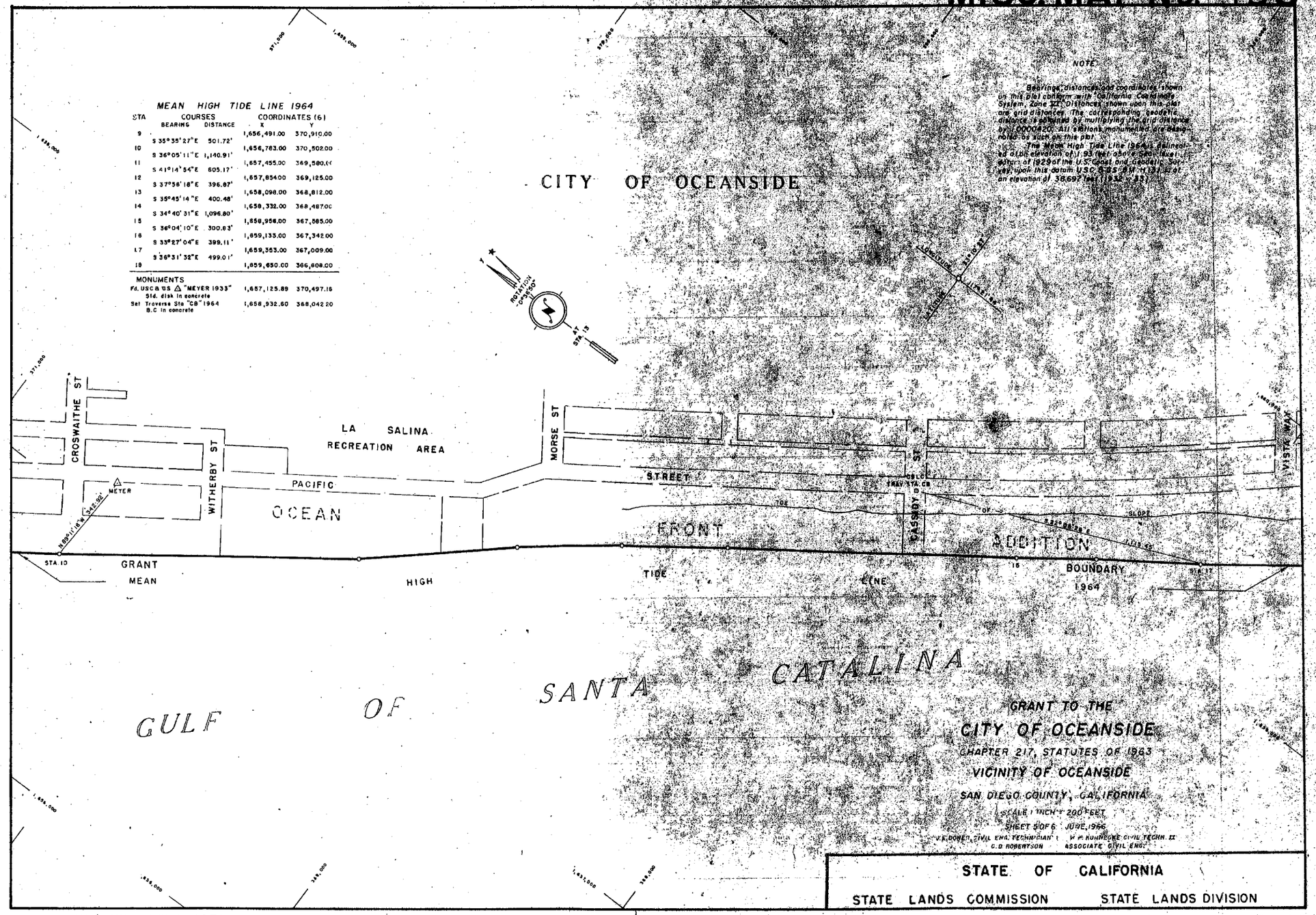
MISC. MAP No. 493



PREPARED UNDER W.O. 4872

M-167

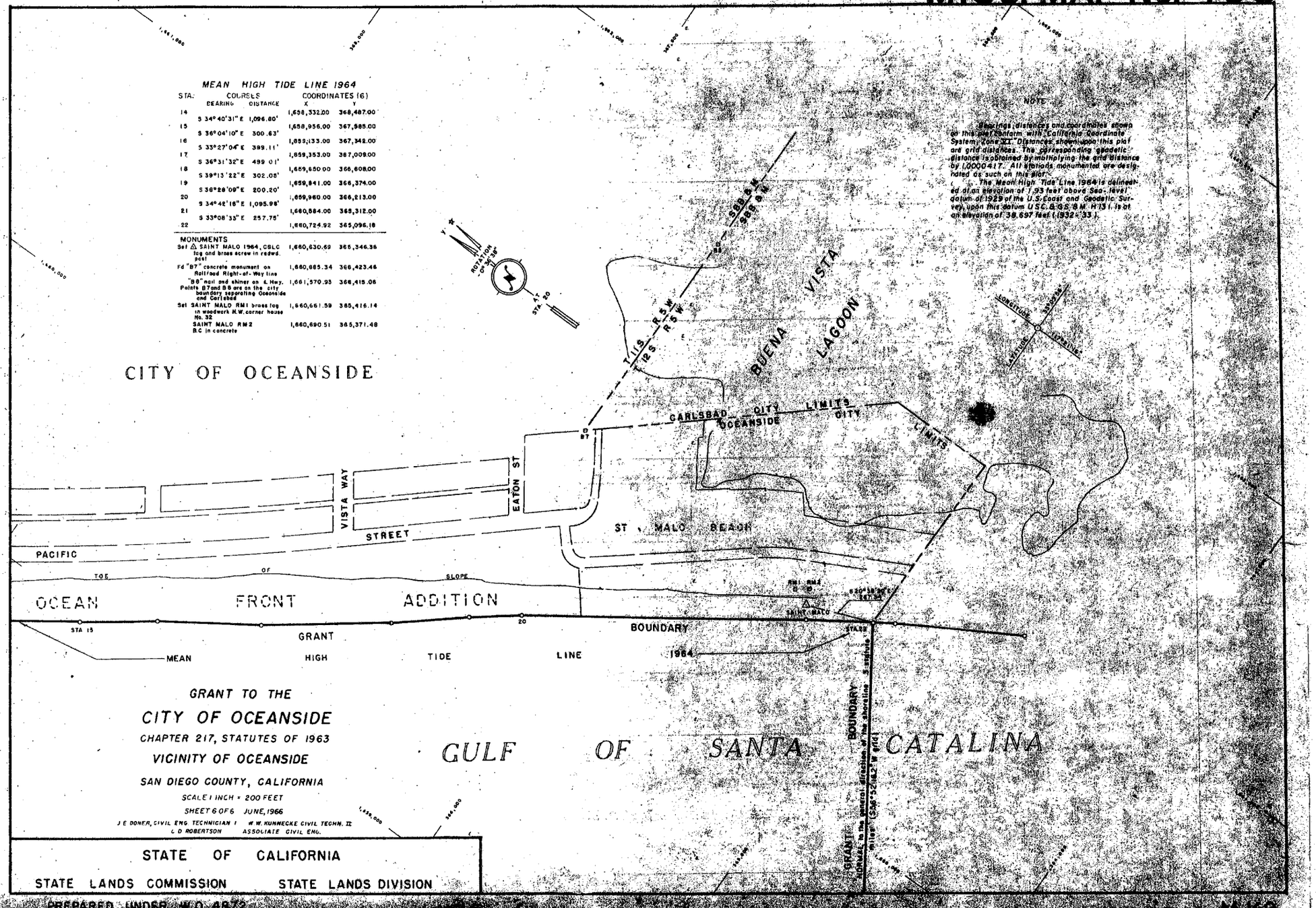
MISC. MAP No. 493



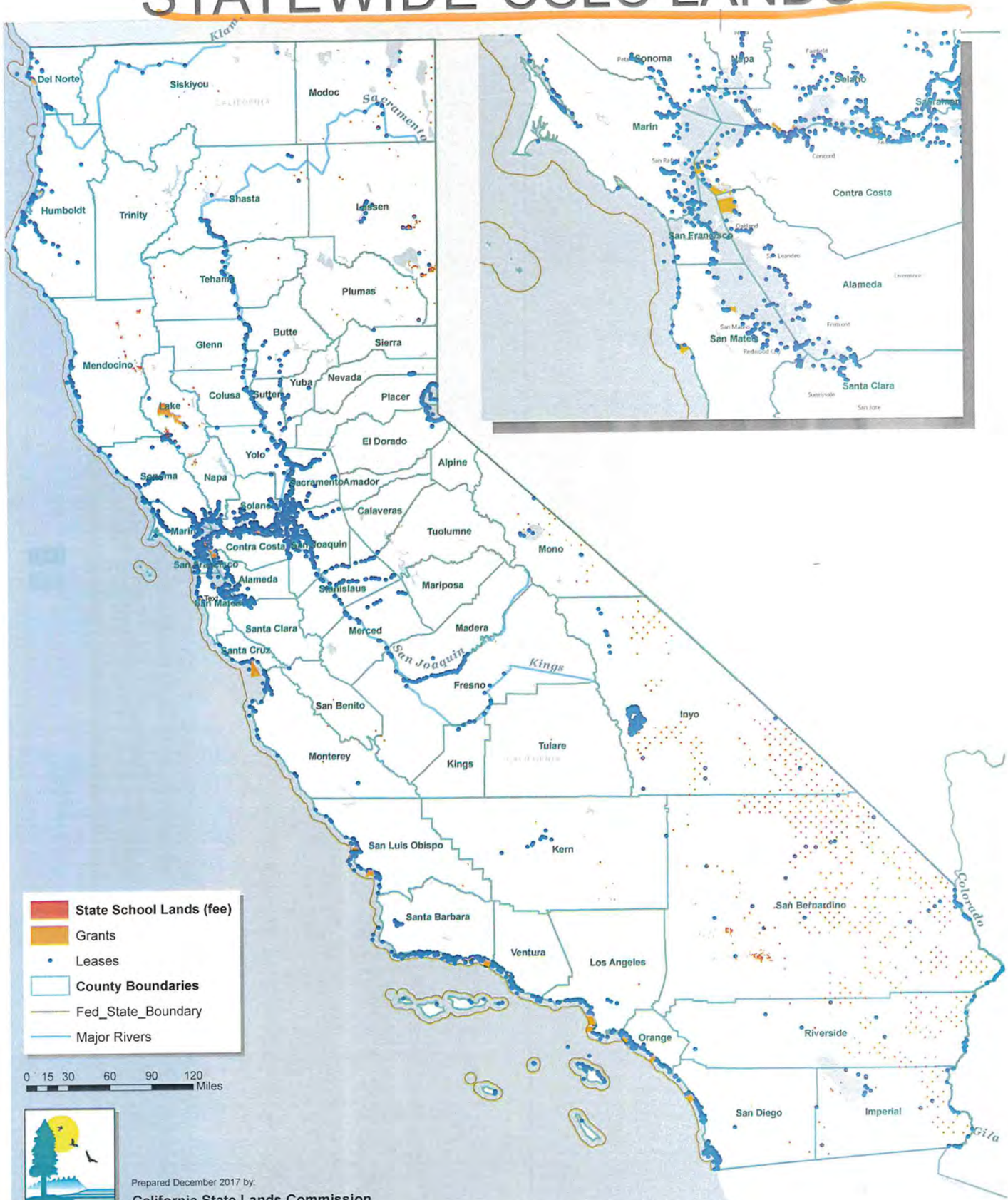
PREPARED UNDER W.O. 4872

M-168

MISC. MAP No. 493



STATEWIDE CSLC LANDS



Prepared December 2017 by:

California State Lands Commission

This map was created to generally illustrate the lands that are under the jurisdiction of the California State Lands Commission, including active leases issued by the Commission as of April 2017, State-owned school lands, and certain State-owned sovereign land that has been legislatively granted in trust to local entities. This map does not depict any mineral interests reserved to the State. Not all grants are shown. This map, and the data on which it is based, are subject to change, does not include all lands within the Commission's jurisdiction, and does not purport to show precise boundaries. Therefore, while it may be helpful to obtain a general understanding of the Commission's jurisdiction, the boundaries of the lands must not be used for title, boundary or ownership determination purposes or for obtaining permits or other entitlements from any federal, State, or local agencies. The user assumes all risk of use. The California State Lands Commission makes no warranty as to the accuracy of the map or the underlying data nor assumes any liability for its use.

California State Lands Commission Jurisdiction

The State of California acquired sovereign ownership of all tidelands and submerged lands and the beds of navigable lakes and waterways upon its admission to the United States in 1850. The California State Lands Commission (Commission) has jurisdiction and management authority over these sovereign lands. These lands include the beds of more than 120 navigable rivers and sloughs, nearly 40 navigable lakes, and the 3-mile-wide band of tide and submerged lands adjacent to California's 1,100 mile coast and offshore islands, totaling nearly 4 million acres. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. The protections of the common law Public Trust Doctrine apply to all these lands.

The State holds these lands in trust for the benefit of all people of the State for statewide Public Trust purposes including waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space, among others. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high-tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court decision. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court decision. These boundaries may not be readily apparent from present day site inspections.

The Commission also manages State-owned school lands granted to the State in 1853 by the federal government to support public schools. Today, the Commission manages approximately 459,000 acres of school lands held in fee ownership by the State and reserved mineral interests on approximately 790,000 acres of school lands where the surface estate was sold.

1044

Map OF THE TERRACE ANNEX

City of Oceanside

Scale 300 ft. to one inch Surveyed by Cave J. Couts C.E.
in May 1905

I hereby declare that I am the owner of "The Terrace Annex" in the City of Oceanside San Diego Co, California, as surveyed and platted by Cave J. Couts C.E. as hereon shown, excepting Blocks C and D and those portions of Lots one and two in Block E lying and being in Lot No 4 Sec. 26 T. 11 S. R. 5 W. and also a portion of Lots 2, 3 and 4 of Sec. 25 and Lots 1 and 2 of Sec. 35 T. 11 S. R. 5 W. S. B. M. according to U.S. Survey and plat thereof and I hereby acknowledge and declare the same to be the Official Map thereof.
Witness my hand this 28th day of November 1905.
J. Chauncey Hayes

State of California } ss.
County of San Diego }
On this 28th day of November A.D. 1905 before me Fred Hayes a Notary Public in and for said County of San Diego residing herein duly commissioned and sworn personally appeared J. Chauncey Hayes known to me to be the same person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.
In witness whereof I have hereunto set my hand and affixed my Notarial Seal at my office in the City of Oceanside San Diego Co. Cal. the day and year above written.
Fred Hayes
Notary Public in and for the County of San Diego
State of California

DEPOT
California Southern Rail Road
Escondido Turnpike
Sec 25 Sec 36

MYERS ST: 1 2 3 4 5 6 7
PACIFIC ST: 14 13 12 11 10 9 8
TYSON PINE ELM ASH OAK
1ST ST: 1 2 3 4 5 6
AIT ST: 12 11 10 9 8 7
COUTS HAYES HANCOCK FOREMASTER MCCOY CARUTHERS
A B C D E F G H
Lot 1 Lot 2 Lot 3 Lot 4

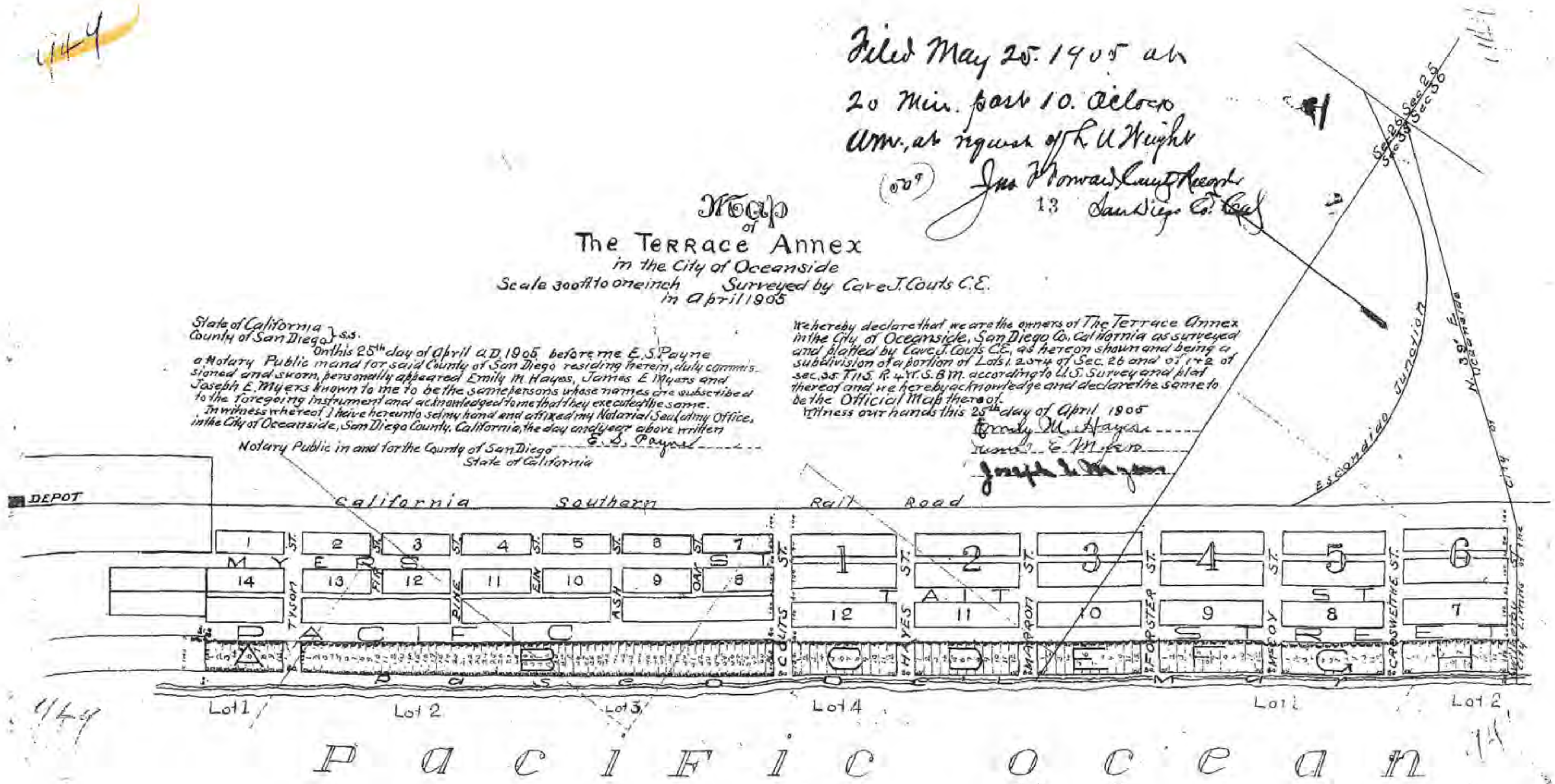
Pacific Ocean

Note!
THIS MAP IS FILED TO CORRECT ERROR MADE, AS TO No. OF RANGE, IN MAP No. 949. FILED IN THE COUNTY RECORDERS' OFFICE OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON MAY 25th 1905
J. Chauncey Hayes

State of California } ss.
County of San Diego }
The Board of Trustees of the City of Oceanside hereby accept on behalf of the Public the Streets and Alleys set forth upon this Map and thereon dedicated to the Public use.
By order of the Board of Trustees adopted this 28th day of November A.D. 1905
attest C. A. Thorne
Clerk of the City of Oceanside
San Diego County California

President of the Board of Trustees of the
City of Oceanside, County of San Diego State of California

J. Chauncey Hayes


444
Filed May 25. 1905 at
20 Min. past 10. O'clock
A.M., at request of L. A. Wright
Jno. Howard County Recorder
13 San Diego Co. Cal
Map
of
The Terrace Annex
in the City of Oceanside
Scale 300ft to one inch
Surveyed by Cave J. Couts C.E.
in April 1905
State of California } s.s.
County of San Diego
On this 25th day of April A.D. 1905 before me E. S. Payne a Notary Public in and for said County of San Diego residing therein, duly commissioned and sworn, personally appeared Emily M. Hayes, James E. Myers and Joseph E. Myers known to me to be the same persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.
In witness whereof I have hereunto set my hand and affixed my Notarial Seal at my Office, in the City of Oceanside, San Diego County, California, the day and year above written
E. S. Payne
Notary Public in and for the County of San Diego
State of California
We hereby declare that we are the owners of The Terrace Annex in the City of Oceanside, San Diego Co. California as surveyed and platted by Cave J. Couts C.E., as hereon shown and being a subdivision of a portion of Lots 1, 2 & 4 of Sec. 26 and of 1 & 2 of sec. 35 T 11 S. R. 4 W. S.B.M. according to U.S. Survey and plat thereof and we hereby acknowledge and declare the same to be the Official Map thereof.
Witness our hands this 25th day of April 1905
Emily M. Hayes
James E. Myers
Joseph E. Myers
Sec 26
Sec 35
Sec 25
Sec 36
Escondido Junction
City of Oceanside
DEPOT
California Southern Rail Road
Myers St.
Tait St.
Pacific Street
Tyson St.
Pine St.
Elm St.
Ash St.
Oak St.
Couts St.
Hayes St.
Cassidy St.
Forster St.
McCoy St.
Crosthwaite St.
Beach
Lot 1
Lot 2
Lot 3
Lot 4
Lot 1
Lot 2
Pacific Ocean
444

R. OF S. MAP NO. 21787

RECORD OF SURVEY:

OF A GEODETIC CONTROL NETWORK, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

STATEMENT OF PURPOSE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH A LOCAL NETWORK OF CALIFORNIA GEODETIC COORDINATES AND CALIFORNIA ORTHOMETRIC HEIGHTS FOR THE CITY OF OCEANSIDE IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819, 8870-8880, AND 8890-8902.

UNITS:

HORIZONTAL COORDINATES AND ELEVATIONS AS SHOWN HEREON ARE IN TERMS OF THE U.S. SURVEY FOOT (I.E. ONE FOOT = 1200/3937 METERS), UNLESS OTHERWISE NOTED.

SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENT OF THE PROFESSIONAL LAND SURVEYORS' ACT, AT THE REQUEST OF THE CITY OF OCEANSIDE, FROM MAY TO AUGUST 2013.

KURT R. TROXELL, PLS 7854 — DATE 8/5/2014

LICENSED LAND SURVEYOR — KURT R. TROXELL — 7854 — STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 18TH DAY OF AUGUST, 2014.

BY: TERRENCE T. CONNORS, PLS 5099
COUNTY SURVEYOR

LICENSED LAND SURVEYOR — TERRENCE T. CONNORS — 5099 — Expires 6/30/15 — STATE OF CALIFORNIA

MONUMENT NOTES:

★ INDICATES CONTINUOUS GLOBAL POSITIONING SYSTEM (CGPS) STATION AS NOTED; HELD FOR CCS83 / CGC83 CONSTRAINTS FOR THIS SURVEY.

☆ INDICATES CONTINUOUS GLOBAL POSITIONING SYSTEM (CGPS) STATION AS NOTED; DERIVED CCS83 / CGC83 COORDINATES FOR THIS SURVEY.

⊛ INDICATES FOUND VERTICAL CONTROL MONUMENT AS NOTED; HELD FOR COH88 CONSTRAINTS.

⊙ INDICATES FOUND VERTICAL CONTROL MONUMENT AS NOTED; DERIVED COH88 VALUES FOR THIS SURVEY.

● INDICATES FOUND MONUMENT AS NOTED.

○ INDICATES SET MONUMENT AS NOTED.

LEGEND & ABBREVIATIONS:

③ INDICATES SHEET NUMBER.

——— CITY OF OCEANSIDE BOUNDARY

CCS83	CALIFORNIA COORDINATE SYSTEM OF 1983
CGC83	CALIFORNIA GEODETIC COORDINATES OF 1983
CGPS	CONTINUOUS GLOBAL POSITIONING SYSTEMS
CM	CENTIMETERS
COH88	CALIFORNIA ORTHOMETRIC HEIGHTS OF 1988
COS	CITY OF OCEANSIDE
CSRC	CALIFORNIA SPATIAL REFERENCE CENTER
DN.	DOWN
JFA	JOHNSON FRANK & ASSOCIATES, INC.
M	METERS
MM	MILLIMETERS
NAVD88	NORTH AMERICAN VERTICAL DATUM OF 1988
NGS	NATIONAL GEODETIC SURVEY
NGVD29	NATIONAL GEODETIC VERTICAL DATUM OF 1929
NSRS	NATIONAL SPATIAL REFERENCE SYSTEM
OPUS	NGS' ONLINE POSITIONING USER SERVICE
SECTOR	SCRIPPS EPOCH COORDINATE TOOL AND ONLINE RESOURCE
SOPAC	SCRIPPS ORBIT AND PERMANENT ARRAY CENTER
USACOE	UNITED STATES ARMY CORPS OF ENGINEERS
USFT	UNITED STATES SURVEY FOOT
VERTCON	NGS' NORTH AMERICAN VERTICAL DATUM CONVERSION TOOL

BASIS OF COORDINATES:

THE BASIS OF COORDINATES FOR THIS SURVEY IS THE CALIFORNIA COORDINATES OF 1983 (CCS83), ZONE VI, (EPOCH 2011.00) [NAD83(NSRS2007)] AS DETERMINED LOCALLY BY THE FOLLOWING CALIFORNIA SPATIAL REFERENCE NETWORK OR EQUIVALENT CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) CONTROL STATIONS:

STATION NO.	STATION NAME	LATITUDE	LONGITUDE	ELLIP HT (USFT)	PUBLISHED ACCURACY (95%)	SOURCE
3002	DSME	33°02'11.30762"	117°14'58.28098"	186.577	.01 (3mm)	CSRC
3004	P474	33°21'18.68178"	117°14'55.24297"	602.508	.01 (3mm)	CSRC
3005	P478	33°14'08.56125"	117°04'17.67844"	1221.502	.01 (3mm)	CSRC
3006	SBCC	33°33'10.78934"	117°39'41.30401"	293.290	.01 (3mm)	CSRC

BASIS OF ELEVATIONS

THE BASIS OF ELEVATIONS FOR THIS SURVEY IS THE CALIFORNIA ORTHOMETRIC HEIGHTS OF 1988 (COH88) AND ARE IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED LOCALLY UPON THE FOLLOWING VERTICAL CONTROL STATIONS:

STATION NO.	STATION NAME	ORTHO HEIGHT (USFT)	PUBLISHED ACCURACY (95%)	SOURCE
1001	OS 88 2	10.06	.07 (2cm)	USACOE DATASHEET ACH023
1011	CLSB-140	60.24	-	CALTRANS SURVEY REQUEST SR12-197
1038	78-3.9	218.73	-	CALTRANS SURVEY REQUEST SR12-197
1071	0396-B	9.63	.07 (2cm)	USACOE DATASHEET ACH021
2000	78-2.71L	213.60	.01 (3mm)	CALTRANS SURVEY REQUEST SR12-197
2002	78-3.3	190.05	-	CALTRANS SURVEY REQUEST SR12-197
2003	78-0.7	37.65	-	CALTRANS SURVEY REQUEST SR12-197
2102	PIER RM 2	28.65	-	NGS DATASHEET PID DX3432
2131	H 131	40.80	1st/Class I	NGS DATASHEET PID DX1222
2307	M 1307	42.09	1st/Class I	NGS DATASHEET PID DX3431
2638	SD 6 38	157.81	1st/Class II	NGS DATASHEET PID DX5541
2647	SD 6 47	78.21	1st/Class II	NGS DATASHEET PID DX5547
2650	SD 6 50	45.87	1st/Class II	NGS DATASHEET PID DX5550
2775	76-7.75	144.40	.02 (6mm)	CALTRANS SURVEY REQUEST SR13-117

H:\PDATA\134287\CADD\MAPPING\RS\#\134287-RS-01_2013.DWG CATHY.SCHMERSAL 8/4/14 5:35 pm

RBF CONSULTING — PLANNING ■ DESIGN ■ CONSTRUCTION — JN 134287

RECORDER'S STATEMENT:

FILE NO. 2014-0361129

FILED THIS 21 DAY OF AUG, 2014, AT 3:46 P.M.

IN BOOK OF RECORD OF SURVEY MAPS AT PAGE —,
AT THE REQUEST OF GREGORY A. HELMER.

FEE: $28.00

ERNEST J. DRONENBURG, JR
COUNTY RECORDER

BY: Abby Sommer
DEPUTY COUNTY RECORDER

CALIFORNIA COORDINATE INDEX 374-1659

R. OF S. MAP NO. 21787

PROJECT REPORTING:

A FULL PROJECT REPORT ENTITLED "CITY OF OCEANSIDE SURVEY CONTROL NETWORK FINAL PROJECT REPORT" DATED OCTOBER 2013 IS ON FILE AT THE CITY OF OCEANSIDE DOCUMENTING THE GEODETIC CONTROL SURVEYING FOR THIS PROJECT IN ACCORDANCE WITH SECTIONS 8813.2(C), 8876(D), AND 8898(H) OF THE PUBLIC RESOURCES CODE. A PARTIAL STATEMENT FROM SAID REPORT FOLLOWS:

OBSERVATION EQUIPMENT:

TRIMBLE GPS AND GNSS R8 MODELS 1 AND 2 RECEIVERS AND 2-METER FIXED HEIGHT TRIPODS.

PROCEDURES:

STATIC GPS OBSERVATIONS WERE PREFORMED BETWEEN MAY 14, 2013 AND AUGUST 31, 2013. SESSIONS WERE SCHEDULED TO PROVIDE A MINIMUM OF 10 MINUTES OF CONTINUOUS DATA COLLECTION FOR EACH SESSION WITH A MINIMUM OF TWO OBSERVATIONS PER STATION, WITH INDEPENDENT OBSERVATIONS SEPARATED BY A LEAST 3 HOURS FOR REDUNDANT SATELLITE GEOMETRY. GPS CARRIER-PHASE DATA WAS PROCESSED AND REDUCED TO GEODETIC VECTORS (DELTA X, Y, Z, PLUS COVARIANCE MATRIX) USING TRIMBLE BUSINESS CENTER SOFTWARE, VERSION 3.10. BASELINE PROCESSING PARAMETERS WERE SET TO UTILIZE 10-SECOND EPOCH DATA COLLECTED OVER 15 DEGREES ABOVE THE HORIZON. PRECISE EPHEMERIDES WERE OBTAINED FROM INTERNATIONAL GNSS SERVICE (IGS) AND USED IN THE PROCESSING. A TOTAL OF 341 INDEPENDENT BASELINES WERE ACCEPTED AND USED IN STAR*NET LEAST SQUARES ADJUSTMENT SOFTWARE, VERSION 7.0.0.42.

INDEPENDENT BASELINE PROCESSING WAS ALSO PERFORMED IN OPUS FOR SEVERAL OBSERVATIONS WITH DERIVED COORDINATES AND ORTHOMETRIC HEIGHTS ACHIEVABLE WITHIN 0.07 FEET(20 MM).

MINIMALLY-CONSTRAINED ADJUSTMENT:

A MINIMALLY-CONSTRAINED ADJUSTMENT WAS PERFORMED TO VERIFY THE INTEGRITY OF THE GPS DATA EXCLUSIVE OF ANY EXTERNAL CONSTRAINTS AND TO ESTABLISH THE WEIGHTING STRATEGY FOR THE GPS VECTORS. CGPS STATION "DSME" WAS HELD FIXED IN THE X, Y DIRECTION, AND NGS STATION PID "DX3432" (STATION NO. 2102) FOR ORTHOMETRIC HEIGHT.

THE VARIANCE-COVARIANCE MATRIX COMPUTED DURING THE LEAST SQUARES ADJUSTMENT FOR EACH VECTOR WAS AUGMENTED BY A SATION-WEIGHTING COMPONENT OF 0.010 FEET (3 MM) HORIZONTAL AND 0.007 FEET (1.5 MM) VERTICAL. APPLICATION OF THIS WEIGHTING STRATEGY PRODUCED THE FOLLOWING RESULTS:

- NETWORK VARIANCE OF UNIT WEIGHT: 0.979 WITH 744 DEGREES OF FREEDOM.
- ROOT MEAN SQUARE OF THE ABSOLUTE RESIDUALS OF VECTORS: 0.02 FEET (6 MM) HORIZONTAL, 0.03 FEET (9 MM) VERTICAL.
- MEAN SEMI-MAJOR AND MINOR POSITIONAL ERROR ELLIPSE (95% CONFIDENCE); 0.03 FEET (9 MM)
- MEAN OF VERTICAL ERROR ELLIPSE (95% CONFIDENCE): 0.04 FEET (12 MM)

THE COORDINATE RESIDUALS TABLE BELOW DISPLAYS THE RESIDUAL DIFFERENCES BETWEEN THE OBSERVED VALUES AT EACH STATION AND THE PUBLISHED VALUES OF SURROUNDING CONTROL BASED ON THE MINIMALLY-CONSTRAINED ADJUSTMENT.

COORDINATE RESIDUALS TABLE:

		* RESIDUALS (USFT)								
		NSRS2007 (2011.00)		NAVD88 GEOID12A		PUBLISHED EPOCH	SECTOR DERIVED	VERTCON DERIVED		
	STATION NO.	d(N)	d(E)	d(Z)	d(h)				ORIGIN	SOURCE
⚓	1001	0.00	-0.04	0.01		2004	X		USACOE	DATA SHEET ACH023
⚓	1011			0.00					CALTRANS	SURVEY REQUEST SR12-197
	1011	0.21	-0.05	0.00		1991.35	X		CARLSBAD	ROS 17271
	1012	0.19	-0.08	-0.02		1991.35	X		CARLSBAD	ROS 17271
⚓	1038			0.01					CALTRANS	SURVEY REQUEST SR12-197
	1068	2.12	-1.74	-0.03		1991.35		X	VISTA	ROS 14023
	1070	0.16	-0.16	-0.11		1991.35	X		CARLSBAD	ROS 17271
⚓	1071	0.04	-0.07	-0.01		2004	X		USACOE	DATA SHEET ACH021
⚓	1072			-0.10					NGS	DATA SHEET DX1229
	1072	-0.02	0.00	-0.06		2007	X		JFA	PRJ REPORT 2999_250
	1073	-0.06	-0.03	0.08		2007	X		JFA	PRJ REPORT 2999_250
	1074	-0.06	-0.02	-0.02		2007	X		JFA	PRJ REPORT 2999_250
⚓	2000			-0.03					CALTRANS	SURVEY REQUEST SR12-197
⚓	2002			0.03					CALTRANS	SURVEY REQUEST SR12-197
⚓	2003			0.03					CALTRANS	SURVEY REQUEST SR12-197
	2004			-0.03				X	OCEANSIDE	COS BM A28 BK 1/2012 (1983 ADJ/1970 DATUM)
	2005			-0.03				X	OCEANSIDE	COS BM F44 BK 1/2012 (1984 ADJ/1970 DATUM)
	2006			-0.15				X	OCEANSIDE	COS BM E74 BK 1/2012 (1984 ADJ/1970 DATUM)
⚓	2102			0.00					NGS	DATA SHEET DX3432
⚓	2131			-0.01					NGS	DATA SHEET DX1222
⚓	2307			-0.01					NGS	DATA SHEET DX3431
⚓	2638			0.02					NGS	DATA SHEET DX5541
	2638	-0.07	-0.03	0.02		2007	X		CALTRANS	SURVEY REQUEST SR13-117
⚓	2847			-0.03					NGS	DATA SHEET DX5547
⚓	2850			-0.04					NGS	DATA SHEET DX5550
⚓	2775	-0.05	-0.07	-0.02		2007	X		CALTRANS	SURVEY REQUEST SR13-117
☆	CLBD	0.03	-0.01		-0.04		X		SOPAC	SOPAC DATA SHEET
★	DSME	0.00	0.00		-0.04	2011			CSRC	CSRC DATA SHEET
☆	OCSD	0.00	0.01	-0.04	0.01		X		SOPAC	SOPAC DATA SHEET/CALTRANS ORTHO SR12-197
★	P474	0.00	0.00		-0.01	2011			CSRC	CSRC DATA SHEET
★	P478	0.01	-0.02		-0.03	2011			CSRC	CSRC DATA SHEET
★	SBCC	0.01	0.03		-0.04	2011			CSRC	CSRC DATA SHEET
☆	VTOR	0.00	-0.03	0.00	-0.02		X		SOPAC	SOPAC DATA SHEET/CALTRANS ORTHO SR12-197

* SURROUNDING CONTROL SAMPLING:

CONTROL FOR THE CITY OF CARLSBAD, CITY OF VISTA, JOHNSON-FRANK (JFA), USACE, AND CITY OF OCEANSIDE WERE SAMPLED DURING THE CAMPAIGN TO PROVIDE A GENERAL UNDERSTANDING AND DIRECT TIES THIS PROJECT NETWORK. AS SHOWN IN COORDINATE RESIDUALS TABLE, MANY OF THESE COORDINATE SYSTEMS WERE ESTABLISHED IN DIFFERENT EPOCHS AND VERTICAL DATUMS. FOR COMPARABLE RESULTS, 2011.00 EPOCH PUBLISHED COORDINATES FOR THE PUBLISHED SYSTEMS WERE DERIVED FROM AVERAGE VELOCITIES COMPUTED AT SURROUNDING CGPS STATIONS WITH SECTOR AND OTHROMETRIC HEIGHTS DERIVED FROM VERTCON. ALTHOUGH RESIDUALS INDICATE GENERAL RELATIVE CONSISTENCIES BETWEEN THE PUBLISHED SYSTEMS AND PROJECT NETWORK, CONSIDERATION SHOULD BE GIVEN IN GENERALIZING THESE RESULTS AS ABSOLUTE COORDINATE AND VERTICAL SHIFTS TO THE PROJECT NETWORK.

FULLY-CONSTRAINED ADJUSTMENT:

CALIFORNIA GEODETIC COORDINATE OF 1983 CONSTRAINTS
SURRDUNDING CGPS STATIONS DSME, P474, P478, AND SBCC CONSTITUTE THE BASIS OF CALIFORNIA GEODETIC COORDINATE CONTROL.

CLBD, OCSD, VTOR ARE CONTINUOUS STATIONS, ALTHOUGH OFFICIAL PUBLISHED COORDINATES ARE NOT PART OF THE 2011.00 CSRC CGPS NETWORK, TIES TO THESE STATIONS WERE INCLUDED SINCE THEY ARE IN CLOSE PROXIMITY TO THE PROJECT NETWORK AND MAYBE USEFUL TO USERS IN THE FUTURE. SECTOR DERIVED PROVISIONAL COORDINATES WERE USED TO COMPUTE RESIDUALS FOR ANALYSIS OF THE RELATIONSHIP WITH THE PRIMARY CGPS STATIONS. THE RESIDUALS INDICATE CONSISTENCY WITH SURROUNDING STATIONS, WITH A SLIGHT VARIANCE IN THE ELLIPSOID HEIGHT AT OCSD. FOR THE PURPOSE OF FINAL ADJUSTMENT THESE STATIONS WERE NOT HELD FIXED.

APPLICATION OF THIS WEIGHTING STRATEGY PRODUCED THE FOLLOWING RESULTS:

- NETWORK VARIANCE OF UNIT WEIGHT: 1.037 WITH 753 DEGREES OF FREEDOM.
- ROOT MEAN SQUARE OF THE ABSOLUTE RESIDUALS OF VECTORS: 0.02 FEET (6 MM) HORIZONTAL, 0.03 FEET (9 MM) VERTICAL.
- MEAN SEMI-MAJOR AND MINOR POSITIONAL ERROR ELLIPSE (95% CONFIDENCE); 0.03 FEET (9 MM)
- MEAN OF VERTICAL ERROR ELLIPSE (95% CONFIDENCE): 0.04 FEET (12 MM)

CALIFORNIA ORTHOMETRIC HEIGHTS OF 1988 CONSTRAINTS
NGS BENCHMARKS SERVE AS THE BACKBONE OF NAVD 88 ORTHOMETRIC HEIGHTS IN THE AREA. CALTRANS ALSO TIED IN NGS STATIONS AS PART OF THEIR CORRIDOR CONTROL WORK FOR STATE ROUTES 76 AND 78 UNDER SURVEY REQUEST NOS. SR 12-197 AND SR 13-117. AFTER THE RESIDUAL ANALYSIS FOR THE NGS, USACOE, AND CALTRANS STATIONS IT WAS DETERMINED THAT STATION NOS. 1001, 1011, 1038, 1071, 2000, 2002, 2003, 2102, 2131, 2307, 2638, 2847, AND 2850 WOULD PROVIDE A SOLID BASES FOR FIXED STATIONS WELL DISPERSED THROUGHOUT THE NETWORK. PID "DX1229" (STATION NO. 1072) PRODUCED A HIGHER RESIDUAL RELATIVE TO THE OTHER NGS STATIONS AND WAS NOT HELD.

DURING THE ANALYSIS GEOID09 AND GEOID12A WERE COMPARED BY RESIDUALS AT THE NGS AND CALTRANS STATIONS. IT WAS NOTED THAT A SLOPE OF APPROXIMATELY 0 FEET TO 0.08 FEET EXISTED FROM THE OCEAN NORTHEASTERLY ACROSS THE CITY BETWEEN THE TWO MODELS. IT WAS DETERMINED THAT GEOID12A BEST REPRESENTS THIS SURFACE WITH RESPECT TO THE LOCAL BENCHMARKS AND THEREFORE WAS HELD FIXED.

APPLICATION OF THIS WEIGHTING STRATEGY PRODUCED THE FOLLOWING RESULTS:

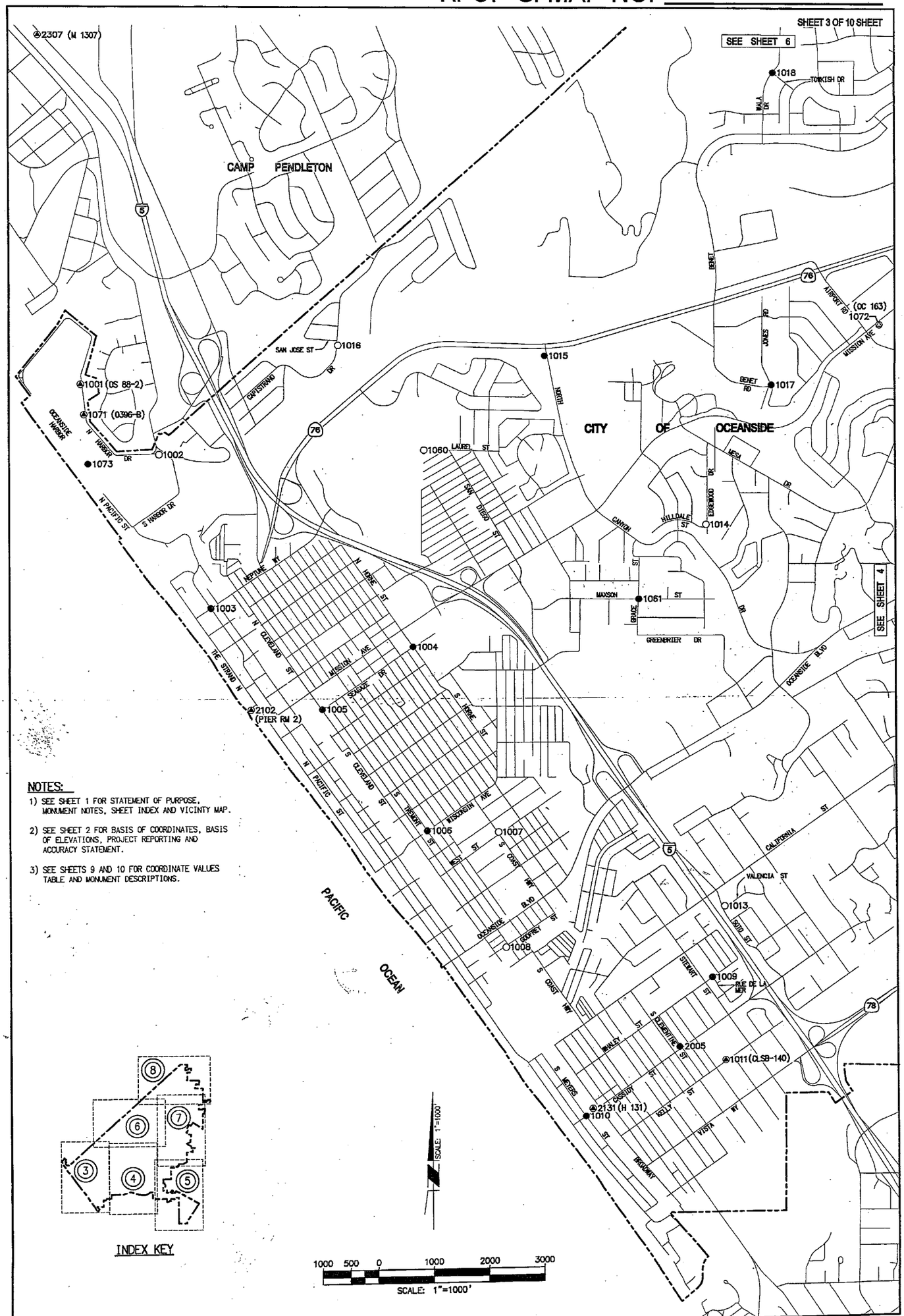
- NETWORK VARIANCE OF UNIT WEIGHT: 1.042 WITH 763 DEGREES OF FREEDOM.
- ROOT MEAN SQUARE OF THE ABSOLUTE RESIDUALS OF VECTORS: 0.02 FEET (6 MM) HORIZONTAL, 0.03 FEET (9 MM) VERTICAL.
- MEAN SEMI-MAJOR AND MINOR POSITIONAL ERROR ELLIPSE (95% CONFIDENCE); 0.03 FEET (9 MM)
- MEAN OF VERTICAL ERROR ELLIPSE (95% CONFIDENCE): 0.04 FEET (12 MM)

ACCURACY STATEMENT:

HORIZONTAL COORDINATES AS SHOWN HEREON MEET THE REQUIREMENTS FOR CALIFORNIA GEODETIC COORDINATES OF 1983 (CGC83) AND THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), SECTIONS 8870-8880 AND 8801-8819 OF THE CALIFORNIA PUBLIC RESOURCES CODE RESPECTIVELY, INCLUDING A LOCAL ACCURACY CLASSIFICATION OF 0.03 FEET (1 CM) 95% CIRCULAR ERROR PROBABLE ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE "GEOSPATIAL POSITIONING ACCURACY STANDARD, PART 2, GEODETIC CONTROL NETWORKS". FGDC-STD-007.2-1998.

ELEVATIONS AS SHOWN HEREON ARE DERIVED CALIFORNIA ORTHOMETRIC HEIGHTS OF 1988 (CGH88) IN ACCORDANCE WITH CHAPTER 5 OF THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8890-8902. INCLUDING A LOCAL ACCURACY CLASSIFICATION OF 0.07 FEET (2 CM) 95% ERROR PROBABLE RELATIVE TO THE LOCAL NAVD88 DATUM ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE "GEOSPATIAL POSITIONING ACCURACY STANDARD, PART 2, GEODETIC CONTROL NETWORKS", FGDC-STD-007.2-1998.

R. OF S. MAP NO. _____



NOTES:

1) SEE SHEET 1 FOR STATEMENT OF PURPOSE, MONUMENT NOTES, SHEET INDEX AND VICINITY MAP.

2) SEE SHEET 2 FOR BASIS OF COORDINATES, BASIS OF ELEVATIONS, PROJECT REPORTING AND ACCURACY STATEMENT.

3) SEE SHEETS 9 AND 10 FOR COORDINATE VALUES TABLE AND MONUMENT DESCRIPTIONS.

INDEX KEY

SCALE 1"=1000'

1000 500 0 1000 2000 3000

SCALE: 1"=1000'

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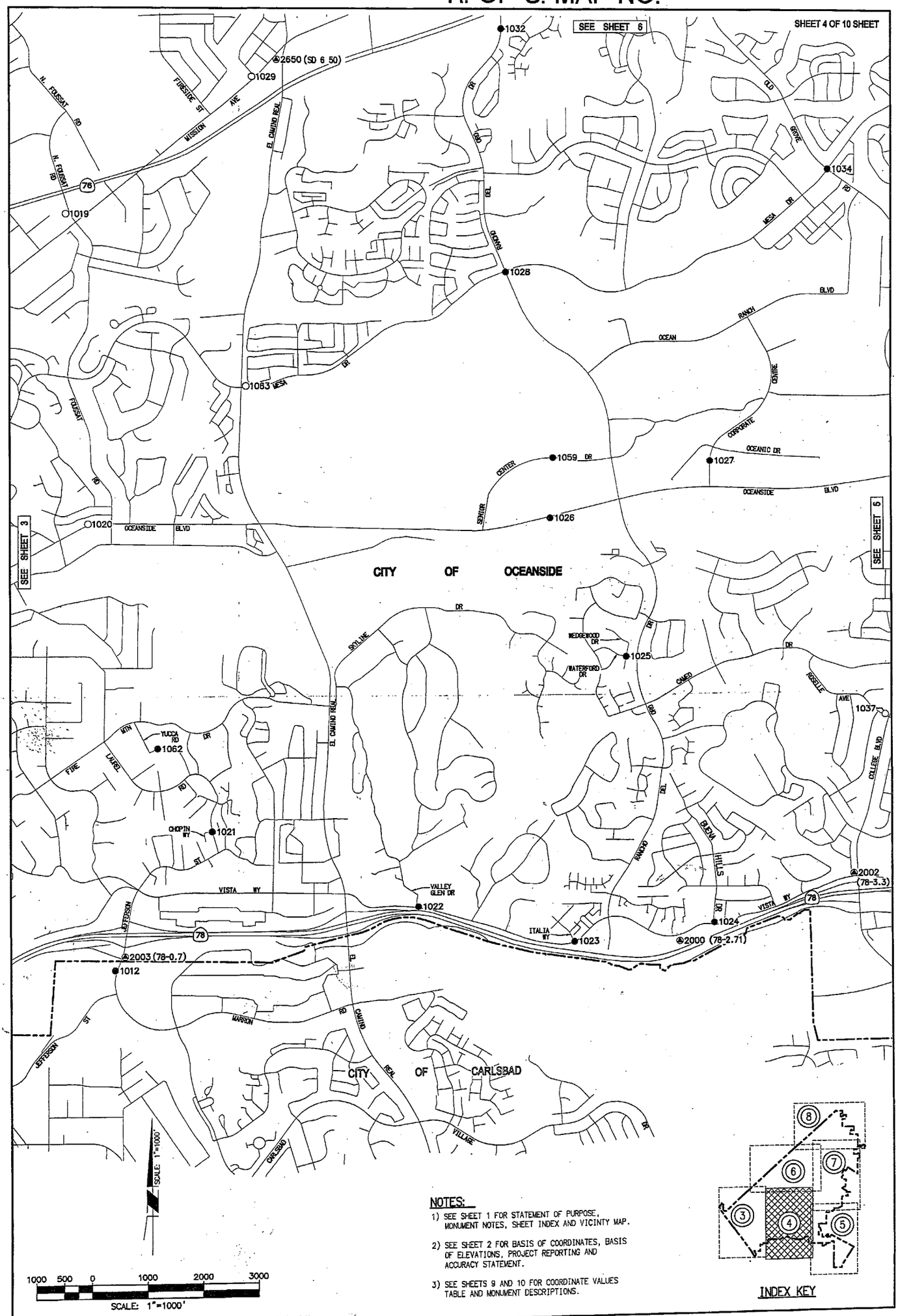
RBF CONSULTING PLANNING • DESIGN • CONSTRUCTION JN 134287

CALIFORNIA COORDINATE INDEX 374-1659

R. OF S. MAP NO. 21787

R. OF S. MAP NO.



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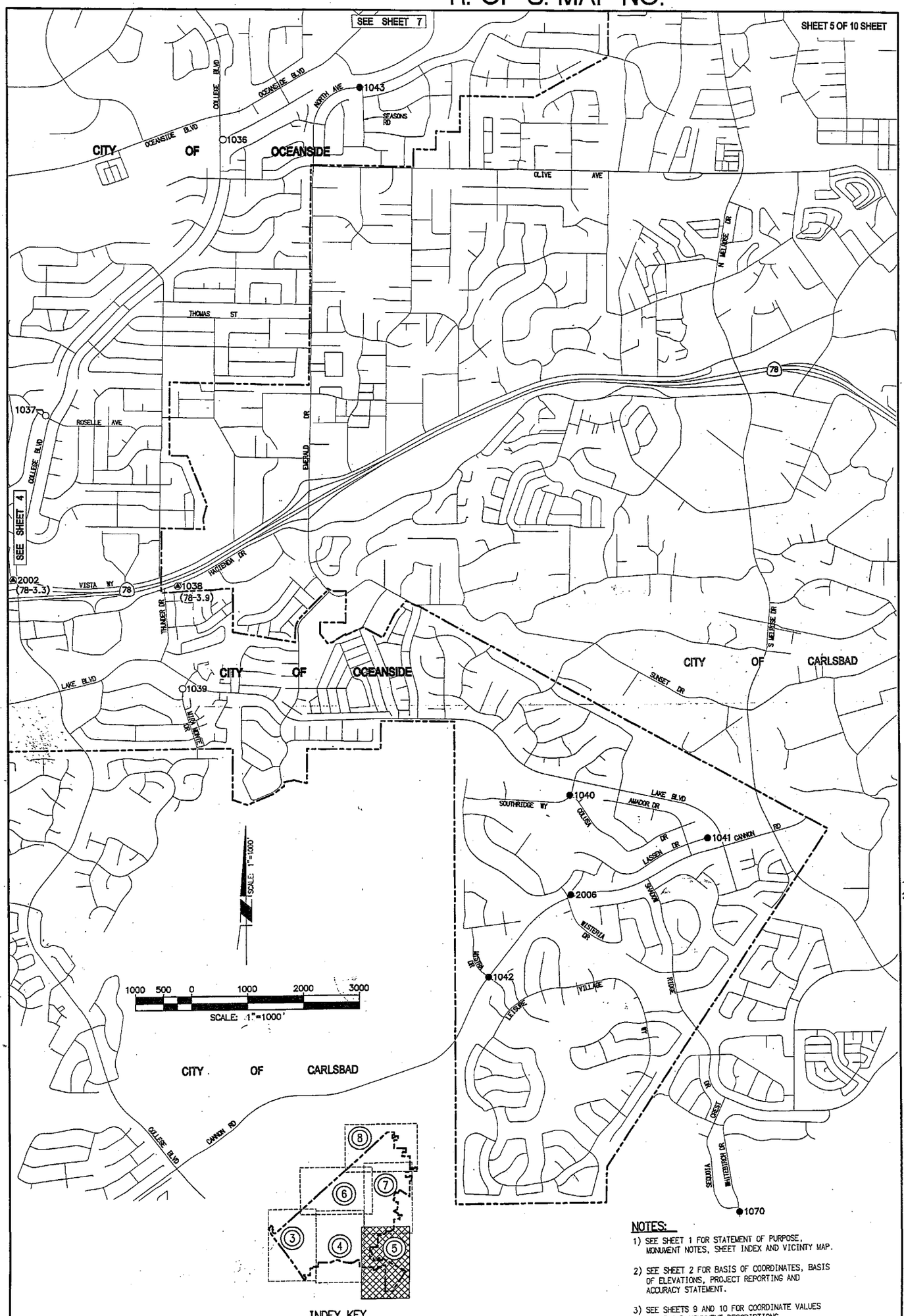
RBF CONSULTING — PLANNING & DESIGN & CONSTRUCTION — JN 134287

CALIFORNIA COORDINATE INDEX 374-1659

R. OF S. MAP NO. 21787

R. OF S. MAP NO.



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1) SEE SHEET 1 FOR STATEMENT OF PURPOSE, MONUMENT NOTES, SHEET INDEX AND VICINITY MAP.

2) SEE SHEET 2 FOR BASIS OF COORDINATES, BASIS OF ELEVATIONS, PROJECT REPORTING AND ACCURACY STATEMENT.

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JN 134287

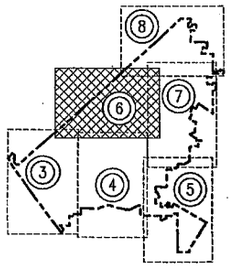
RBF CONSULTING — PLANNING | DESIGN | CONSTRUCTION

CALIFORNIA COORDINATE INDEX 374-1659

R. OF S. MAP NO. 21787

R. OF S. MAP NO. 21787

SHEET 6 OF 10 SHEET



INDEX KEY

NOTES:

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SCALE: 1"=1000'

1000 500 0 1000 2000 3000

SCALE: 1"=1000'

CAMP PENDLETON

CITY OF OCEANSIDE

SEE SHEET 8

SEE SHEET 7

SEE SHEET 3

SEE SHEET 4

1065 1064 1055 1074 1057 1031 1044 1033 1032 1030 1018 1045

3003(OCSD)

2650 (SD 6 50)

2647 (SD 6 47)

CALLE ARQUERO, VIA CIRCOLA, CTE ALICANTE, DOUGLAS DR, ALDER DR, GROUND SCORE CT, VANDERGRIFT BLVD, NORTH RIVER RD, WADISON ST, TYLER ST, ADAMS ST, COLLEGE BLVD, FIRE STATION NO.5, SWEETSHADE ST, WESTPORT DR, PALA RD, FRAZEE RD, OLD GROVE RD, MISSION AVE, RANCHO DEL OSO, EL CAMINO REAL, LOS ARBOLITOS BLVD, FIRESTONE BLVD, RIVERTREE DR, TOMKISH DR, MESA DR

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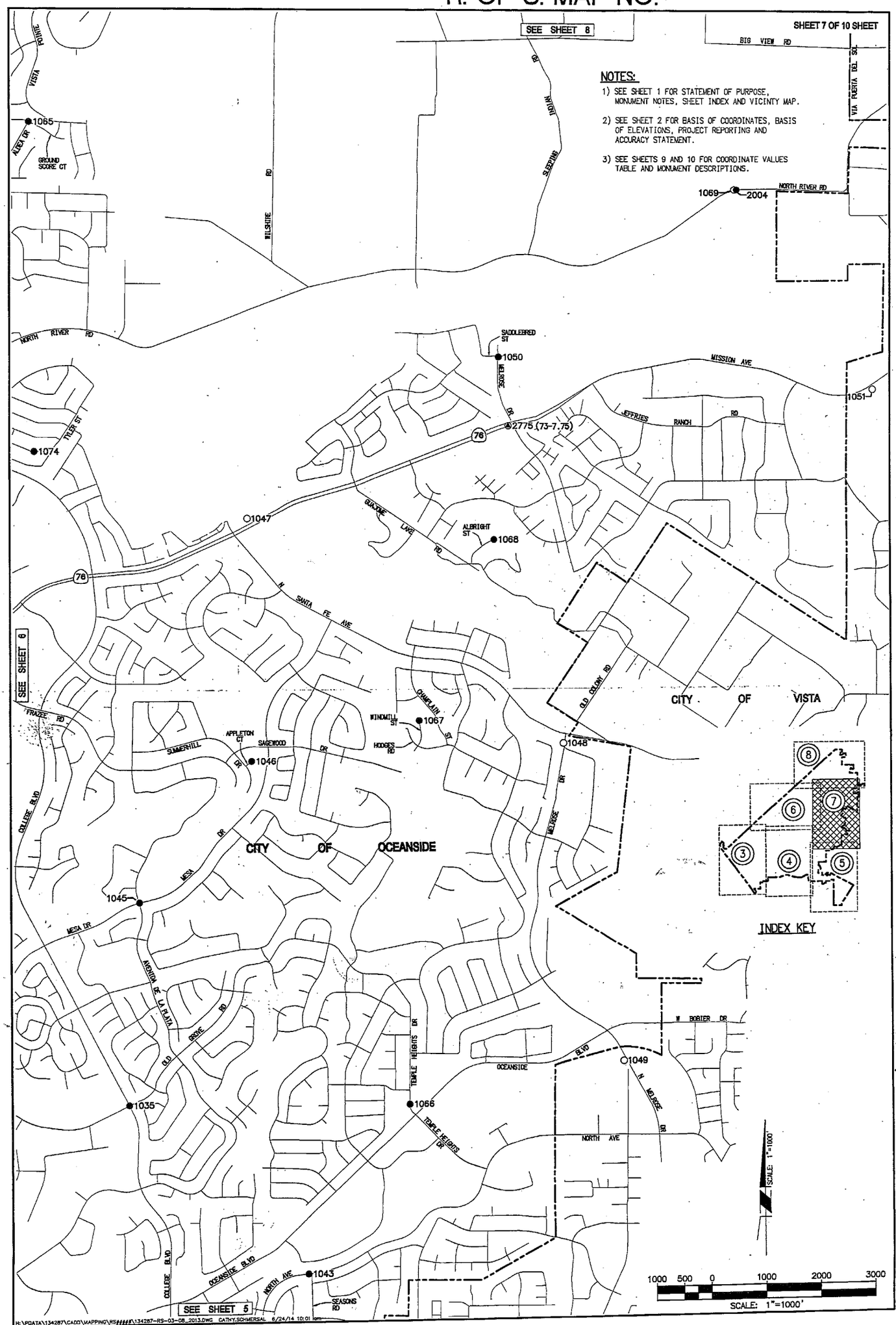
JN 134287

RBF CONSULTING PLANNING ■ DESIGN ■ CONSTRUCTION

CALIFORNIA COORDINATE INDEX 374-1659

R. OF S. MAP NO.



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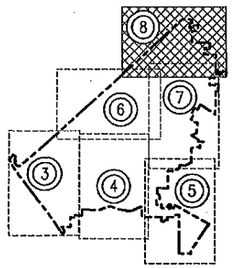
CALIFORNIA COORDINATE INDEX 374-1659

R. OF S. MAP NO. 21787

R. OF S. MAP NO. 21787

SHEET 8 OF 10 SHEET



INDEX KEY

SCALE: 1"=1000'

1000 500 0 1000 2000 3000

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CAMP PENDLETON

VANDEGRIFT BLVD

DOUGLAS DR

1054

POINSETTIA LN

VISTA

CALLE ARQUERO

1065

VIA CIBOLA

1064

ALDEA DR

GROUND SCORE CT

SEE SHEET 6

SLEEPING INDIAN RD

1056

WILSHIRE RD

1075

INDIAN VIEW DR

CITY OF VISTA

INDIAN RD

SLEEPING LA PALOMA

WILSHIRE RD

CITY OF OCEANSIDE

1053

1052

LAGO GRANDE DR

VALLE DEL SOL

BIG VIEW RD

VIA PUENTA DEL SOL

NORTH RIVER RD

SLEEPING INDIAN RD

SEE SHEET 7

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RBF CONSULTING PLANNING ■ DESIGN ■ CONSTRUCTION JN 134287

CALIFORNIA COORDINATE INDEX 374-1659

SHEET NO.	STATION NO.	STATION NAME	CGCS83 COORDINATES 83NSRS2007 (2011.00) LATITUDE	LONGITUDE	ELLIP HT (M)	CCS 83 COORDINATES (2011.00) NORTHING (USFT)	EASTING (USFT)	COH88 DERIVED ELEVATION (USFT)	COH88 PUBLISHED ELEVATION (USFT)	COMBINATION FACTOR	DESCRIPTION	ORIGIN	SOURCE
3	1001	OS 88 2	33°12'37.11972"	117°23'40.85667"	-31.661	2022070.76	6211559.28	10.06	10.06	0.99996143	FOUND 4" USACOE BRASS DISK IN CURB WITH CROSS STAMPED "OS 88-2LADO", FLUSH	USACOE	DATA SHEET ACH023
3	1002		33°12'24.61596"	117°23'24.21178"	-30.381	2020791.58	6212959.55	14.24	"	0.99996136	SET 2.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1003		33°11'57.03946"	117°23'13.07146"	-20.666	2017994.23	6213875.64	46.17	"	0.99996014	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 33069", DN. 0.37'		
3	1004		33°11'50.26349"	117°22'30.18252"	2.076	2017269.88	6217512.41	120.59	"	0.99995664	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 7959", DN. 0.44'		
3	1005		33°11'38.88005"	117°22'49.29406"	-19.550	2016136.98	6215876.05	49.79	"	0.99996017	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 4068", DN. 0.50'		
3	1006		33°11'17.06969"	117°22'26.89360"	-19.031	2013912.14	6217755.70	51.47	"	0.99996035	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 7672", DN. 0.40'		
3	1007		33°11'16.86048"	117°22'11.72062"	-9.492	2013877.12	6219044.84	82.69	"	0.99995886	SET 3.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1008		33°10'56.07960"	117°22'10.01146"	-21.623	2011775.35	6219167.53	42.97	"	0.99996102	SET 2.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1009		33°10'50.34502"	117°21'25.98185"	-13.338	2011155.82	6222903.19	69.94	"	0.99995980	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 22015", DN. 0.45'		
3	1010		33°10'25.51372"	117°21'52.82916"	-23.019	2008670.57	6220594.73	38.50	"	0.99996184	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 17706", DN. 0.43'		
3	1011	CLSB-140	33°10'35.34670"	117°21'23.03750"	-16.304	2009637.36	6223137.33	60.24	60.24	0.99996046	FOUND 2" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "CLSB-140 LS 6215", FLUSH	CARLSBAD	ROS 17271
4	1012	CLSB-128	33°10'45.58664"	117°20'26.09569"	-25.799	2010621.28	6227987.62	28.75	28.75	0.99996181	FOUND 3" BRASS DISK IN BRIDGE DECK WITH TRIANGLE / PUNCH STAMPED "CLSB-128", FLUSH	CARLSBAD	ROS 17271
3	1013		33°11'03.34623"	117°21'23.47331"	-4.319	2012467.53	6223130.32	99.46	"	0.99995821	SET 2.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1014		33°12'12.80042"	117°21'27.83623"	7.530	2019490.86	6222834.13	138.07	"	0.99995554	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1015		33°12'43.18651"	117°22'02.65432"	-11.389	2022593.40	6219808.79	76.06	"	0.99995818	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 5292", DN. 0.46'		
3	1016		33°12'44.59462"	117°22'46.63719"	-13.966	2022775.97	6216173.76	67.81	"	0.99995857	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1017		33°12'38.27551"	117°21'14.02936"	-26.133	2022053.06	6224034.47	27.46	"	0.99996055	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 13817", DN. 0.47'		
3,6	1018		33°13'34.73486"	117°21'14.42709"	-17.761	2027759.51	6224061.10	54.70	"	0.99995869	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 27732", DN. 0.55'		
4	1019		33°13'02.10069"	117°20'37.89695"	-24.095	2024428.61	6227129.42	33.87	"	0.99995999	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
4	1020		33°12'06.18715"	117°20'32.60090"	-9.247	2018772.97	6227520.11	82.76	"	0.99995824	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
4	1021		33°11'10.72533"	117°20'05.74528"	6.616	2013143.88	6229743.58	134.88	"	0.99995640	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 32247", DN. 0.50'		
4	1022		33°10'57.23628"	117°19'21.73100"	-24.057	2011741.90	6233469.90	34.03	"	0.99996139	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 3997", DN. 0.76'		
4	1023		33°10'50.70839"	117°18'48.32181"	-11.703	2011053.07	6236302.41	74.43	"	0.99995953	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS8553", DN. 0.60'		
4	1024		33°10'53.99550"	117°18'18.31244"	28.698	2011359.37	6238856.15	206.80	"	0.99995315	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 4506", DN. 0.49'		
4	1025		33°11'42.76027"	117°18'37.61491"	39.443	2016304.45	6237265.85	241.97	"	0.99995087	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 4611", DN. 0.69'		
4	1026		33°12'07.92774"	117°18'54.15690"	8.208	2018862.34	6235886.23	139.50	"	0.99995548	FOUND 1.75" BRASS DISK IN CURB INLET WITH PUNCH STAMPED "COS BM D17", FLUSH		
4	1027		33°12'18.52282"	117°18'19.97548"	20.432	2019903.61	6238801.30	179.38	"	0.99995345	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 4965", DN. 0.51'		
4	1028		33°12'52.57622"	117°19'04.16019"	18.188	2023383.46	6235082.52	172.14	"	0.99995344	FOUND 2.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 22312", DN. 0.53'		
4	1029		33°13'27.33835"	117°19'58.73219"	-20.748	2026944.54	6230482.96	44.59	"	0.99995922	SET 2.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
6	1030		33°13'42.55443"	117°20'12.90469"	-21.571	2028494.89	6229295.14	41.87	"	0.99995921	SET 2.5" BRASS DISK ON SDG&E VAULT WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
6	1031		33°14'47.06476"	117°19'27.65469"	-15.567	2034974.85	6233205.82	61.11	"	0.99995775	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 42485", DN. 0.45'		
4,6	1032		33°13'36.49754"	117°19'05.58207"	-8.912	2027823.64	6235007.21	83.10	"	0.99995728	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 16889", DN. 0.47'		
6	1033		33°13'44.57763"	117°18'22.36014"	-5.643	2028602.86	6238686.80	93.60	"	0.99995670	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH CHISELED 'X', NO STAMPING, DN. 0.51'		
4	1034		33°13'11.97904"	117°17'55.16364"	49.493	2025284.94	6240963.71	274.42	"	0.99994834	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH IN CROSS STAMPED "RCE 15470", DN. 0.54'		
7	1035		33°13'01.94982"	117°17'14.81997"	90.621	2024237.04	6244380.73	409.17	"	0.99994198	FOUND 2" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "13177", DN. 0.54'		
5	1036		33°12'21.73492"	117°17'05.23760"	37.316	2020164.59	6245154.42	234.37	"	0.99995076	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
4,5	1037		33°11'32.00190"	117°17'41.74215"	58.685	2015169.21	6242002.57	304.84	"	0.99994797	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
5	1038	78-3.9	33°11'01.89073"	117°17'13.85975"	32.457	2012102.35	6244341.60	218.73	218.73	0.99995246	FOUND 2.25" BRASS DISK IN CONCRETE WALK WITH PUNCH STAMPED "CALTRANS 78-3.9", FLUSH	CALTRANS	SURVEY REQUEST SR12-197
5	1039		33°10'43.51108"	117°17'12.62929"	32.910	2010243.76	6244427.70	220.27	"	0.99995262	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
5	1040		33°10'24.60238"	117°15'50.80023"	62.468	2008264.34	6251363.60	316.87	"	0.99994823	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 27732", DN. 0.64'		
5	1041		33°10'16.76844"	117°15'21.52581"	78.471	2007448.49	6253844.09	369.24	"	0.99994583	FOUND 3.5" BRASS DISK IN MONUMENT WELL STAMPED "RCE 27732", DN. 0.69'		
5	1042		33°09'51.93187"	117°16'07.81697"	80.473	2004976.57	6249885.03	376.13	"	0.99994586	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 16844", DN. 0.55'		
5,7	1043		33°12'31.36143"	117°16'36.52855"	47.799	2021113.39	6247603.17	268.58	"	0.99994901	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 27732", DN. 0.52'		
6	1044		33°14'22.06490"	117°17'53.94057"	-10.397	2032367.20	8241138.83	77.71	"	0.99995713	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
6,7	1045		33°13'38.53936"	117°17'12.84634"	57.442	2027933.33	6244585.17	300.20	"	0.99994685	FOUND 3.5" BRASS DISK IN NORTHERLY MONUMENT WELL WITH PUNCH STAMPED "LS 4279", DN. 0.45'		
7	1046		33°14'03.94591"	117°16'49.20936"	36.328	2030481.17	6246618.29	230.75	"	0.99994994	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 4279", DN. 0.42'		
7	1047		33°14'48.00543"	117°16'50.50469"	-2.956	2034935.20	6246552.29	101.74	"	0.99995576	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
7	1048		33°14'07.47206"	117°15'42.54978"	25.794	2030782.10	6252283.42	195.85	"	0.99995156	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
7	1049		33°13'09.49537"	117°15'29.26382"	93.239	2024911.67	6253355.19	417.22	"	0.99994150	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
7	1050		33°15'17.61612"	117°15'57.05919"	10.880	2037883.31	6251120.16	146.84	"	0.99995338	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 27732", DN. 0.42'		
7	1051		33°15'12.25680"	117°14'36.43733"	17.736	2037275.69	6257960.96	168.92	"	0.99995234	SET 2.5" BRASS DISK IN CONCRETE DRAIN INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
8	1052		33°16'35.43203"	117°14'55.84275"	73.177	2045697.71	6256393.66	350.65	"	0.99994315	SET 2.5" BRASS DISK ON SDG&E VAULT WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
8	1053		33°16'29.54967"	117°15'59.53975"	59.489	2045155.46	6250980.41	306.04	"	0.99994533	SET 2.5" BRASS DISK IN CONCRETE WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		

R. OF S. MAP NO. 21787

SHEET NO.	STATION NO.	STATION NAME	CGCS3 COORDINATES 83NSRS2007 (2011.00) LATITUDE	LONGITUDE	ELLIP HT (M)	CCS 83 COORDINATES (2011.00) NORTHING (USFT)	EASTING (USFT)	COH88 DERIVED ELEVATION (USFT)	COH88 PUBLISHED ELEVATION (USFT)	COMBINATION FACTOR	DESCRIPTION	ORIGIN	SOURCE
8	1054		33°16'24.65557"	117°17'45.73019"	18.840	2044750.00	6241960.43	173.17	-	0.99995174	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 27732", DN. 0.46'		
6	1055		33°15'16.81796"	117°17'58.45090"	2.355	2037904.74	6240811.47	119.39	-	0.99995472	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
8	1056		33°17'46.25917"	117°15'03.35583"	182.013	2052911.44	6250732.11	707.76	-	0.99992579	SET 2.5" BRASS DISK IN CONCRETE WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
6	1057		33°14'54.62378"	117°18'03.62554"	-9.478	2035666.08	6240349.46	80.67	-	0.99995674	SET 2.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
4	1059		33°12'18.90719"	117°18'53.67354"	33.455	2019971.57	6235938.64	222.29	-	0.99995140	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 7019", DN. 0.43'		
3	1060		33°12'25.82705"	117°22'28.17789"	4.328	2020862.28	6217721.51	127.82	-	0.99995590	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
3	1061		33°11'59.18288"	117°21'42.15354"	11.714	2018127.55	6221603.01	151.92	-	0.99995503	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 26175", DN. 0.65'		
4	1062		33°11'25.64934"	117°20'17.43168"	63.712	2014662.53	6228766.21	322.21	-	0.99994726	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 6000", DN. 0.55'		
4	1063		33°12'31.31410"	117°19'59.37524"	-3.388	2021282.98	6230369.52	101.72	-	0.99995705	SET 2.5" BRASS DISK IN CURB INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
6,8	1064		33°15'53.53208"	117°18'22.76989"	-14.059	2041636.16	6238784.04	65.52	-	0.99995707	FOUND 3" BRASS DISK IN MONUMENT WELL WITH PUNCH IN CROSS STAMPED "LS 5096", DN. 0.44'		
6,7,8	1065		33°15'59.31441"	117°17'37.55059"	31.687	2042181.90	6242629.21	215.37	-	0.99994986	FOUND 3" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 5334", DN. 0.48'		
7	1066		33°13'01.94030"	117°16'15.18190"	75.281	2024186.07	6249447.02	358.55	-	0.99994439	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "RCE 23280", DN. 0.39'		
7	1067		33°14'11.49141"	117°16'13.47717"	35.959	2031213.92	6249660.64	229.34	-	0.99994993	FOUND 3.5" BRASS DISK IN MONUMENT WELL WITH PUNCH, NO STAMPING, DN. 0.47'		
7	1068	V2028	33°14'44.49047"	117°15'57.71876"	27.877	2034535.96	6251031.53	202.66	200.37*	0.99995095	FOUND 2.5" ALUMINUM DISK IN AC WITH TRIANGLE / PUNCH STAMPED "(SCRATCHED) 2028", FLUSH	VISTA	ROS 14023
7	1069		33°15'48.58846"	117°15'06.65028"	17.863	2040972.17	6255430.68	169.37	-	0.99995209	SET 2.5" BRASS DISK IN STORM DRAIN INLET WITH TRIANGLE / PUNCH STAMPED "LS 7854", FLUSH		
5	1070	CLSB-099	33°09'09.18296"	117°15'14.32408"	132.485	2000612.01	6254390.43	546.64	546.74	0.99993833	FOUND 3.5" BRASS DISK IN CURB WITH TRIANGLE / PUNCH STAMPED "CLSB- 099", FLUSH	CARLSBAD	ROS 17271
3	1071	0396-B	33°12'31.67647"	117°23'40.09807"	-31.805	2021519.93	6211617.69	9.63	9.63	0.99996151	FOUND 4" USACOE BRASS DISK IN CONCRETE FOUNDATION WITH APPARENT CENTER STAMPED "0396B 1979", FLUSH	USACOE	DATA SHEET ACH021
3	1072	OC 163	33°12'49.28708"	117°20'51.09839"	-25.016	2023145.38	6225994.32	30.96	31.06	0.99996026	FOUND 3.5" NGS BRASS DISK WITH PUNCH STAMPED "SDCO 06163", FLUSH	NGS	DATA SHEET DX1229
3	1073	SLR 2010-01	33°12'22.83351"	117°23'39.16897"	-30.974	2020625.35	6211686.82	12.39	12.30	0.99996147	FOUND GEAR SPIKE IN AC WITH WASHER WITH PUNCH STAMPED "SLR 2010-01", FLUSH	JFA	PROJECT REPORT USACOE FILE 2999_250
6,7	1074	SLR 2010-22	33°14'59.81883"	117°17'35.77737"	-0.054	2036167.38	6242719.59	111.44	111.45	0.99995522	FOUND GEAR SPIKE IN AC WITH WASHER WITH PUNCH STAMPED "SLR 2010-22", FLUSH	JFA	PROJECT REPORT USACOE FILE 2999_250
8	1075		33°17'38.38978"	117°16'19.70939"	155.347	2052129.68	6249336.32	620.37	-	0.99993000	FOUND 3" BRASS DISK IN MONUMENT WELL WITH PUNCH STAMPED "LS 5267", DN. 0.36'		
4	2000	78-2.71L	33°10'50.62249"	117°18'25.76094"	30.752	2011024.89	6238219.68	213.60	213.60	0.99995287	FOUND 2.25" BRASS DISK IN 3" IRON PIPE WITH PUNCH STAMPED "CALTRANS 78-2.71L", FLUSH	CALTRANS	SURVEY REQUEST SR12-197
4,5	2002	78-3.3	33°11'02.78600"	117°17'48.27389"	23.666	2012222.06	6241417.89	190.05	190.05	0.99995383	FOUND 2.25" BRASS DISK IN CURB STAMPED "CALTRANS 78-3.3", FLUSH	CALTRANS	SURVEY REQUEST SR12-197
4	2003	78-0.7	33°10'48.06575"	117°20'24.01601"	-23.065	2010869.98	6228166.98	37.65	37.65	0.99996135	FOUND 2.25" BRASS DISK IN CURB STAMPED "CALTRANS 78-0.7", FLUSH	CALTRANS	SURVEY REQUEST SR12-197
7	2004	BM A-29	33°15'48.59594"	117°15'06.60910"	17.877	2040972.89	6255434.19	169.42	167.12*	0.99995209	FOUND NAIL AND TAG IN STORM DRAIN INLET STAMPED "COS BM A29", FLUSH	OCEANSIDE	COS BM A29 BK 1/2012 (1983 ADJ/1970 DATUM)
3	2005	BM F-44	33°10'37.84251"	117°21'32.91761"	-18.118	2009898.52	6222300.31	54.43	54.43	0.99996071	FOUND 1.375" BRASS DISK IN CURB STAMPED "COS BM F44", FLUSH	OCEANSIDE	COS BM F44 BK 1/2012 (1984 ADJ/1970 DATUM)
5	2006	BM E-74	33°10'06.75334"	117°15'50.49702"	114.381	2008460.16	6251371.83	487.24	485.11*	0.99994033	FOUND 1.375" BRASS DISK IN CURB STAMPED "COS BM E74", FLUSH	OCEANSIDE	COS BM E74 BK 1/2012 (1984 ADJ/1970 DATUM)
3	2102	PIER RM 2	33°11'38.71911"	117°23'04.34501"	-26.016	2016134.61	6214596.96	28.65	28.65	0.99996119	FOUND NGS BRASS DISK SET IN PIER CURBING WITH CROSS STAMPED "PIER NO2 1933", FLUSH	NGS	DATA SHEET DX3432
3	2131	H 131	33°10'26.90375"	117°21'51.35532"	-22.290	2008809.71	6220721.49	40.80	40.80	0.99996151	FOUND 3.5" NGS BRASS DISK IN 8" CONCRETE MONUMENT WITH CROSS STAMPED "H131 1938", FLUSH	NGS	DATA SHEET DX1222
3	2307	M 1307	33°13'39.76370"	117°23'50.47777"	-21.835	2028410.86	6210811.58	42.09	42.09	0.99995928	FOUND 3.5" NGS BRASS DISK IN WALL WITH CROSS STAMPED "M 1307", FLUSH	NGS	DATA SHEET DX3431
1	2638	SD 6 38	33°16'34.04545"	117°13'34.81652"	14.509	2045492.42	6263270.96	157.81	157.81	0.99995237	FOUND 3.5" NGS BRASS DISK IN UTILITY VAULT WITH PUNCH IN CROSS STAMPED "SD6-38 1992", FLUSH	NGS	DATA SHEET DX5541
6	2647	SD 6 47	33°13'52.99492"	117°18'08.71992"	-10.302	2029441.85	6239853.97	78.21	78.21	0.99995735	FOUND 3" NGS BRASS DISK IN CURB WITH PUNCH STAMPED "SD6-47 1992", FLUSH	NGS	DATA SHEET DX5547
4,6	2650	SD 6 50	33°13'30.50817"	117°19'53.49920"	-20.346	2027260.29	6230930.80	45.87	45.87	0.99995913	FOUND 3.5" NGS BRASS DISK IN CURB INLET WITH PUNCH STAMPED "SD6-50 1992", FLUSH	NGS	DATA SHEET DX5550
7	2775	73-7.75	33°15'05.12311"	117°15'54.84356"	10.137	2036618.85	6251296.01	144.40	144.40	0.99995358	FOUND 2.25" BRASS DISK IN CONCRETE WALK WITH PUNCH STAMPED "73-7.75", FLUSH	CALTRANS	SURVEY REQUEST SR13-117
1	3001	CLBO	33°08'07.37604"	117°18'39.46300"	21.343	1994538.20	6236887.31	183.39		0.99995676	CGPS CORS STATION	SOPAC	SOPAC DATA SHEET
1	3002	OSME	33°02'11.30762"	117°14'58.28098"	56.869	1958366.29	6255349.44	299.91		0.99995861	CGPS CORS STATION	CSRC	CSRC DATA SHEET
6	3003	OCSD	33°14'26.38783"	117°20'48.19371"	43.655	2032956.33	6226344.31	255.86		0.99994861	CGPS CORS STATION	SOPAC	SOPAC DATA SHEET/CALTRANS SURVEY REQUEST SR12-197
1	3004	P474	33°21'18.68178"	117°14'55.24297"	183.645	2074324.66	6256718.79	712.07		0.99992538	CGPS CORS STATION	CSRC	CSRC DATA SHEET
1	3005	P478	33°14'08.56125"	117°04'17.67844"	372.315	2030380.76	6310453.11	1329.27		0.99989716	CGPS CORS STATION	CSRC	CSRC DATA SHEET
1	3006	SBCC	33°33'10.78934"	117°39'41.30401"	89.395	2147751.14	6131652.26	406.32		0.99994739	CGPS CORS STATION	CSRC	CSRC DATA SHEET
1	3007	VTOR	33°13'30.04070"	117°11'35.41859"	380.670	2026802.24	6273238.92	1358.96		0.99989618	CGPS CORS STATION	SOPAC	SOPAC DATA SHEET/CALTRANS SURVEY REQUEST SR12-197

* INDICATES PUBLISHED NGVD29 ELEVATION PER SOURCE DOCUMENTS

H:\POATA\134287\CADD\MAPPING\RS#####\134287-RS-09-10_2013.DWG CATHY.SCHMERSAL 8/4/14 5:32 pm

RBF CONSULTING PLANNING ■ DESIGN ■ CONSTRUCTION JN 134287

9755 ALTOS PARKWAY
IRVINE, CALIFORNIA 92618-2027
949.472.9505 • FAX 949.472.8373 • www.rbf.com

CALIFORNIA COORDINATE INDEX 374-1659

EXHIBIT C

Oceanside Planning Commission Resolution No. 2022-P03 (March 28, 2022)

PLANNING COMMISSION
RESOLUTION NO. 2022-P03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	RC21-00012
APPLICANT:	909 to 1027 South Pacific Street Revetment Improvements
LOCATION:	909 to 1027 South Pacific Street (APNs: 150-355-07, 150-355-08, 150-355-09, 150-355-10, 150-355-11, 150-355-13-01, 150-355-13-02, 150-355-13-03, 150-355-13-04, 150-355-14 & 152-076-01, 152-076-02, 152-076-03, 152-076-04, 152-076-05, 152-076-06, 152-076-07, 152-076-08, 152-076-09, 152-076-10)

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit (RC21-00012) under the provisions of the City of Oceanside Local Coastal Program to permit the following:

to allow revetment repairs to existing properties located from 909 South Pacific Street to 1027 South Pacific Street;

WHEREAS, the Planning Commission, after giving the required notice, failed to achieve a quorum on the 14th day of February 2022 and the item was continued to the next regularly scheduled meeting of the Planning Commission; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day of March 2022 continue the item to the meeting on the 28th day of March, 2022; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 28th day of March 2022 conduct a duly-advertised public hearing as prescribed by law to consider said application .

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from environmental review per Article 19, Class 3, Section 15301, "Existing Facilities";

WHEREAS, action on this resolution becomes final 20 days after its adoption, unless appealed to the City Council, and shall become effective after the 10 working-day appeal period to the Coastal Commission has expired; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

FINDINGS:

For the Regular Coastal Permit (RC21-00012):

1. The proposed revetment improvements, as conditioned, is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the project will not substantially alter or impact existing public views of the coastal zone area and the physical aspects of the project are compatible with existing development on neighboring sites. The proposed improvements would provide a safe beach area for the public and provide an aligned revetment for the adjoining neighbors.
2. The proposed improvements will not obstruct any existing, planned, or required public beach access, because the work would be conducted entirely from the subject properties' rear-yard areas and not on the public beach sand area. The work will not be conducted during time where the mean high tide is at 20-feet to the rear revetment. Therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.
3. The project will not result in the loss of any on-street public parking spaces, because the improvements do not alter public beach parking.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Regular Coastal Permit (RC21-00012) subject to the following conditions:

Engineering:

1. The project is subject the provision and details of the City's Typical Seawall Detail as specified within M-19 of the Engineering manual and the Seawall Ordinance as specified within the City Code.
2. The following shall be required prior to construction of the revetment:
   a. An individual survey for each property showing existing location and elevation of both the toe and the top of revetment shall be submitted to Engineering for review and approval prior to construction.

b. A cross-section of **each** affected property showing the proposed new location, alignment and elevation of toe and top of the revetment and a clear delineation of the Mean High Tide Line, and the City of Oceanside versus Coastal Commission boundaries.

c. A final survey showing actual post-construction location, alignment and elevation of toe and top of the revetment.

d. Stockpiling of material is not allowed on City Street without a Right-of-Way permit.

e. Equipment that blocks any portion of Pacific Street requires a Right-of-Way permit and a traffic control plan

f. The repair of the revetment is not allowed to utilize cement-sand slurry for any portion of repair work or the perched beach area; and the operator is prohibited from using concrete within the revetment or the perched beach area.

g. The addition or the repair/replacement of stairways to the beach without California Coastal approval is prohibited.

Planning:

3. This Regular Coastal Permit shall expire March 28, 2025 unless implemented per the Zoning Ordinance or unless the Planning Commission grants a time extension.

4. This Regular Coastal Permit, as conditioned, approves the revetment repairs to existing properties located at (913, 915, 917, 919, 923, 925, 929, 933, 937, 1001, 1005, 1007, 1011, 1015, 1019, 1021, 1023, 1025 and 1027 South Pacific Street) within the City of Oceanside jurisdiction. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

5. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Regular Coastal Permit (RC21-00012). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the

applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

6. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and/or operator. This notification provision shall run with the life of the project and shall be recorded as a covenant on the property.

7. Failure to meet any conditions of approval for this development shall constitute a violation of the Regular Coastal Permit.

8. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

9. Prior to issuance of a seawall permit with the City of Oceanside, the applicant and individual landowners shall execute and record a covenant, in a form and content acceptable to the City Attorney, providing that the property is subject to this resolution and all conditions of approval.

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PASSED AND ADOPTED Resolution No. 2022-P03 on March 28, 2022 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Sergio Madera Secretary

I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2022-P03.

Dated: March 28, 2022

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

Applicant/Representative

Date

EXHIBIT D

Oceanside Planning Commission Staff Report (March 28, 2022)

PLANNING COMMISSION — CITY OF OCEANSIDE

DATE: March 28, 2022 Continued from February 14, 2022

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC21-00012) TO ALLOW REPAIRS TO THE EXISTING REVETMENT ALONG PORTIONS OF THE 900 TO THE 1000 BLOCK OF SOUTH PACIFIC STREET – 909 TO 1027 S. PACIFIC REVETMENT REPAIRS – APPLICANT: MARK J. DILLON**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Confirm issuance of Article 19 Categorical Exemption for Existing Facilities, pursuant to Section 15301 of the California Environmental Quality Act (CEQA); and,

(2) Approve Regular Coastal Permit (RC21-00012) and adopt Planning Commission Resolution No. 2022-P03.

BACKGROUND AND PROJECT DESCRIPTION

Background and Site Review: The project site includes properties from 909 to 1027 South Pacific Street as shown in Figure 1. The project revetment/rip-rap repair area is located at the most western portions of each property at the beach/sand level and located along the west side of South Pacific Street. The proposed revetment/rip-rap would be repaired pursuant to the City's Municipal Code Section 19.A.19 (Seawall Ordinance); and, specifically, Section 19.A.21. Repair and Maintenance. The City's Seawall Ordinance defines revetment/rip-rap "as the armoring of the beach face of bluff with stone or concrete randomly placed by layering faces or mounding to protect

Figure 1

against erosion, scouring or sloughing of a structure or embankment of wave action."

The site is situated within the Townsite Neighborhood Planning Area and has a land use designation of Low Density Residential and a corresponding zoning designation of R-1 (Single-Family Residential). The properties are bordered by single-family development to the north, south, east, and the Pacific Ocean to the west.

The properties are within the appeal jurisdiction of the California Coastal Commission (CCC). Any final action by the City of Oceanside on this proposed Regular Coastal Permit may be appealed to the CCC. Through the CCC appeal process, the City's decision may be upheld, reversed, or modified.

On May 12, 2021, the applicant filed for a Coastal Development Permit (CDP) exemption for the proposed revetment repair for the properties. Based on discussions with City staff, the applicant then filed this requested Regular Coastal Permit for the repair work. The proposed repairs would not occur on the public beach area; and the extent of the proposed repairs would be conducted with mechanized equipment, which would be placed on each individual rear-yard of each property included in the application, and not on the sand or beach area. Further, the proposed repairs would not obstruct coastal access because all proposed repairs would be conducted from the rear-yards of each individual property, with no mechanized equipment or construction materials placed on the sand or beach area. There would be no adverse impacts to the shoreline or transport or supply of sand as the proposed repairs would not occur on the sand or beach areas, but rather the private property rear-yards of each individual home. Additionally, no alteration would occur to any natural landforms or scenic qualities of the coast because, again, the proposed repairs would be performed from the private property rear-yard areas only.

Project Description:

Regular Coastal Permit (RC21-00012) represents a request for the following:

To allow revetment repairs to existing properties located from 909 to 1027 South Pacific Street. Due to slumping and loss of backfill support at each property, the portions of the revetment/stones have dislodged and rolled toward the west onto the sand. The applicant is requesting to restack the existing rock to further protect the shoreline and eliminate existing and future hazards for the public. The rocks that have rolled to the shoreline would be picked up by the mechanized equipment and reconfigured back onto the revetment structure in a stable configuration. The rock would be placed such that the top of the rock dips into the slope of the revetment. The proposed repairs would not extend farther seaward from the existing toe of the revetment. The slope and elevation of the proposed repairs must conform to the City of Oceanside's Typical Seawall Detail M-19, as specified within the City's Engineering Design Manual, as shown in Figure 2 below.

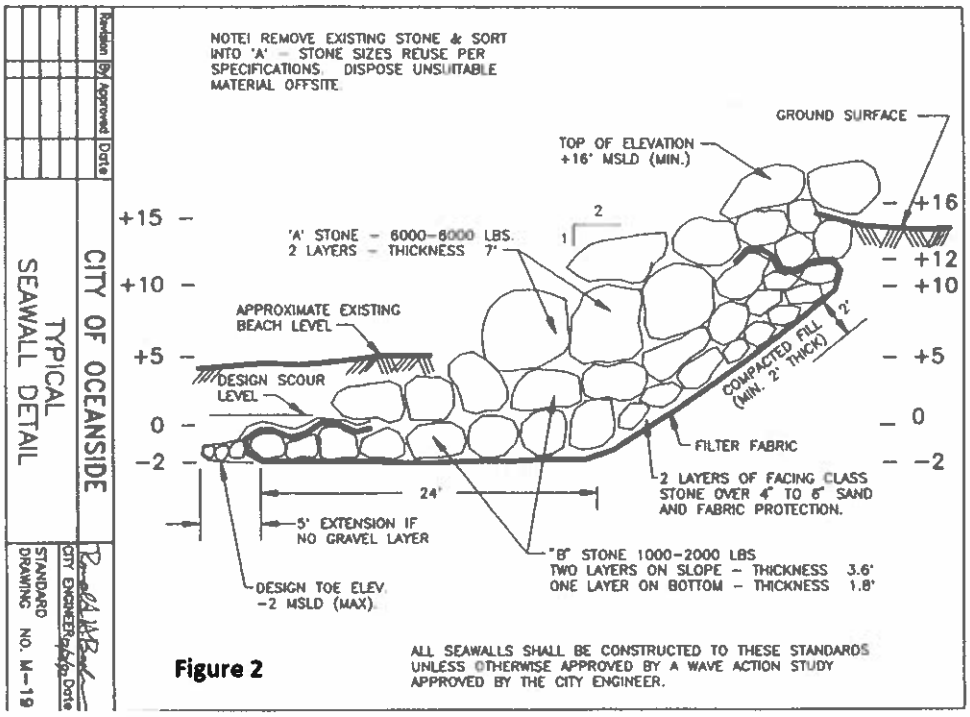

Figure 2

The filter fabric behind the revetment would also be repositioned and or replaced as needed. The revetment will be backfilled with sand that would meet a 30% to 75% beach sand gradation. The applicant's Geo Soils engineer estimates that approximately 5 to 10 rocks per property would be the maximum necessary for restacking. Per the Local Coastal Program and the City's Engineering Division, the proposed project would be limited to the restacking of the existing rocks and the placement of new rock of the same or similar kind, not to exceed 20% of the existing revetment material. No concrete would be utilized for any of the proposed repairs. The applicant anticipates that the revetment repairs would utilize the existing rock for restacking, but in some instances new rock would be needed and the quantity of that rock would not be more than the maximum 20% increase of rock per each property. This work also would be accomplished without a seaward extension of the revetment and without having to place any mechanized equipment or construction materials on the sand or beach area. In addition, no equipment will operate within 20-feet of the High Tide line, so construction would be dependent on the lower tides as specified within the local tide calendars before commencing construction. This permit would be for all work conducted eastward of the mean high tide line. Further, the proposed repairs would not involve any substantial alterations, such as pilings or other concrete, surface, or subsurface structures. No placement of any artificial berms or other beach materials would occur as part of the proposed repairs. The proposed repair work is also intended to be conducted outside of the major holidays and not on weekends.

The proposed repairs are needed to protect against erosion, scouring, and sloughing/slipping/subsidence caused by high tides, storms, and wave action. The current revetment is unstable and fails to afford protection to the subject properties that the existing revetment was designed to protect. The ongoing degradation of the existing revetment is a hazard to the public and others. The proposed repairs are designed to correct these existing conditions.

The proposed project is subject to the following regulatory documents:

1. General Plan Land Use Element

2. Zoning Ordinance
3. Local Coastal Program (LCP)
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan

The General Plan Land Use designation for the subject property is Coastal Single-Family Residential. The proposed project is consistent with this land use designation as well as the goals and objectives of the City's General Plan, as follows:

Goal 1.32: Coastal Zone

Objective: To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.

Policy A: The City shall utilize the certified Local Coastal Plan and supporting documentation for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan shall be the guiding policy review document.

The proposed project has been reviewed by staff for compliance with the policies of the Local Coastal Program (LCP). Staff finds that the application complies with applicable policies of the LCP, as stated below in the LCP analysis.

2. Zoning Compliance

The proposed project has been reviewed by staff for compliance with the regulations of the City's Zoning Ordinance. The proposed revetment repairs do not propose structures that would require review of the development regulations pursuant to the Zoning Ordinance. No structures are proposed with the subject revetment repair work. The purpose of this residential (R1) district is to provide opportunities for single-family residential within the City's Coastal Zone, and the proposed repairs to the existing revetment, the purpose of which is to protect existing single-family homes, would be consistent with the purpose of this district.

3. Local Coastal Program

The subject property lies within the Appeal Jurisdiction of the City's Coastal Zone and is governed by the City's Local Coastal Program (LCP). The LCP establishes polices and guidelines for enhancing public access to coastal resources, expanding visitor-serving amenities, enhancing the visual character of the built environment, and preserving environmentally sensitive areas. The LCP policies and guidelines relevant to the proposed project include those pertaining to the supply of public parking, the health of natural resources, and the visual character of existing neighborhoods.

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provisions of this program. The proposed repairs meet the provisions established within the coastal residential single-family district and the LCP. In addition, the project meets the intent of the City's LCP as stated within the Exhibit section for the Seawall Ordinance (Ordinance 83-11 & revision 85-12), which permits seawall repairs and replacement of existing revetments with the review and approval of a Regular Coastal Permit.

Consequently, staff has determined that the proposed revetment repair work conforms with and is compatible to the surrounding Townsite Neighborhood, and therefore supports the proposal as submitted. The revetment repairs would be consistent with many of the revetment repairs that have been reviewed and approved by the City of Oceanside and CCC staff. The repairs would allow for additional beach area for beach goers; assist in the protection of the single-family homes; prevent further erosion and instability, which poses public health and safety concerns; corrects unstable revetment that no longer provide protection to the property and uses the revetment was designed to protect; and the proposed repairs would not obstruct coastal access, affect the shoreline or the transport or supply of sand, or alter any natural landforms or affect coastal scenic qualities.

ENVIRONMENTAL DETERMINATION

Staff has determined that on the basis of the entire record that this proposed project will not have a significant impact on the environment and has determined that it is categorically exempt from the requirements of the California Environmental Quality Act per section 15301 of the CEQA Guidelines pertaining to maintenance of existing facilities. In the event the proposed project is ultimately approved, the applicant will be issued a Notice of Exemption (NOE) for posting with the San Diego County Clerk-Recorder.

DISCUSSION

Staff has analyzed the proposal and the submitted materials for the revetment repairs and found the proposal to present an opportunity to assist with reinforcing the properties' rear-yard areas and establishing a safe and usable public beach area without potential for public hazards. The project is considered a maintenance and repair project for both the residents and the City because beach areas would be restored by the restacking of the unlogged revetment stones and the residences would have a uniformed and restacked revetment. Staff has determined, based on its files and entire record, that this proposed repair project is consistent with all applicable Local Coastal Program provisions.

PUBLIC NOTIFICATION

A legal notice was published in the newspaper and notices were sent to property owners within a 500-foot radius and to tenants within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested

parties.

SUMMARY

The proposed Regular Coastal Permit (RC21-00012), as conditioned, is consistent with all applicable the land use policies of the General Plan, the requirements of the Zoning Ordinance, and the policies of the Local Coastal Program. The project has been conditioned to meet or exceed all applicable standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

(1) Confirm issuance of Article 19 Categorical Exemption for Existing Facilities, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) and other applicable sections; and,

(2) Approve Regular Coastal Permit (RC21-00012) and adopt Planning Commission Resolution No. 2022-P03.

PREPARED BY:

Scott Nightingale
Senior Planner

SUBMITTED BY:

Sergio Madera
City Planner

SM/SN

Attachments:
1. Planning Commission Resolution No. 2022-P03
2. Geo Soils letter and exhibits (Online)
3. Other Attachments (Application Page, Description and Justification, Legal Description, Letter from residents advocating for the revetment work, Photos, Notice of Exemption) (Online)

Attachment 1

PLANNING COMMISSION
RESOLUTION NO. 2022-P03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	RC21-00012
APPLICANT:	909 to 1027 South Pacific Street Revetment Improvements
LOCATION:	909 to 1027 South Pacific Street (APNs: 150-355-07, 150-355-08, 150-355-09, 150-355-10, 150-355-11, 150-355-13-01, 150-355-13-02, 150-355-13-03, 150-355-13-04, 150-355-14 & 152-076-01, 152-076-02, 152-076-03, 152-076-04, 152-076-05, 152-076-06, 152-076-07, 152-076-08, 152-076-09, 152-076-10)

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit (RC21-00012) under the provisions of the City of Oceanside Local Coastal Program to permit the following:

to allow revetment repairs to existing properties located from 909 South Pacific Street to 1027 South Pacific Street;

WHEREAS, the Planning Commission, after giving the required notice, failed to achieve a quorum on the 14th day of February 2022 and the item was continued to the next regularly scheduled meeting of the Planning Commission; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day of March 2022 continue the item to the meeting on the 28th day of March, 2022; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 28th day of March 2022 conduct a duly-advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from environmental review per Article 19, Class 3, Section 15301, “Existing Facilities”;

WHEREAS, action on this resolution becomes final 20 days after its adoption, unless appealed to the City Council, and shall become effective after the 10 working-day appeal period to the Coastal Commission has expired; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

FINDINGS:

For the Regular Coastal Permit (RC21-00012):

1. The proposed revetment improvements, as conditioned, is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the project will not substantially alter or impact existing public views of the coastal zone area and the physical aspects of the project are compatible with existing development on neighboring sites. The proposed improvements would provide a safe beach area for the public and provide an aligned revetment for the adjoining neighbors.
2. The proposed improvements will not obstruct any existing, planned, or required public beach access, because the work would be conducted entirely from the subject properties' rear-yard areas and not on the public beach sand area. The work will not be conducted during time where the mean high tide is at 20-feet to the rear revetment. Therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.
3. The project will not result in the loss of any on-street public parking spaces, because the improvements do not alter public beach parking.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Regular Coastal Permit (RC21-00012) subject to the following conditions:

Engineering:

1. The project is subject the provision and details of the City's Typical Seawall Detail as specified within M-19 of the Engineering manual and the Seawall Ordinance as specified within the City Code.
2. The following shall be required prior to construction of the revetment:
   a. An individual survey for each property showing existing location and elevation of both the toe and the top of revetment shall be submitted to Engineering for review and approval prior to construction.

b. A cross-section of **each** affected property showing the proposed new location, alignment and elevation of toe and top of the revetment and a clear delineation of the Mean High Tide Line, and the City of Oceanside versus Coastal Commission boundaries.

c. A final survey showing actual post-construction location, alignment and elevation of toe and top of the revetment.

d. Stockpiling of material is not allowed on City Street without a Right-of-Way permit.

e. Equipment that blocks any portion of Pacific Street requires a Right-of-Way permit and a traffic control plan

f. The repair of the revetment is not allowed to utilize cement-sand slurry for any portion of repair work or the perched beach area; and the operator is prohibited from using concrete within the revetment or the perched beach area.

g. The addition or the repair/replacement of stairways to the beach without California Coastal approval is prohibited.

Planning:

3. This Regular Coastal Permit shall expire March 28, 2025 unless implemented per the Zoning Ordinance or unless the Planning Commission grants a time extension.

4. This Regular Coastal Permit, as conditioned, approves the revetment repairs to existing properties located at (913, 915, 917, 919, 923, 925, 929, 933, 937, 1001, 1005, 1007, 1011, 1015, 1019, 1021, 1023, 1025 and 1027 South Pacific Street) within the City of Oceanside jurisdiction. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

5. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Regular Coastal Permit (RC21-00012). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the

applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

6. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and/or operator. This notification provision shall run with the life of the project and shall be recorded as a covenant on the property.

7. Failure to meet any conditions of approval for this development shall constitute a violation of the Regular Coastal Permit.

8. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

9. Prior to issuance of a seawall permit with the City of Oceanside, the applicant and individual landowners shall execute and record a covenant, in a form and content acceptable to the City Attorney, providing that the property is subject to this resolution and all conditions of approval.

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PASSED AND ADOPTED Resolution No. 2022-P03 on March 28, 2022 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Sergio Madera Secretary

I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2022-P03.

Dated: March 28, 2022

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

Applicant/Representative

Date

EXHIBIT E

Application for Discretionary Permit – Mark J. Dillon (August 29, 2021)

ATTACHMENT 3

Application for Discretionary Permit
Development Services Department / Planning Division

STAFF USE ONLY	
ACCEPTED: 10/20/21	BY: SN.
HEARING	

	GENERAL PLAN AMENDMENT	
	MASTER/SPECIFIC PLAN	
	ZONE AMENDMENT	
	TENTATIVE MAP	
	TENT. PARCEL MAP	
	DEVELOPMENT PLAN	
	CONDITIONAL USE PERMIT	
	VARIANCE	
	COASTAL PERMIT RC21-00012	
	HISTORIC PERMIT	

Please Print or Type All Information

PART I – APPLICANT INFORMATION

1. APPLICANT	2. STATUS
Mark J. Dillon	Property Owner + representative
3. ADDRESS	**4. PHONE & E-MAIL**
1018 South Pacific Street Oceanside, CA 92054	(760) 212-7711 (cell) (760) 722-1866 (home)

5. APPLICANT'S REPRESENTATIVE (or person to be contacted during project processing): N/A

6. ADDRESS	7. PHONE & E-MAIL
N/A	N/A

PART II – PROPERTY DESCRIPTION

8. LOCATION: Residential Properties, 900 and 1000 blocks, South Pacific Street

9. SIZE

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER

14. LATITUDE	15. LONGITUDE

PART III – PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION: Coastal Development Permit (CDP) from City of Oceanside for coastal revetment repair + maintenance – SEE ATTACHMENT 1.

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE	20. NO. UNITS	21. DENSITY
N/A	N/A	N/A	N/A	N/A

22. BUILDING SIZE	23. PARKING SPACES	24. % LANDSCAPE	25. % LOT COVERAGE or FAR
N/A	N/A	N/A	N/A

PART IV – ATTACHMENTS

	26. DESCRIPTION/JUSTIFICATION		27. TITLE REPORT WITH LEGAL DESCRIPTION		28. NOTIFICATION MAP & ADDRESSES
	29. ENVIRONMENTAL INFO FORM		30. STORM WATER QUALITY ASSESSMENT FORM		31. PLOT PLANS
	32. FLOOR PLANS AND ELEVATIONS		33. CERTIFICATION OF POSTING		34. OTHER (See attachment for required reports)

PART V – SIGNATURES

SIGNATURES FROM **ALL OWNERS** OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGAES AS NECESSARY). SEE ATTACHMENT 2.

35. APPLICANT OR REPRESENTATIVE (Print):	36. DATE	37. OWNER (Print)/Representative	38. DATE
N/A	N/A	Mark J. Dillon	8/29/21
Sign: N/A		Sign: Mark J. Dillon	

- **I DECLARE, UNDER PENALTYOF PERJURY, THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTAND THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.**
- **I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.**

ATTACHMENT 1
Application for Discretionary Permit
Oceanside Development Services Department/Planning Division
Coastal Permit
Coastal Revetment - Repair and Maintenance
(August 29, 2021)

Property Description

Imminent public safety hazards and a high risk of bodily injury currently exists to the public and the property owners and their families, occupants, renters, and visitors (collectively, "owners/occupants") at or in the immediate vicinity of the existing rock revetment at the subject residential homes and properties, situated at the 900 and 1000 blocks of South Pacific Street, in Oceanside, California.

The existing rock revetment needs immediate repairs and maintenance to protect against erosion, scouring, and sloughing/slipping/subsidence caused by high tides, storms, and wave action. The present wave damage, particularly during current high tides, and the upcoming fall/winter storms, are causing damage and a high risk of bodily injury, and will continue to cause damage and a high risk of bodily injury, to the public and owners/occupants.

The damage is in the form of, among other things: (i) subsidence caused by waves and high tides eating away the land underneath backyards and other features behind the existing rock revetment); (ii) falling rock revetment caused by the current high tides and prior and anticipated near-term fall/winter storms which results in a high risk of bodily injury to the public who traverse the beach below and adjacent to the existing rock revetment; (iii) loose and failing rock revetment and gaps and exposed under layer material resulting in the high potential for large rocks within the revetment to dislodge and fall onto the public beach; and (iv) slumping or rotating of existing shore protection.

The losses and damages have been sudden and unexpected because the surface areas did not exhibit visual problematic conditions until recently experienced high tides and storms, all of which is exacerbated by high tides, wave action, storms, and the upcoming fall/winter storms and associated high tides/wave action. The area is now exposed causing imminent danger to life, health, property, and other important public interests such as coastal access, use and enjoyment of property, stigma, rental income losses, buy/sell options, etc.).

Additionally, the high tides/wave action and the storms no longer subside onto dry beach areas as in prior years. This is because man-made marinas and associated structures have caused the loss of sand transport, the loss of natural sand replenishment, and the resulting severe erosion along Oceanside beaches without mitigation or corrective action by responsible agencies (e.g., U.S. Army Corps of Engineers).

Moreover, the excessive scour in front of the existing rock revetment has resulted in an alongshore trough, which is a few feet deeper than the adjacent shallow sand bars. This trough is a result of the current slumped condition of the existing rock revetment. The trough is a hazard to the public wading along the shoreline. The rocks are actively moving due to slumping and loss

of back fill support. The filter fabric is also visible in many locations. The ongoing degradation of the existing rock revetment is a hazard to the beach-going public. Perched rocks can roll onto the beach or beach goer at any time. The rocks that have rolled off are also an obstruction to lateral public beach access. The rocks that have rolled off are also an obstruction to lateral public beach access. The rolled rock also force the public walking along the shoreline into the hazardous alongshore trough.

Movement of the existing rock revetment also threatens public safety in coastal access areas that may well lead to rock fall hazards and potential liability to the City of Oceanside, the California Coastal Commission, and other parties/entities. To avoid such public safety hazards and potential liability, immediate repairs and maintenance are required at the existing rock revetments located at the 900 and 1000 blocks of South Pacific Street.

These conditions are ongoing and worsen by the day with more and more damage visibly appearing at the subject properties. Further support for this application is provided in the "CDP Permit Exemption" application dated May 12, 2021, which is on file with the City of Oceanside and incorporated by this reference. Notwithstanding this application submittal, the applicant representative(s) do not waive their right to continue to pursue said permit exemption; and nothing herein may be construed as any waiver or relinquishment of such rights.

ATTACHMENT 2
Application for Discretionary Permit
Oceanside Development Services/Planning Division
Coastal Permit
Coastal Revetment – Repair and Maintenance
(August 29, 2021)

The primary applicant/representative for the proposed Coast Permit is as follows:

Mark J. Dillon
1011 South Pacific Street
Oceanside, California 92054
(760) 212-7711 (cell)
(760) 722-1866 (home)
Gatzke Dillon & Ballance LLP
(760) 431-9501 (business)
mdillon@gdandb.com

The Subject Properties and owners, which are part of this requested Coastal Permit from the City of Oceanside are listed below, by name, address, and APN number.

1. Gregory Alessandra, Trustee of Allessandra Investment Trust III, dated Nov. 29, 1996
   1001 South Pacific Street, Oceanside, CA 92054
   APN 152-076-01-00

2. George P. Yelich, an unmarried man
   1005 South Pacific Street, Oceanside, CA 92054
   APN 152-076-02-00

3. MJD Trust, dated Dec. 12, 2020
   1007 South Pacific Street, Oceanside, CA 92054
   APN 152-076-03-00

4. MJD Trust, dated Dec. 12, 2020
   1011 South Pacific Street, Oceanside, CA 92054
   APN 152-076-04-00

5. Jim Bailey and Nancy Schycker-Bailey, Trustees of the Bailey Trust, Sept. 21, 1989
   1015 South Pacific Street, Oceanside, CA 92054
   APN 152-076-05-00

6. MJD Trust, dated Dec. 12, 2020
   1019 South Pacific Street, Oceanside, CA 92054
   APN 152-076-06-00

7. Westward Sunset, LLC, a California limited liability company
   1021 South Pacific Street
   APN 152-076-07-00

8. Evergreen Hebron, L.P., a Nebraska limited partnership
   1023 South Pacific Street
   APN 152-076-08-00

9. Lavendar Hill Properties, LLLP
   1025 South Pacific Street
   APN 152-076-09-00

10. Beachfront Properties, LLC
    1027-1029 South Pacific Street
    APN 152-076-10-00

11. 1900 South Pacific Street, LLC
    913 South Pacific Street
    APN 150-355-14-00

12. 1900 South Pacific Street, LLC
    917 South Pacific Street
    APN 150-355-13-03

13. 1900 South Pacific Street, LLC
    919 South Pacific Street
    APN 150-355-13-01

14. 1900 South Pacific Street, LLC
    921 South Pacific Street
    APN 150-355-13-02

15. 1900 South Pacific Street, LLC
    923 South Pacific Street
    APN 150-355-13-04

16. Chris Tooker
    925 South Pacific Street
    APN 150-355-07-00

17. Brett Bieberdorf
    933 South Pacific Street
    APN 150-355-08-00

18. Jones Family Trust
    937 South Pacific Street
    APN 150-355-10-00

19. B&L Residential
    929 South Pacific Street
    APN 150-355-09-00

Above owner signatures are on file with the City of Oceanside on the "CDP Permit Exemption" application dated May 12, 2021, and incorporated by this reference.

Project Description and Other Submittal

Coastal Development Permit Application, City of Oceanside

Rock Revetment Maintenance and Repair at Homes in the 900 and 1000 blocks of South Pacific Street, Oceanside

To: City of Oceanside, Planning and Development Services, Scott Nightingale SNightingale@oceansideca.org.

From: Mark J. Dillon

Date: October 10, 2021

Copied: Jonathan Borrego JBorrego@oceansideca.org

Russ Cunningham RCunningham@oceansideca.org

Brian Thomas BThomas@oceansideca.org

John Mullen JMullen@oceansideca.org

Subj.: Project Description and Other Submittals

As requested by Scott Nightingale, Senior Planner, City of Oceanside, I am submitting additional application materials for the Coastal Permit application that we submitted on August 30, 2021, on behalf of the homeowners that reside or own homes in the 900 and 1000 blocks of South Pacific Street in Oceanside.

This submittal is comprised of the Coastal Permit Project Description, the CEQA Exemption, and other associated submittals.

We still need a permit application number; and information on costs.

By: */s/ Mark J. Dillon*

Coastal Permit Application – Attachment (October 10, 2021)

Project Description and Other Submittals

I. Applicable Standards

Seawalls and rock revetments to protect against erosion, scouring, or sloughing by wave action "shall be allowed" when required "to protect proposed or existing structures in danger of 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 LCP. See City's Seawall Ordinance, Sec. 19A.18. Repair and maintenance activities include "any methods of repair or maintenance of a seawall." See City's Seawall Ordinance, Sec. 19A.21.

II. Description of Conditions Requiring Proposed Repairs and Maintenance

Imminent public safety hazards and a high risk of bodily injury currently exists to the public; the applicants comprised of current property owners and their families; occupants; and renters and their families at or in the vicinity of the existing rock riprap at the subject properties situated within the 900 and 1000 blocks of South Pacific Street in Oceanside, California. Immediate repair and maintenance work is required at such residences to prevent or militate against the loss or damage to life, health, property (both public and private), and livelihood (some of which operate as vacation rentals and provide coastal access to renters and their families).

Visible conditions requiring immediate repair and maintenance consist of: (1) sink holes; (2) exposed cavities within the existing rock riprap causing rocks to move and be compromised; (3) property damage caused by ponding waves, vibration, and shaking due to high tides and winter storms; (4) excessive scour in front of existing shore protection; (5) failing rock riprap caused by winter storms and high tides resulting in severe erosion and instability to adjacent properties; (6) subsidence; (7) waves and tides eating away the land underneath homes and damage to other surface property and flatwork behind the revetment and loss of revetment back fill; (8) dislodged rocks seaward of existing shore protection; (9) damage to improvements located within the private property rear back yards; (10) gaps and exposed-under-layer material; (11) slumping or rotation of existing shore protection; and (12) scour of back fill to within a few feet of a residence foundation. The losses and damage have been sudden and unexpected because many of the surface areas exhibited no visual problematic conditions until recently. However, the land underneath the surface property has eaten away due to winter storms and high tides. These areas are now exposed

causing imminent danger to life, health, property, and other important public interests (*e.g.*, coastal access, use and enjoyment of property, stigma, rental income, etc.).

Additionally, the winter storms, high tides, and wave action no longer subside onto dry beach areas as in prior years. This is because man-made marinas and associated structures have caused the loss of sand transport; the loss of natural sand replenishment; and the resulting, severe erosion along Oceanside beaches without any mitigation or corrective action by responsible agencies (*e.g.*, U.S. Army Corps of Engineers).

The compromises and movement of the existing rock riprap also threaten public safety in coastal access areas that may well lead to rock fall hazards and potential liability for the City, the California Coastal Commission, and other parties. To avoid such public safety hazards and potential liability, immediate repairs and maintenance are required at the existing rock riprap within the 900 and 1000 blocks of South Pacific Street in Oceanside.

The principal cause for such instability along the existing rock riprap within the subject property area is not a mystery, but it was only recently discovered. It is not climate change or sea level rise. Instead, the subject property area suffers from erosion and the loss of beach sand over the past several years due in substantial part to Camp Pendleton's marina, constructed in the 1940s. The ocean revetment protecting the marina prevents sand from being transported down the coast to replenish Oceanside sand beaches; and governmental agencies (*e.g.*, the U.S. Army Corps of Engineers) have acknowledged responsibility in public documents and records. However, funding has not been sufficient or forthcoming to allow mitigation efforts to compensate for such losses. The result is unprecedented pressure on the stability and viability of existing rock riprap along the western-most boundary of the homes within the 900 and 1000 blocks of South Pacific Street. Immediate repair and maintenance work is required to address these conditions and remedy dangerous conditions.

Moreover, the excessive scour in front of the revetment has resulted in an alongshore trough, which is a few feet deeper than the adjacent shallow sand bars. This alongshore trough is a result of the current slumped condition of the revetment. The trough is a hazard to the public wading along the shoreline. The rocks on the revetment are actively moving due to slumping and the loss of back fill support. The filter fabric is visible in many locations. The ongoing degradation of the shore protection is a hazard to the beach-going public. Perched rocks can roll onto the beach or beach

goer at any time. The rocks that have rolled off are also an obstruction to lateral public beach access. The rolled rocks force the public walking along the shoreline into the hazardous alongshore trough.

These conditions are ongoing and worsen by the day with more and more damage visibly appearing at each of the subject properties. Incorporated by this reference is a "**Photo Binder**" depicting the conditions described above. This **Photo Binder** is on file with the City (Russ Cunningham). Experts also have conducted site visits and observed such conditions. Further, the applicants and their experts can and will corroborate such conditions. In further support to this Coastal Permit application, we have provided the City (Russ Cunningham) with the letter signed by David W. Skelly, MS, PE., who is the Vice President and Principal Engineer at GeoSoils, Inc., located in Carlsbad, California. Mr. Skelly specializes in geotechnical, geologic, coastal, and environmental matters. He conducted a site visit at the subject properties in May 2021.

Additionally, the applicants' contact person (and undersigned) has observed these conditions first-hand. The undersigned attests that the above-described conditions are true and correct under penalty of perjury under the laws of the State of California.

October 10, 2021 *\/s/ Mark J. Dillon*

Mark J. Dillon

III. Project Description — Proposed Repairs and Maintenance

The proposed repairs and maintenance work at the 900 and 1000 blocks of South Pacific Street, Oceanside, would consist of re-positioning and harvesting existing rock from the revetments and adding new rock to the existing riprap in such a manner as to recreate the stability, viability, and height necessary to establish a safe environment for the public as well as the property owner applicants, occupants, renters, and their families — all consistent with the City's attached "Typical Seawall Detail, Standard Drawing No. M-19" (M-19 Detail). Such repairs and maintenance are also needed immediately to safeguard the subject properties, prevent safety hazards, rock fall hazards along the beach, and other dangerous conditions. The elevation may go up to and not exceed 18.54 feet per the allowance provided under the City's M-19 Detail.

Such repairs and maintenance would also comprise installing new geo-textile fabric and filling in cavities and sinkhole areas with rock to help stabilize the existing riprap. Non-conforming

concrete and debris would be removed per City standards. The repairs and maintenance would conform to the engineering design standards for revetments, including the City's M-19 detail. New rock for the riprap repairs and maintenance will not exceed the twenty (20) percent standard.

The contractor's repair and maintenance scope of work has been designed in a manner that would avoid obstructing coastal access or adversely impacting the shoreline or the transport or supply of sand to beaches. To the contrary, such repair work would restore stability and thereby enhance public access to the coast and coastal resources. Further, the work has been specifically designed to prevent unstable rock riprap from slumping onto the beach areas blocking coastal access. Additionally, the work ~~has been~~ shall be designed pursuant to standards that implement the City's certified Local Coastal Program (LCP) by preventing erosion and instability to adjacent properties. The proposed work would not alter any natural landforms or adversely affect scenic coastal qualities. For further information regarding the proposed repair and maintenance work, please refer to the letter from David W. Skelly MS, PE, GeoSoils, Inc., which is attached and made part of this application.

The contractor and the applicants' contact person shall work closely with the City's engineering department relative to the repair and maintenance scope of work to be performed; City engineering will inspect such work as it is being performed to ensure it conforms to the City's certified LCP, and specifically City Ordinance No. 85-11, Section III (titled, Project Permit Category Determination), Section A (Exempt Permits) Section 1 (Repair and Maintenance of Seawalls) — which ordinance is part of the City's certified LCP. Further, the proposed repair and maintenance work would conform to the City's Seawall Ordinance found in Municipal Code Chapter 19A.

As explained further below, the contractor designated to perform the proposed repair and maintenance work, Cantarini Tractors, has completed similar revetment repair and maintenance work in the City for the past 25 years or more and is quite familiar with the City's requirements. Importantly, all proposed work by Cantarini Tractors would be performed without placing any mechanized equipment on the beach. This prohibition would also be verified by inspection during the course of the work by the City's Engineering Department (Brian Thomas, City Engineer).

IV. Performance of Repair and Maintenance Work

The proposed revetment repair and maintenance work would be performed by Cantarini Tractors, Fallbrook, California, Contractors' License No. 523302-A. Cantarini Tractors is insured with

commercial general liability and workers' compensation insurance; and Cantarini's certificate of insurance is on file with the City (Russ Cunningham). The proposed work would conform to the City's Engineering Design Standards. New revetment rock would not exceed the 20% threshold established by the City's Seawall Ordinance. See City's Seawall Ordinance, Sec. 19A.21(a)(3). In any case, the 20% threshold applies only to the "replacement" of materials and there is no such "replacement." As stated above, there will only be the addition of new rock to the seawalls/revetment in such a manner as to recreate the stability and height necessary to establish a safe environment for owners, occupants, and the public. The permit, if granted, shall remain in effect for a period not to exceed two (2) years. See City's Seawall Ordinance, Sec. 19A.12.

V. No Impact on Local Shoreline Sand Supply, Coastal Access, or Coastal Resources

As shown in the field and in photos on file with the City, there is no (or very little) coastal access in front of the existing seawalls/rock revetments because there is no or very little "dry sand" area due to the erosion and sand loss caused by other agencies (e.g., U.S. Army Corps of Engineers). In addition, there is no impact to marine or coastal resources because the proposed repair and maintenance of the seawalls/rock revetments would not occur from the beach side or on the beach. As stated above, all proposed work would be performed without placing mechanized equipment on the beach.

Instead, the proposed work would be performed from, and limited to, the private property rear/backyards of each home within the 900 and 1000 blocks of South Pacific Street to abate and/or prevent a nuisance; prevent and substantially minimize damage to public and private property; and alleviate imminent safety hazards to not only property, but potential bodily injury and other forms of liability at the seawalls/rock revetments to owners, occupants, and all involved public agencies.

Further, the proposed seawall/rock revetment work would have no impact on local shoreline or sand supply because it would not involve work on the beach, nor the use of any sand from the beach to the west of the existing seawalls/rock revetments. Moreover, the proposed work would have no impact on public coastal access to and enjoyment of the coastline and ocean because the proposed repairs and maintenance would be limited to the private property rear/backyards of each home.

VI. No Other Seawall/Revetment Criteria Not Affected

The proposed repair/maintenance work would not involve substantial alteration of the foundation of the protective revetment because no pilings or other surface or subsurface structures would be placed thereon. See City's Seawall Ordinance, Sec. 19A.21(a)(1).

The proposed repair/maintenance work would not result in the placement (temporary or permanent) of riprap, sand berms, or other solid materials on the beach or in coastal waters streams, wetlands, or estuaries where such features do not already exist. Instead, the proposed work would consist of routine repairs and maintenance to existing rock revetment facilities from the backyards of the homes identified in the attached application. See City's Seawall Ordinance, Sec. 19A.21(a)(2).

The proposed repair/maintenance work would lay fabric; reposition existing rock revetment at each home from the backyard area consistent with the City's M-19 Detail; and add new rock as needed (i.e., a different kind) from a different source, and the new rock would not exceed 20% (to be inspected by the City's Engineering Department) and confirmed with certificates (tickets) showing the tonnage and the percentage of new rock provided. In any case, no rock would be "replaced," as referenced in the City's Seawall Ordinance, Section 19A.21(a)(3).

As stated above, the proposed repair/maintenance work would remove non-conforming work at the existing seawalls/rock revetments; and all mechanized equipment would operate from the rear/backyards of the homes and not be present on the beach or within 20 feet of the coastal mean high tide. See City's Seawall Ordinance, Sec. 19A.21(a)(4).

VII. Photo Binder

Our "Photo Binder" depicting existing conditions is on file with the City as part of our previously submitted exemption application; and it is incorporated herein by this reference.

VIII. Non-Conforming Improvements

Non-conforming improvements at the subject properties shall be removed during the repairs and maintenance of the existing seawalls/revetments (e.g., concrete poured into voids, concrete improvements, etc.).

IX. Standard Conditions of Approval

1. This permit authorizes only the scope of work specified by the City Engineer as summarized in the "Project Description," above.

2. The authorized work shall be commenced post-fall 2021 provided the City grants the requested permit.

3. Work hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and Saturday 7:00 a.m. to 6:00 p.m.

4. All proposed work will be performed without placing mechanized equipment on the beach. This condition shall be verified by inspection of the City's Engineering Department during the course of the proposed repair and maintenance work.

5. The proposed scope of work shall be performed from the backyard areas of the homes within the 900 and 1000 blocks of South Pacific Street, Oceanside, with all mechanized equipment located in the backyard areas placed at more than 20 feet away from coastal waters/mean high tide. Such mechanized equipment shall access the backyards to/from Marron Street (a public right-of-way) for both the 900 and 1000 block homes.

6. As shown in the field and in photos on file with the City, there is no (or very little) coastal access in front of the existing seawalls/rock revetments because there is no or very little "dry sand" area due to the erosion and sand loss caused by other agencies (e.g., U.S. Army Corps of Engineers). Accordingly, the requested permit and associated repair and maintenance work to the existing seawalls/rock revetment in the 900 and 1000 blocks of South Pacific Street conforms with the public access and recreational polices of the City's LCP; and it is consistent with all applicable provisions of the City's Seawall Ordinance (Chap. 19A).

7. Any staging of equipment in the public right-of-way on Marron Street shall require City authorization as required.

8. The applicant, permittee and any successor-in-interest shall defend, indemnify, and hold-harmless the City of Oceanside, its agents, officers, or employees from any claim, action, or proceeding against the City, its agents, officers, or employees to attack, set aside, void, or annul an approval of the City concerning this permit. The City will promptly notify the applicant's

representative of any such claim, action, or proceeding against the City and will fully cooperate in the full and complete defense of any such claim, action, or proceeding.

X. Project-Specific Conditions

1. The elevation of the top of the existing seawalls/rock revetments have been surveyed and the survey information is attached and incorporated herein by reference. The riprap can be brought up to the top of the riprap or reconfigured with rock to the top of the riprap to the elevation shown on the City's Detail M-19.

2. The contractor shall remove non-conforming concrete and debris; infill of collapsed areas is permitted as part of the repairs and maintenance; no railroad ties, pilings, wood, or other materials shall be allowed in the proposed repair/maintenance work. Any sand brought to the private property rear/backyards shall be allowed provide it meets at least 75% sand-based gradation testing. Each applicant must provide written verification from a qualified source that such sand meets this standard.

3. All work on the existing seawalls/rock revetments involving mechanized equipment shall be performed from the existing rear/backyards from the top of the rock riprap. Mechanized equipment shall not be present on any beach sand area or within 20 feet of the coastal/mean high tide; and to the extent feasible, such work would be performed during low tides when appropriate.

4. The proposed work shall be inspected by the City's Engineering Department. Work hours and safety requirements of the City shall be followed.

5. The contractor shall provide load tickets for all new rock added at the subject properties so that the contractor and applicant can demonstrate that the requirements for no more than 20% new rock is followed. The cumulative total of newly added rock, if any, placed on or within the repaired seawalls/rock revetments in 2021 and in conjunction with this permit shall not exceed 20% of the volume of the rock riprap prior to the 2021 repair and maintenance work.

6. The contractor shall provide proof of insurance prior to the start of the authorized work under this permit.

7. All repair and maintenance work shall be consistent with the City's LCP, its Seawall Ordinance (Municipal Code Chapter 19A), and the City's Detail M-19.

XI. CEQA Exemption

Attached hereto is the CEQA Exemption form.

October 10, 2021

/s/ Mark J. Dillon

Mark J. Dillon

Attachment "A"
CDP Permit Exemption (May 2021)

Subject Properties – Continued

Address	APN	Owner Signature
1900 South Pacific, LLC 913 South Pacific Street	150-355-14-00	
1900 South Pacific, LLC 917 South Pacific Street	150-355-13-03	
1900 South Pacific, LLC 919 South Pacific Street	150-355-13-01	
1900 South Pacific, LLC 921 South Pacific Street	150-355-13-02	
1900 South Pacific, LLC 923 South Pacific Street	150-355-13-04	
Evergreen Hebron. LP 1023 South Pacific Street	152-076-08-00	
Lavender Hill Properties, LLLP 1025 South Pacific Street	152-076-09-00	
Beachfront Partners, LLC 1027-29 South Pacific Street	152-076-10-00	

LAVENDER HILL PROPERTIES, LLLP

1570 Linda Vista Drive
San Marcos, CA 92078
760-744-9382 / fax 760-818-8234
sfree@lusardi.com

May 12, 2021

RE: Authorization for Michael Ramsey

To whom it may concern:

Please consider this letter authorization for Michael Ramsey to correspond with, sign documents for, and provide planning and construction submittals on our behalf with the City of Oceanside, County of San Diego, or State of California in regards to the property 1025 S Pacific Street, Oceanside, CA 92054.

Should you have any further questions or concerns, please do not hesitate to contact us at the address, phone number, or email address provided above.

Thank you.

Sincerely,

Lavender Hill Properties, LLLP, a Nevada limited liability limited partnership

By Diversified Engineering, a California corporation, General Partner

X _____

Scott Free, Vice President

Applications requiring concurrent review may be consolidated for work proposed on contiguous properties. In such cases, please indicate one primary applicant/representative and list all properties to be included under the consolidated application. Owners of all involved properties must be signatories to the application.

Primary Applicant/Representative/Point of Contact

Name: _____

Address: _____

Phone Number: _____ Email: _____

Signature: _____

Subject Properties

Address	APN	Owner Signature
9295 Fountain St.	150-355-05-00	[signature]
Alexandria, CA 95954		

Attachment "A"
CDP Permit Exemption (May 2021)

Subject Properties – Continued

Address	APN	Owner Signature
Jones Family Trust 937 South Pacific Street	150-355-10-00	
B&L Residential, LLC 933 South Pacific Street	150-355-09-00	_____

Attachment "A"
CDP Permit Exemption (May 2021)
Subject Properties – Continued

Address	APN	Owner Signature
Jones Family Trust 937 South Pacific Street	150-355-10-00	
B&L Residential, LLC 933 South Pacific Street	150-355-09-00	

CDP Permit Exemption

Coastal Revetment Repair and Maintenance

OCEANSIDE

Applications for permit exemptions may be consolidated for work proposed on contiguous properties. In such cases, please indicate a primary applicant/representative and list all properties to be included under the consolidated application. Owners of all involved properties must be signatories to the application.

Primary Applicant/Representative/Point of Contact

Name: _____

Address: _____

Phone Number: _____ Email: _____

Signature: _____

Subject Properties

Address	APN	Owner Signature
925 So Pacific St. Oceanside, Ca 92054	150-355-07-00	Chris Tecker

CDP Permit Exemption

Coastal Revetment Repair and Maintenance

Applications for permit exemptions may be consolidated for work proposed on contiguous properties. In such cases, please indicate a primary applicant/representative and list all properties to be included under the consolidated application. Owners of all involved properties must be signatories to the application.

Primary Applicant/Representative/Point of Contact

Name: **Mark J. Dillon**

Address: **1011 South Pacific Street, Oceanside, California**

Phone Number: **(760) 212-7711 (cell)** Email: mdillon@gdandb.com

Signature: ***/s/Mark J. Dillon***

Subject Properties

Address	APN	Owner Signature
Gregory Alesssandra, Trustee of Allessandra Investment Trust III dated Nov. 29, 1996 1001 South Pacific Street, Oceanside	152-076-01-00	
George P. Yelich, an unmarried man 1005 South Pacific Street, Oceanside	152-076-02-00	
MJD Trust dated Dec. 12, 2020 1007 South Pacific Street, Oceanside	152-076-03-00	Matt Dillon, Trustee
MJD Trust dated Dec. 12, 2020 1011 South Pacific Street, Oceanside	152-076-04-00	Matt Dillon, Trustee
Jim D. Bailey and Nancy Schycker-Bailey, as Trustees of the Bailey Trust dated Sept. 21, 1989 1015 South Pacific Street, Oceanside	152-076-05-00	[Pending]
MJD Trust dated Dec. 12, 2020 1019 South Pacific Street, Oceanside	152-076-06-00	Matt Dillon, Trustee
Westward Sunset, LLC, a Cal. limited liability co. 1021 South Pacific Street, Oceanside	152-076-07-00	Kim Della Property Manager for Westward Sunset LL
Evergreen Hebron L.P., Nebraska limited partnership 1023 South Pacific Street, Oceanside	152-076-08-00	SEE NEXT Page

NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Mark Dillion
2. **ADDRESS:** 1011 S. Pacific Street Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 212-7711
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** RC21-00012, 900 to 1000 block revetment repairs
7. **DESCRIPTION:** To allow revetment repairs to existing properties located from 909 to 1027 South Pacific Street. Due to slumping and loss of backfill support at each property, the portions of the revetment/stones have dislodged and rolled toward the west onto the sand. The applicant is requesting to restack the existing rock to further protect the shoreline and eliminate existing and future hazardous for the public. The rocks that have rolled to the shoreline would be picked up by the mechanized equipment and reconfigured back onto the revetment structure in a stable configuration. The rock would be placed, such that the top of the rock dips into the slope of the revetment. The project site includes properties from 913 to 1027 South Pacific Street The site is situated within the Townsite Neighborhood Planning Area. The site area has a land use designation of Low Density Residential and a correspondence zoning designation of R-1 (Single-Family Residential).

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

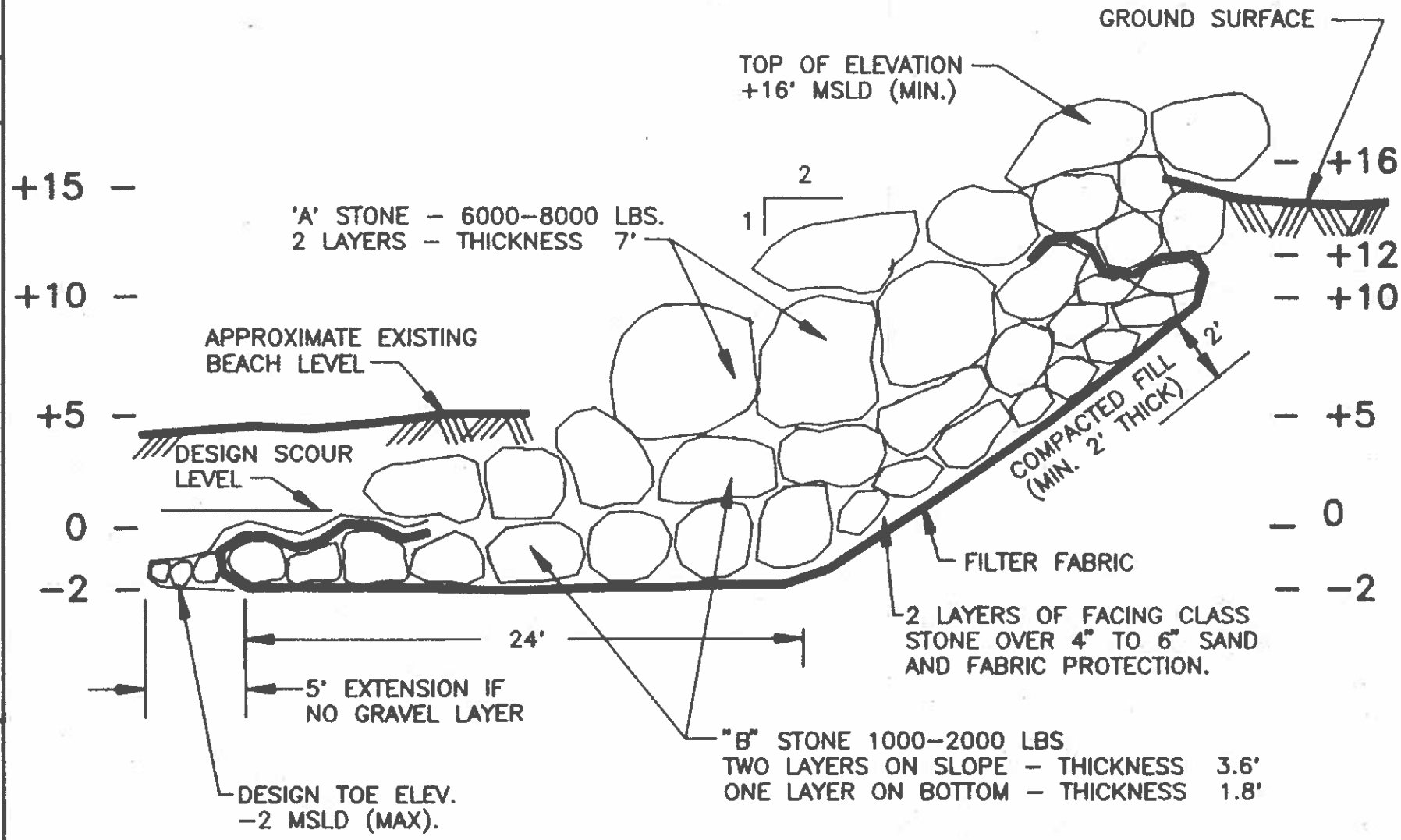
[x] The project is categorically exempt, per CEQA emption 15301 existing facilities; or,
[ ] "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
[ ] The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,
[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: February 14, 2022

Scott Nightingale, Senior Planner

cc: [x] Project file [x] Counter file [x] Library Posting: [ ] County Clerk $50.00 Admin. Fee

NOTE! REMOVE EXISTING STONE & SORT INTO 'A' – STONE SIZES REUSE PER SPECIFICATIONS. DISPOSE UNSUITABLE MATERIAL OFFSITE.



ALL SEAWALLS SHALL BE CONSTRUCTED TO THESE STANDARDS UNLESS OTHERWISE APPROVED BY A WAVE ACTION STUDY APPROVED BY THE CITY ENGINEER.

Revision	By	Approved	Date

CITY OF OCEANSIDE

TYPICAL
SEAWALL DETAIL

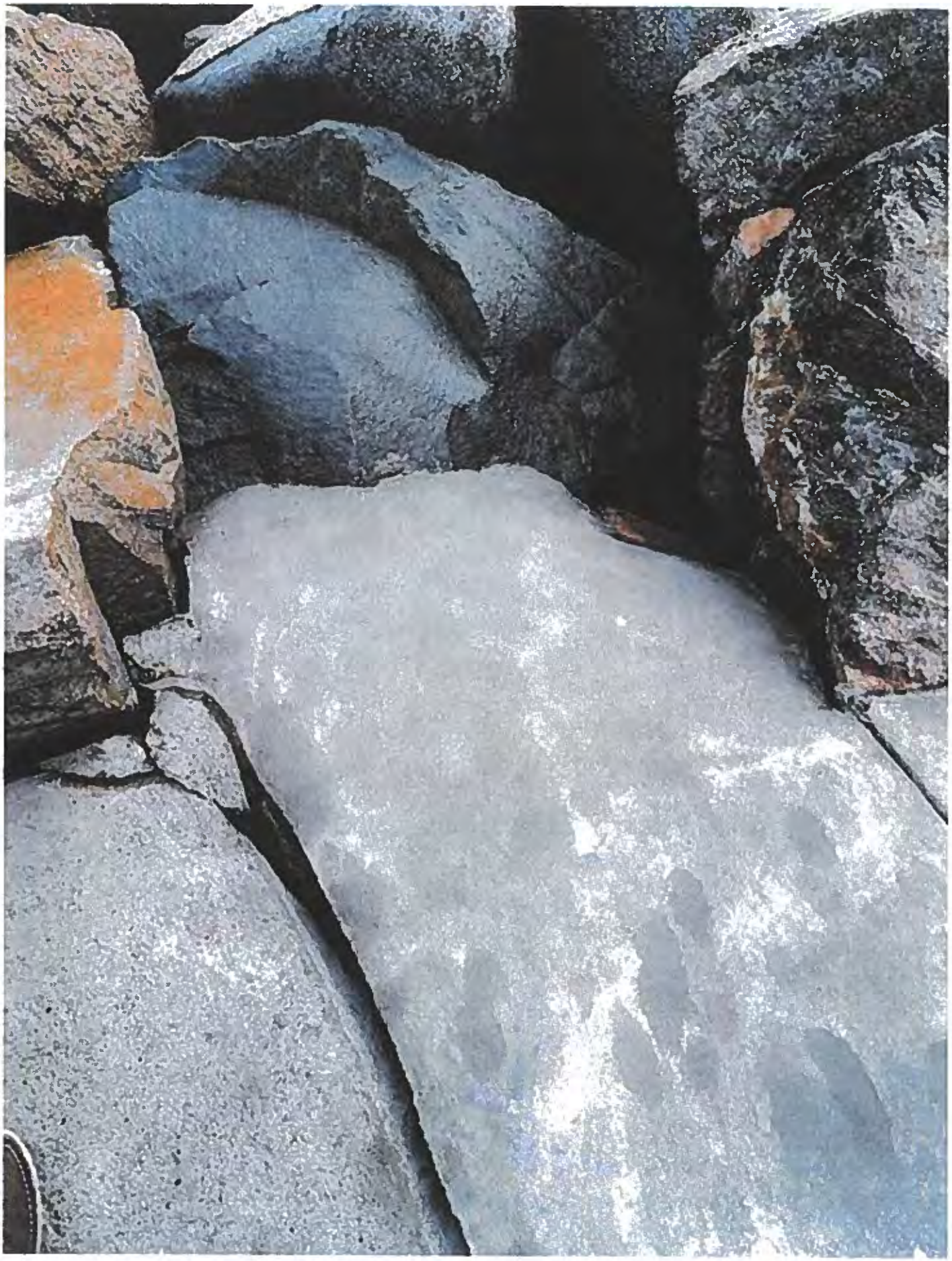
CITY ENGINEER Date

STANDARD
DRAWING NO. M-19

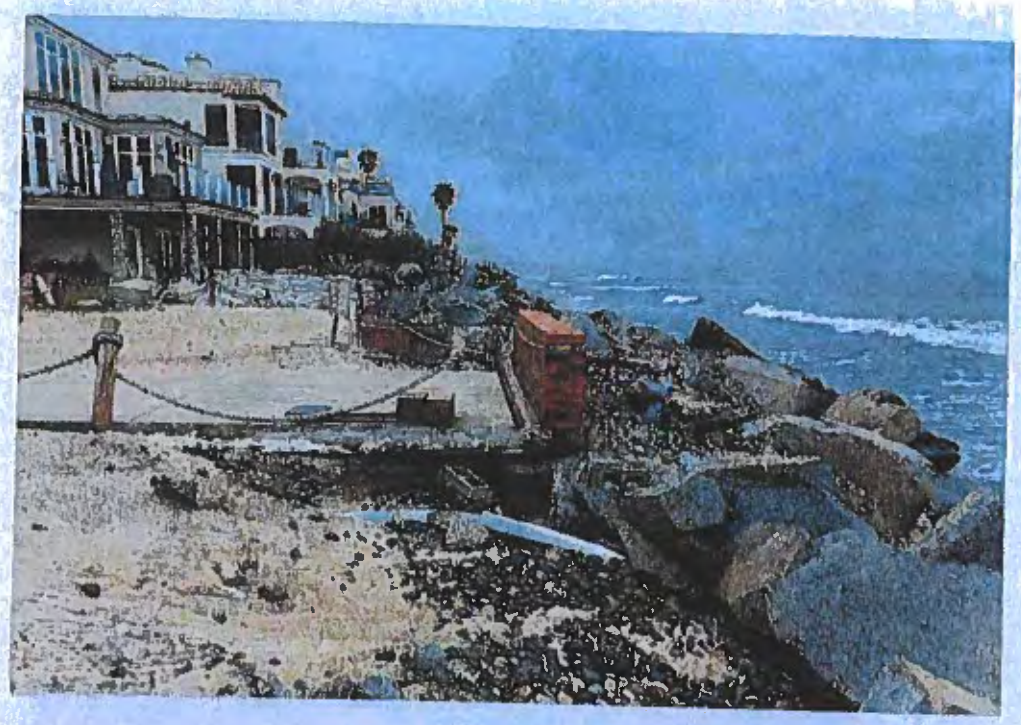
PHOTO BINDER
(May 2021)

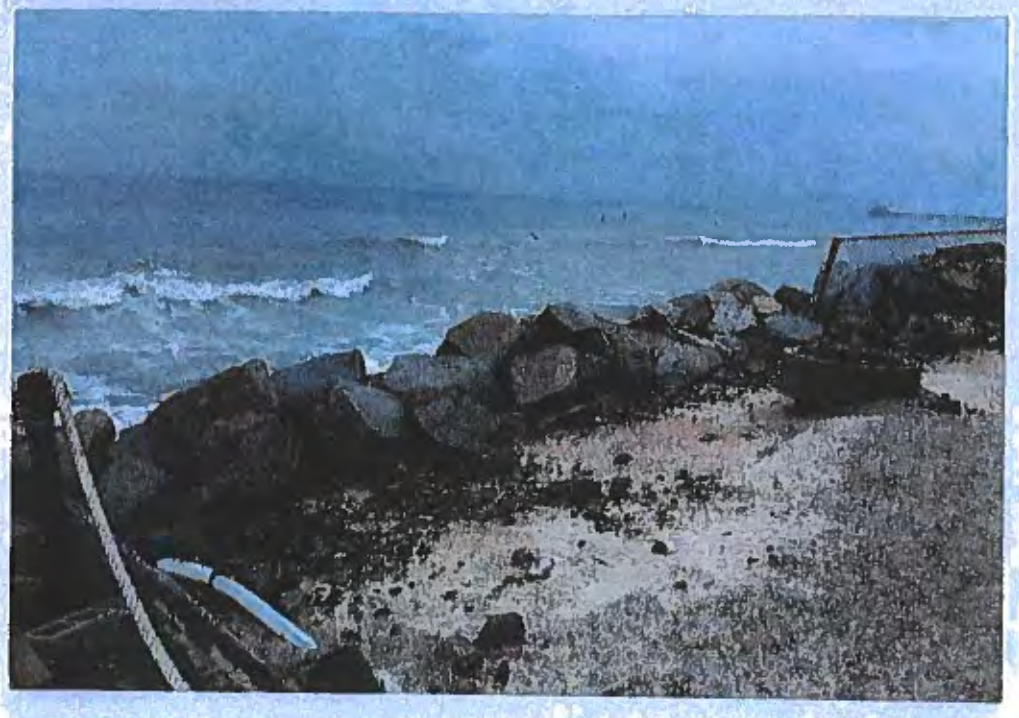
917 – 923 South Pacific Street


NO

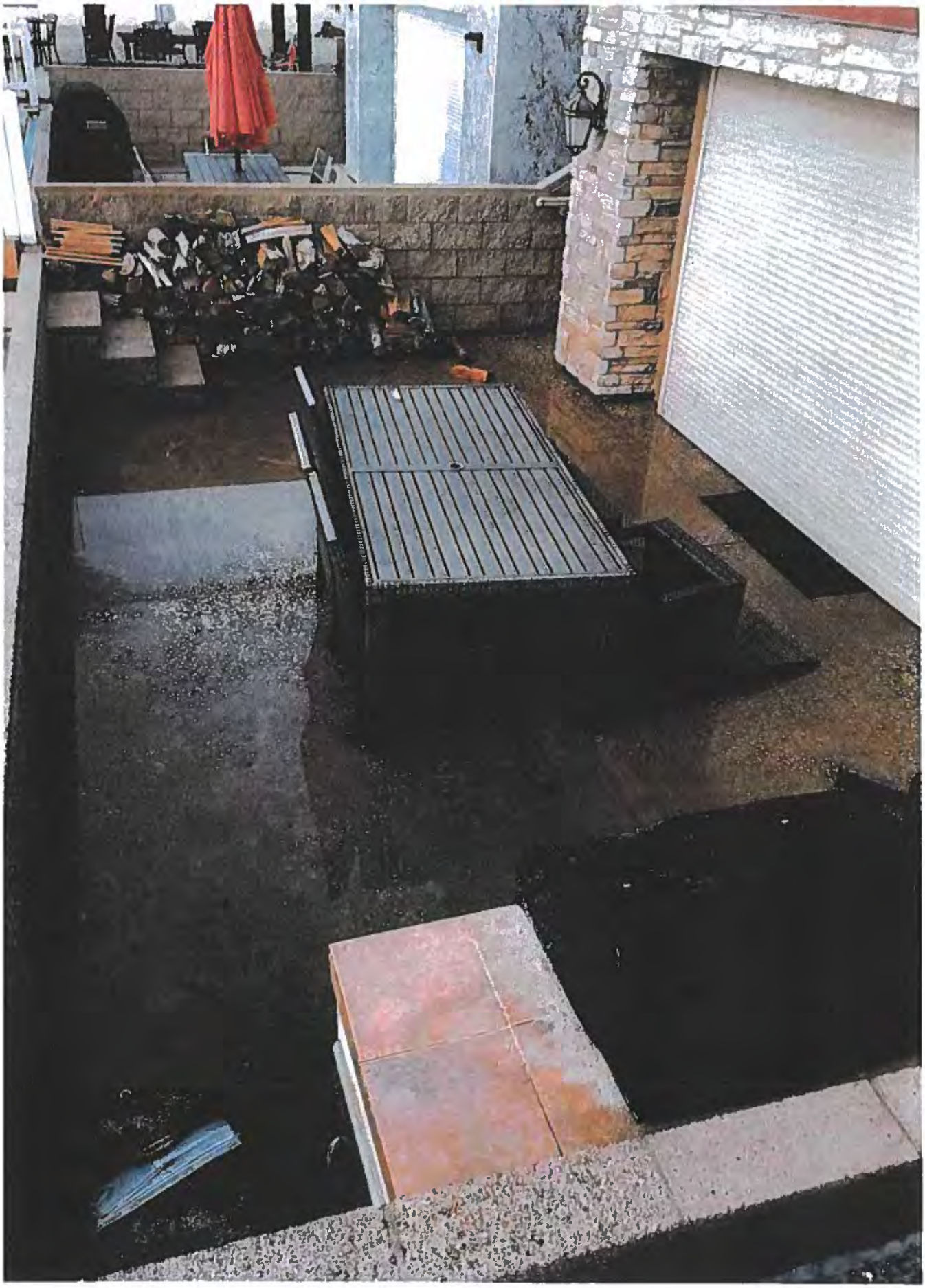


1001 South Pacific Street

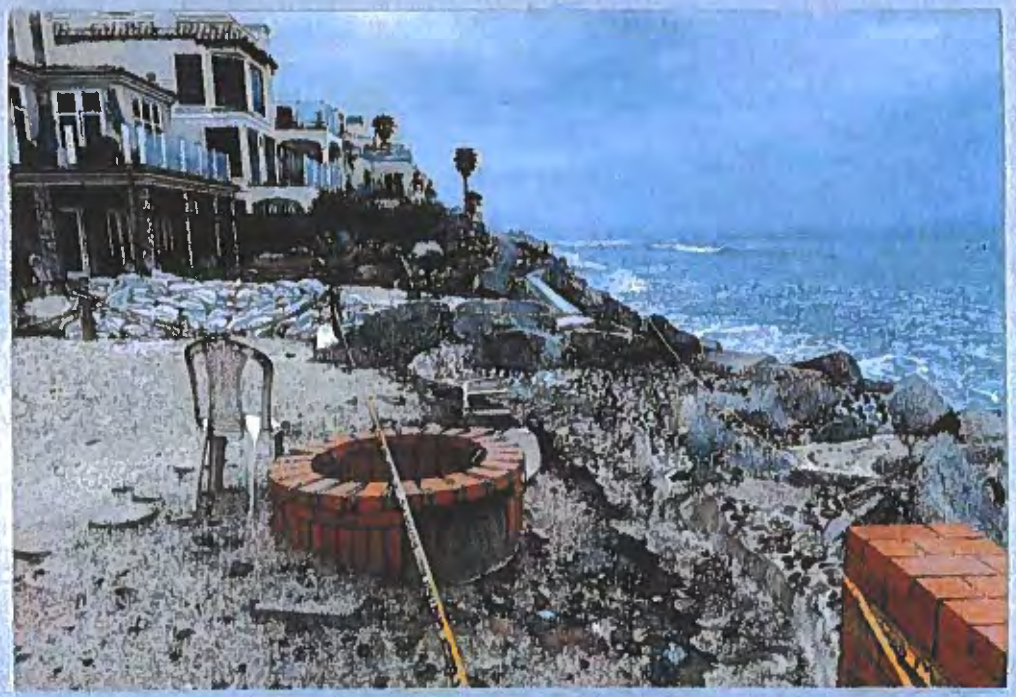




929 South Pacific Street
(Flooding)



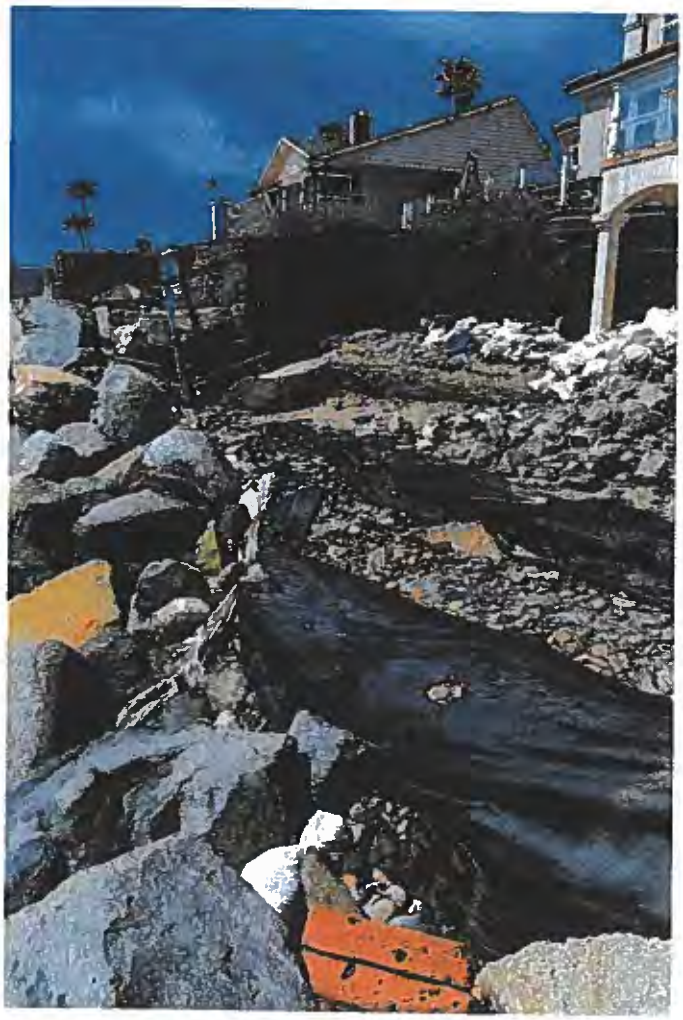
1005 South Pacific Street



1007 South Pacific Street

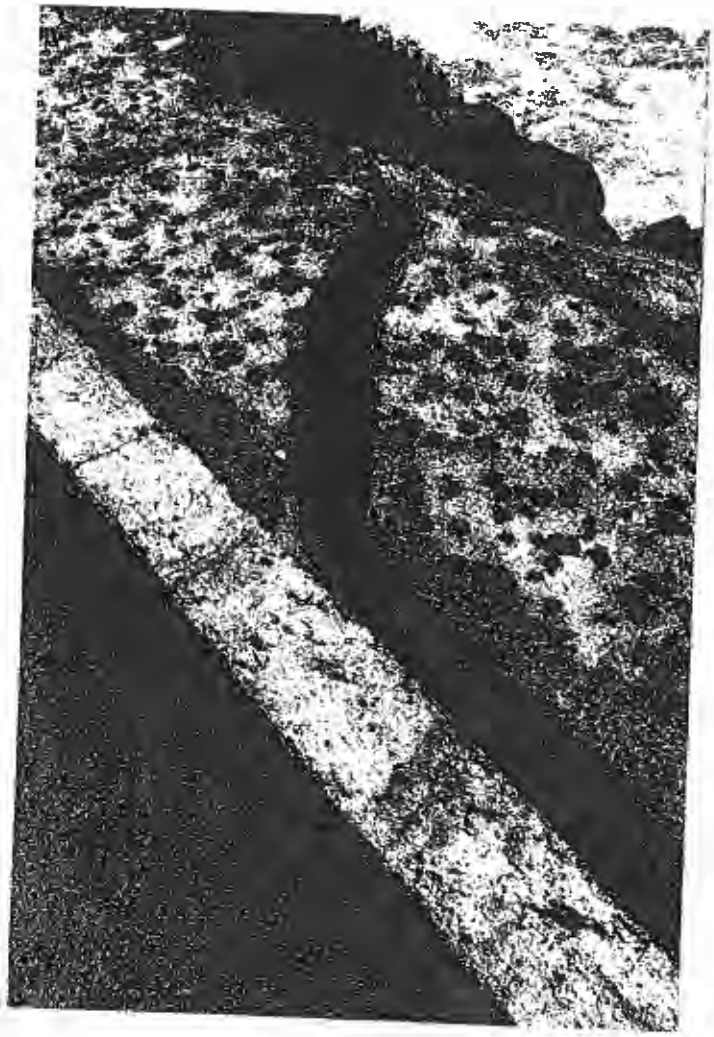
1015 South Pacific Street

1011 South Pacific Street



1019 South Pacific Street

1021 South Pacific Street



G | D | B Gatzke Dillon & Ballance LLP
LAWYERS

July 11, 2022 *By E-mail*

California Coastal Commission
San Diego District Office
Attn: Toni Ross, Coastal Program Analyst
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402
Toni.Ross@coastal.ca.gov

California Coastal Commission Substantial Issue Hearing

Re: *Supplemental Letter Response to Appeal No. A-6-OCN-22-0019 (Dillon/Revetment Repairs)*

Dear Ms. Ross and Commissioners:

This supplements our letter sent to the California Coastal Commission on Friday, July 8, 2022. Our prior letter responded to the pending appeals of the Oceanside Planning Commission's decision to approve the coastal permit allowing for much-needed repairs to existing rock revetment in the back yards of the homes located at 909-1027 South Pacific Street, in Oceanside, California. The supplement is needed to ensure that the record contains the documents supporting why there is no grounds to require the Planning Commission's subject permit approval to mitigate "impacts on local shoreline sand supply." The supplement also addresses Coastal staff's contentions regarding "permit history."

I. Local Shoreline Sand Supply – No Impact; No Mitigation Required.

In the June 24, 2022, staff report to the Coastal Commission, staff summarized Commissioner and Surfrider appeals contending that Oceanside's Local Coastal Program (LCP) requires that revetments "shall be permitted" when designed to mitigate "impacts on local shoreline sand supply," but that the City Planning Commission's permit approval does not include "any mitigation for the loss of sand supply." (See Coastal Staff Report, June 24, 2022, pp. 8-9; Surfrider Appeal, p. 4.)

Coastal staff goes further, acknowledging, as it must, that the "need for shoreline protection has been well established in this area of Oceanside, and rock revetment has been the established form of protection for existing structures [revetments] here for many years." (Coastal Staff Report, June 24, 2022, p. 9.) Notably, however, Coastal staff does not identify the "primary cause" of the need for revetment shoreline protection — even though that cause is well known in Oceanside.

Instead, Coastal staff criticizes the City's staff report for including a finding that the subject permit authorizing repairs to existing rock revetment "would not negatively affect the transportation of sand ***but did not provide any justification for this determination***." (Id. at p. 9, emphasis added.) Coastal staff is incorrect.

At the outset, and contrary to Coastal staff's assertion, the City's record of these permit proceedings, in fact, provides documents justifying the City Planning Commission's determination the subject permit will not negatively affect the transport of local shoreline sand supply. The City's Planning Commission made the appropriate findings (*i.e.*, no impact and, therefore, no need to mitigate) and those findings are supporting by record documents.

A. The "Primary Cause" of the Loss of Local Shoreline Sand Supply is *Not* the Existing Revetments.

Specifically, in the record as part of the project applicant's initial coastal permit exemption request, the applicant provided the City with documents establishing the "primary cause" of Oceanside's beach sand erosion and the associated instability of the existing revetment, which was originally designed to protect existing homes/structures and public beaches in danger of erosion. The "primary cause" is established and well-known to Coastal staff, appellants, the City, and the local Oceanside community. It is not climate change or sea level rise, not here in Oceanside. It is not the existing revetment originally constructed and designed to protect existing homes/structures and public beaches in danger of erosion.

Instead, the Oceanside coastal area, including the 900-1000 blocks of South Pacific Street, suffer from erosion and the loss of local shoreline sand supply for the past several decades primarily because of man-made structures impeding the lateral transport of sand to Oceanside beaches. Specifically, the Camp Pendleton marina (also known as the Del Mar boat basin) and jetties, constructed in the 1940s, are "primarily responsible" for the beach sand erosion problem at Oceanside, where the shoreline had been a relatively stable sandy beach up and down the coast of the Oceanside pier for many years prior to the 1940s. The marina (boat basin), and rock jetties that protect the marina, have been shown to prevent the lateral transport of sand down the coast to replenish Oceanside beaches; and governmental agencies (e.g., U.S. Army Corps of Engineers) have acknowledged this responsibility in public records for decades.

For example, in 1961, the U.S. Senate, Committee on Public Works, completed a report (Report No. 58), in reference to Senate Bill No. 307 (SB 307, 87th Congress 1st Session), authorizing certain beach erosion control of the shore in Oceanside (see attached 1961 Report No. 58). The purpose of SB 307 was to modify the existing erosion control project at Oceanside by increasing the total cost of the project and making the federal government 100% responsible for such costs. The justification for recommending the federal government bear the "total first cost" was spelled-out in that 1961 report.

Specifically, the justification was because "jetties constructed at Camp Pendleton" were "primarily responsible for the erosion problem at Oceanside, where the shore had previously been stable." (See attached 1961 Report No. 58.) Notably, also in 1961, the Secretary of the Army responded to the Committee Chairman request for the Army's view of SB 307. The Secretary responded that the Department "favors" SB 307 because a prior 1960 report from the Chief of Engineers (now, U.S. Army Corps of Engineers) "recognized" that jetties constructed at Camp Pendleton during the war were "primarily responsible for the erosion problem at Oceanside, where the shore had previously been stable" (see attachment). The Secretary also recognized that if time

had permitted, the detrimental shoreline effects of the jetty construction (*i.e*., blocking the lateral transport of sand to Oceanside beaches) "would probably have been determined in advance and appropriate measures included in the plans to avert shore damage" (see attachment).

In 1975, Oceanside had approximately 19 acres of beach area, with a seasonal attendance at that time of approximately 700,000 people. (See attached U.S. Army Corps of Engineers' 1980 Report, p. 35 [Army Corps'1980 Report].) "The drop in attendance at Oceanside beach in 1977 to about 450,000 was due to the decreased quality and quantity of the beach with respect to other beaches in the area." (*Id*.) This occurred despite that the demand for beach area continued to expand due to an increase in the population in the area. (*Id*.) The Army Corps found that with continued population increases, "a shortage of beach area for peak-hour use will occur by 1982 without the project [i.e., beach erosion control project]; and average hour-use shortages will occur in 1998. (*Id.*)

The Army Corps also found that beach area declined from 19 acres in 1975, to about 12.5 acres in 1980. (*Id*. at p. E-4.) Importantly, *the Corps projected that the beaches at Oceanside "should be totally eroded by 1990."* (*Id*., emphasis added.) By the 1990s-2000s, this projection was realized at Oceanside beaches and continues to worsen present day.

Indeed, in 1980, the Army Corps identified the beach erosion problem at Oceanside as the "loss of recreational beach and recession of the shoreline to such an extent as to impair the use of the popular bathing beach and to threaten the destruction of a public roadway, public utilities, and privately owned commercial and residential property." (Army Corps' 1980 Report, p. 25.) The 1980 Army Corps Report provided photographs showing the beach in various stages of stability, erosion, and restoration starting in 1931 through 1977. (*Id*. at pp. 25-28.) Photographs of storm damage and erosion were also provided. (*Id*. at pp. 28-31.)

Additionally, the 1980 Army Corps Report provided an "analysis of the problem." Specifically, the Army Corps found that while beaches are dynamic and can accrete, remain stable, or erode depending on various conditions, if "a manmade structure, such as a harbor breakwater, is constructed on a coastline, the beaches immediately adjacent to the structure may be subjected to transient or long-term depositional or erosional effects depending on the supply of sediments." (*Id*. at p. 32.) The Army Corps then investigated, to the extent possible in 1980, the factors related to the littoral regime at Oceanside. After considering the sources of beach sediment, and conducting a "coastal process study," the Corps determined that "there is an annual net potential downcoast transport (in a southerly direction) of approximately 100,000 cubic yards of sediment at Oceanside, California," that "approximately 3.7 million cubic yards of material has accreted and presently exists on the upcoast (north) side of the Oceanside harbor breakwater" and that since harbor construction, "the beach downcoast (south) of the harbor to Buena Vista Lagoon has sustained severe erosion amounting to about 7.9 million cubic yards of material." (*Id*.)

Based on the data available in 1980, the Army Corps concluded that it could not be determined that the federally constructed Camp Pendleton marina (aka, Del Mar boat basin) and jetties is "entirely responsible for the erosion" at Oceanside beaches, but the Corps nonetheless

proposed that the federal government bear "100 percent of the construction costs and subsequent maintenance" for the recommended beach erosion control project. (*Id*. at pp. 32-35.)

In short, the federal government acknowledged that the Camp Pendleton marina and jetties are likely the "primary cause" of the sand erosion of the Oceanside beach, so much as that the federal agency (Army Corps) responsible for analyzing such issues, determined that the federal government should be 100% responsible for paying the costs to correct the known beach erosion problem. Said differently, the "problem" in Oceanside is not repairs to existing revetment; it is the Camp Pendleton marina (aka, Del Mar boat basin) and jetties that impede the lateral transport of local shoreline sand supply to Oceanside beaches.

Why did Coastal staff and appellants fail to mention the primary cause of erosion and the loss of local shoreline sand supply at Oceanside beaches? The facts are well-known, and have been well-known, for some time. The facts were also included in the City's files on this permit. Yet, there is no mention of the topic in any appeal or Coastal staff's report.

Why do Coastal staff and appellants seek to impose a sand supply "mitigation" fee on repairs to existing revetment that are not impacting local shoreline sand supply? Repairs to existing revetment in Oceanside does not impact local shoreline sand supply. We know the primary cause of the impact; it is not repairs to existing revetment.

Nonetheless, Coastal staff misleadingly states that "the subject site consists of sandy material that, in the absence of any shoreline protection, would be contributing to the shoreline sand supply." (Coastal Staff Report, June 24, 2022, p. 9.) Staff further states that the revetment repairs "will prevent this sand from entering the littoral cell" and then generally assigns blame to "rising sea level and episode storm events." (*Id*.)

This is nonsense — not here in Oceanside where we know why sand is prevented from stabilizing the Oceanside beaches. The Army Corps has shown that in 1980, we had approximately 3.7 million cubic yards of sand sediment that had accreted on the north side of the Oceanside harbor breakwater. And we know that the Camp Pendleton marina and jetties have caused "severe erosion" amounting to 7.9 million cubic yards of sand sediment as of 1980. Now, 42 years have passed since 1980. That accretion has only increased and that erosion on Oceanside beaches has only gotten worse.

So, we ask the Commission to instruct staff and appellants to halt their reliance on generalized junk science — at least as it relates to the individualized area along Oceanside beaches downstream (south) of the Camp Pendleton marina and jetties.

And we ask that the Commission require Coastal staff and appellants to definitively answer the two questions highlighted above.

B. In any Case, the Permit did not Approve the Initial Design of Newly Constructed Revetment; Instead, the Permit Authorizes Repairs to *Existing* Revetment Only.

Coastal staff concedes that the Oceanside LCP requires that revetment "shall be permitted" *when required* to protect existing structures or public beaches in danger of erosion, and *when*

designed to eliminate or mitigate impacts on local shoreline sand supply. (Coastal Staff Report, June 24, 2022, pp. 8-9.) In short, the LCP policy addresses initial design and construction, and not repairs to existing revetment only.

Here, the City has adopted Oceanside Municipal Code, Chapter 19A [Seawall Ordinance] and specifically, section 19.A.21, Repair and Maintenance. Section 19.A.21 addresses the requirement of a coastal permit for the repair and maintenance of a seawall or other shoreline protective work. There is no requirement in Section 19.A.21 for a permit applicant to "mitigate impacts on local shoreline sand supply." That mitigation requirement, which is predicated on the identification of an adverse impact, applies only to the *initial* design and construction of revetment, and not repairs/maintenance.

Now, Coastal staff implicitly acknowledges these undisputed facts, but nonetheless contends that "when reviewing projects that include the addition of new rock to existing revetments, the impacts that new rock may have on shoreline sand supply need to be addressed." (Coastal Staff Report, June 24, 2022, p. 9.) Coastal staff is incorrect.

First, there is no such requirement in Section 19.A.21 of the Oceanside Municipal Code, adopted consistent with the City's certified LCP, and second, there is no such requirement in Policy 5 of the City's certified LCP.

Further, Coastal staff overstates the so-called "new rock." As made clear in the City's staff report, March 28, 2022, page 3, the "applicant's GeoSoils engineer estimate[d] that approximately 5 to 10 rocks per property would be the maximum necessary for restacking" and that [p]er the Local Coastal Program and the City's Engineering Division, the proposed project would be limited to the restacking of the existing rocks and the placement of new rock of the same or similar kind, not to exceed 20% of the existing revetment material." City staff also correctly pointed out that the restacking "would be accomplished *without a seaward extension of the revetment and without having to place any mechanized equipment or construction materials on the sand or beach area*." (*Id*.) None of these facts are disclosed in the appeals or Coastal staff's report.

Relatedly, the City's Municipal Code (sec. 19.A.21) states that repair or maintenance "methods" *may include* replacement of 20 percent or more of rock, and the City's staff report limits us to about 5 to 10 rocks per property or "not to exceed" 20 percent of the existing revetment material.

Our permit is also conditioned on and subject to the provision and detail of the City's Typical Seawall Detail (Detail M-19) and that detail was designed to ensure there will be no impacts from the repair work.

C. Replacing a Limited Amount of Rock is Not "New Construction" or "Reconstruction."

Based on the above, we contend that replacing a limited amount of rock does not constitute "new construction" or the alleged "reconstruction" of the existing revetment allowing the Commission to impose a baseless public lateral access easement condition or mitigation

requirements for the purported loss of local shoreline sand supply that is not caused by the existing revetment in Oceanside.

II. <u>Permit History is Not a Requirement</u>.

Coastal staff criticizes the City Planning Commission's permit approval, contending that the City did not require "permit history" addressing the overall "legal status" of the existing revetment. (Coastal Staff Report, June 24, 2022, p. 11, 12.) Coastal staff states that as a result, it is "not clear if the existing revetment" was previously authorized and designed consistent with the City's LCP. (Id. at p. 12.) We do not concur with these contentions.

First, Coastal staff appears to be imposing a practice it uses, but this so-called "permit history" is not a requirement of the City's LCP, nor is it mandated by the City's adopted Seawall Ordinance. For that reason, we contend that the Coastal staff cannot engraft requirements that are not a part of the City's coastal permit requirements.

Relatedly, we contend that Coastal staff's "permit history" groundless mandate is greatly overstated. Indeed, Coastal staff acknowledges that "[h]istorical imagery indicates that some of the lots were developed with shoreline protection prior to the Coastal Act." So, those lots need not provide any "permit history."

As to other lots where the historical imagery may not be clear, the Commission should presume that the long-standing existing revetment complies with applicable law. First, California law presumes that "official duty has been regularly performed." (Cal. Evid. Code, § 644.) As a result, the Commission should presume that the existing revetment was lawfully placed years ago, and nothing suggests that this legal presumption can or should be rebutted.

Second, if one or more lots placed revetment in their back yard areas, it occurred more than 4-10 years ago (and likely decades ago). Thus, any applicable statute of limitations on such actions has long since expired.

Third, it should not be the burden of the homeowners to "prove the permit history" of their existing revetment. The information, if it exists, is already in the files of the Commission or City. Homeowners trying to protect their homes and improvements, provide better beach access to the public, and prevent life and safety issues due to rock falls should not have to prove "permit history" before they can repair existing revetement in place for decades. Indeed, the City Planning Commission already found that the repair work, as conditioned, would protect existing structures in danger of erosion, minimize risks to life and property, improve beach access by removing large rocks that have migrated seaward of the revetment and impede coastal access, and assure stability and structural integrity of the existing revetment.

Lastly, if "permit history" is so critical (and it is not), each property can voluntarily provide their best available information, if available, prior to commencing repairs at their existing revetment. To implement such a provision, as the applicants' representative, we would work with the City on this topic if deemed critical. But it should be used to hold up not much-needed repairs,

as documented in the City's files and at the Planning Commission public hearing (see also Photo Binder, May 2021).

Note also all repair work must comport with the City's Typical Seawall Detail (Detail M-19) of the City's Engineering manual and the Seawall Ordinance as specified within the City Code. (See Planning Commission Resolution, Engineering Condition No. 1.) So, the repairs will comply with the City's currently required design requirements.

Additionally, prior to the repair work, City Engineering must review and approve: (a) an individual survey for each property to show existing location and elevation of both the toe and top of the revetment; (b) a cross-section of each affected property showing the proposed new location, alignment, and elevation of toe and top of the revetment and a clear delineation of the MHTL, and the City vs. Commission boundaries; and (c) a final survey showing actual post-construction location, alignment, and elevation of toe and top of the revetment. These requirements also ensure that the repairs will comport with the City's currently required design requirements.

Further, the proposed work is designed to repair the existing revetment within its existing footprint. The repairs are not designed to enlarge, expand, augment, reconstruct, or otherwise change the revetment that exists, not its relationship to the inland development that it continues to protect, though not sufficiently due to the erosion and wave action over the years.

As stated above, the City's staff report, and the coastal permit conditions do not allow the repairs to result in further seaward encroachment in relation to the existing revetment. Thus, as a result of the City's actions, the repairs will restore the revetment back to its original condition per City's current detail and specifications, and within the exiting revetment footprint only. (*As stated, this is not the project in the 1200 block of South Pacific Street*.)

No construction machinery will be allowed on the beach or sandy areas. All such repairs will occur from the back yards of each home.

Thank you for your consideration. We reiterate our request that the Commission reject all pending appeals.

Very truly yours,

/s/ Mark J. Dillon

Mark J. Dillon
of
Gatzke Dillon & Ballance LLP

MJD/sjt
cc: See Related Exhibits (provided under separate email cover, July 11, 2022).

SUBSTANTIAL ISSUE HEARING

Coastal Commission Appeal No. A-6-OCN-22-0019 (Dillon)
July 11, 2022

SUPPLEMENTAL EXHIBITS

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EXHIBIT F

Photo Binder

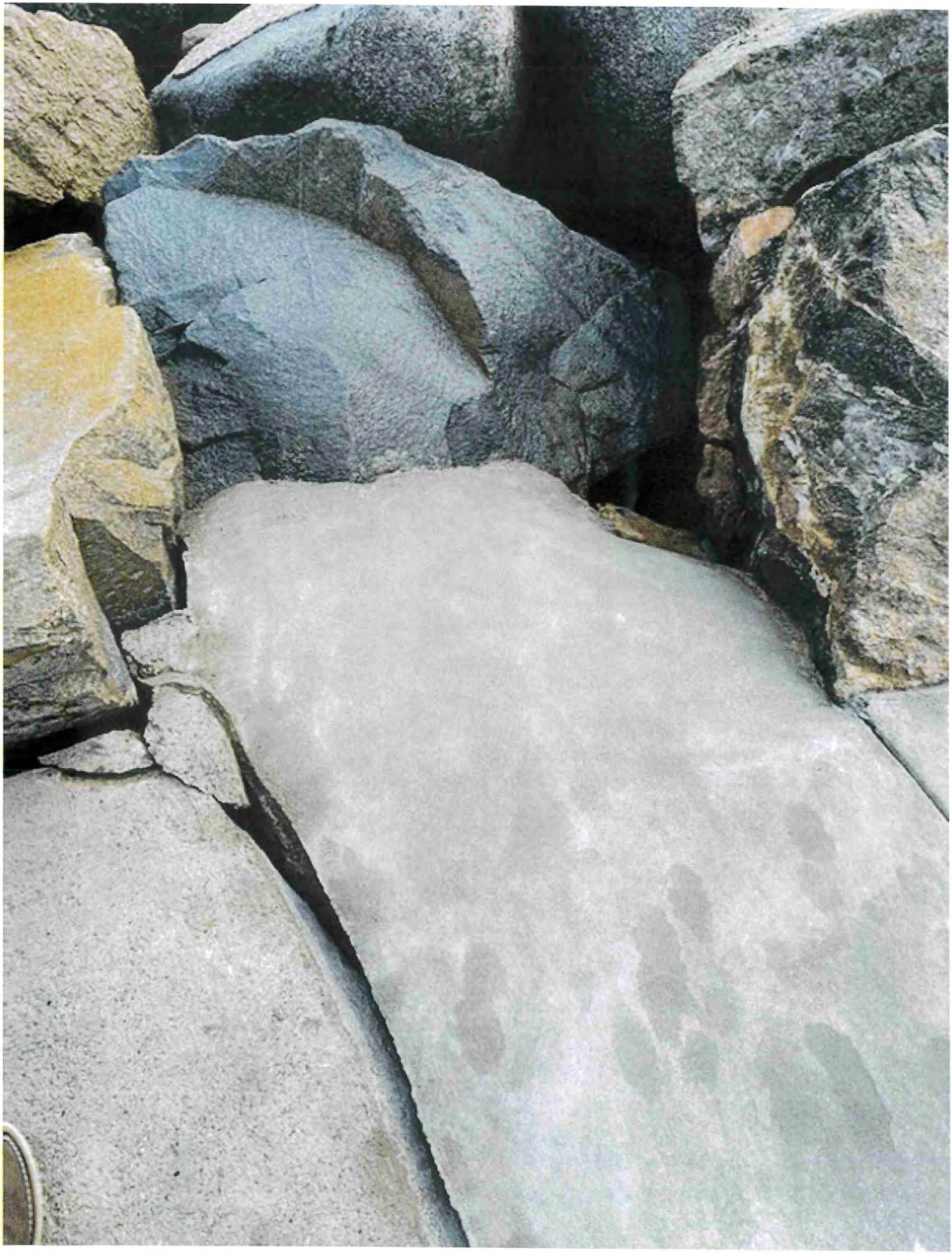
(May 2021)

PHOTO BINDER

(May 2021)

917 – 923 South Pacific Street


NO LIDEZ

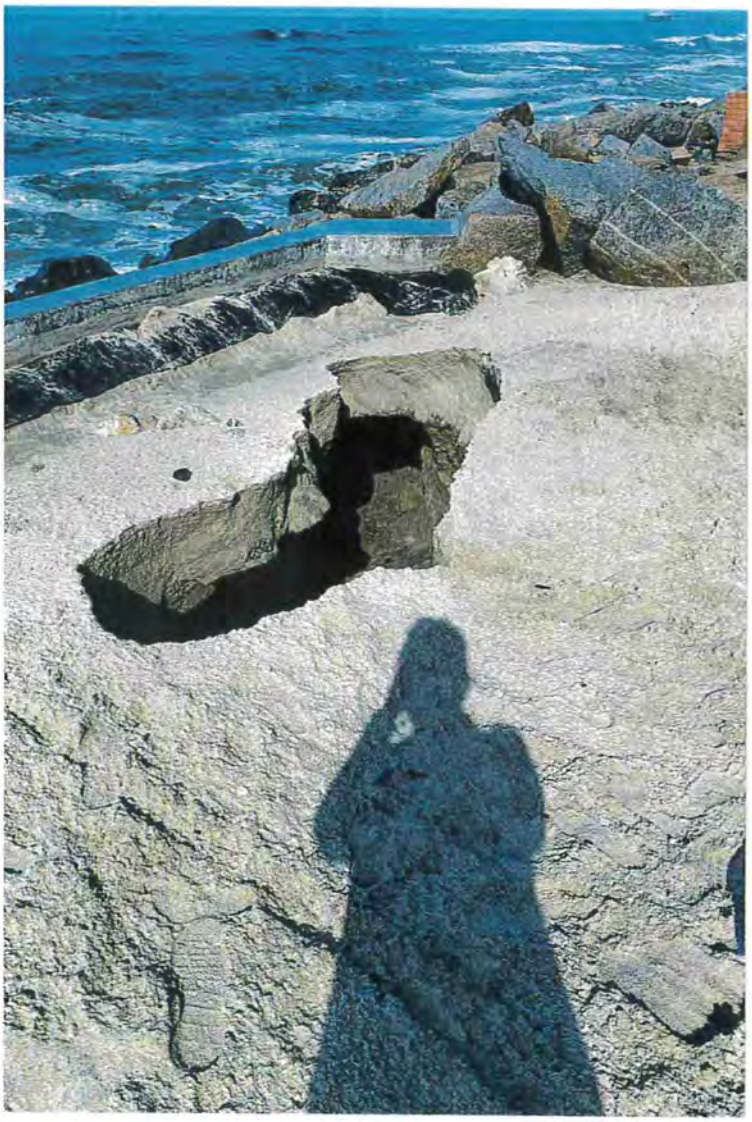


1001 South Pacific Street

929 South Pacific Street
(Flooding)

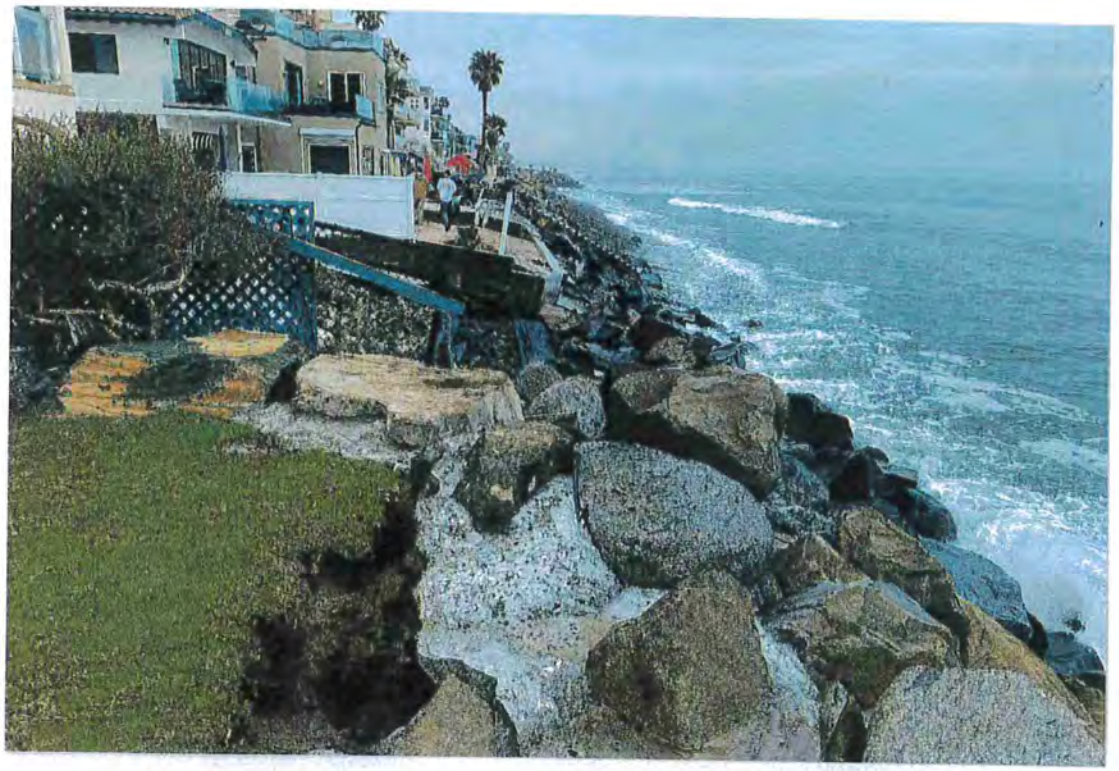
1005 South Pacific Street

1007 South Pacific Street



1015 South Pacific Street

1011 South Pacific Street



1019 South Pacific Street

1021 South Pacific Street

EXHIBIT G

U.S. Senate Report No. 58

87th CONGRESS, 1st SESSION

Senate Report No. 58

Authorizing Certain Beach Erosion Control of the Shore in San Diego County, Calif.

Calendar No. 53

87TH CONGRESS
1st Session

SENATE

REPORT
No. 58

AUTHORIZING CERTAIN BEACH EROSION CONTROL OF THE SHORE IN SAN DIEGO COUNTY, CALIF.

MARCH 2, 1961.—Ordered to be printed

Mr. CHAVEZ, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 307]

The Committee on Public Works, to whom was referred the bill (S. 307) to authorize certain beach erosion control of the shore in San Diego County, Calif., having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That the project for beach erosion control at Oceanside, San Diego County, California, is hereby authorized, in lieu of the existing Federal beach erosion control project, substantially in accordance with the recommendations of the Chief of Engineers in his report contained in House Document No. 456, Eighty-sixth Congress, at an estimated cost of $1,498,000.

SEC. 2. The Secretary of the Army is hereby authorized to reimburse local interests for such work done by them on the beach erosion project authorized in section 1, subsequent to the initiation of the authorized study which forms the basis for the project: *Provided*, That the work which may have been done on this project is approved by the Chief of Engineers as being in accordance with the project hereby adopted: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for improvements.

SEC. 3. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PURPOSE OF THE BILL

The purpose of S. 307, as amended, is to authorize the modification of the existing project at Oceanside, Calif., to provide that the costs of beach restoration and subsequent nourishment be borne by the

United States in accordance with the recommendations of the Chief of Engineers in his report dated August 25, 1960, at an estimated cost of $1,498,000.

GENERAL STATEMENT

The Flood Control Act of 1958 authorized beach erosion projects for Imperial Beach, Ocean Beach, and Oceanside; however, the project at Oceanside was authorized at a total cost of $540,000, with $360,000 being non-Federal and $180,000 being Federal cost.

The project for Oceanside, as authorized, provides for the construction of a protective beach 200 feet wide and about 10,000 feet long by the placement of 900,000 cubic yards of sand.

The Flood Control Act of 1958 directed a survey of Camp Pendleton Harbor and Oceanside, Calif., with a view to determining the extent of Federal aid which should be granted toward recommended beach erosion control measures at Oceanside in equity, without regard to limitations of Federal law applicable to beach erosion control.

The report of the Chief of Engineers dated August 25, 1960, is in response to the above authorization. The Chief of Engineers reports that the authorized plan for improvement at Oceanside is inadequate to provide the required protection under existing conditions and that the authorized project should be modified to provide for deposition of approximately 1,700,000 cubic yards of suitable material to provide a protective beach generally 200 feet wide for a distance of 13,000 feet north of Witherby Street and 100 feet wide for 4,500 feet south of Loma Alta Creek and 500,000 cubic yards between Sixth Street and Wisconsin Avenue to provide advance nourishment for a period of 4 or 5 years, and to provide a stone groin about 800 feet long near the north end of the project. He finds the proposed modified project economically justified, the ratio of benefits to cost being 2.2, with the first cost being about $1,498,000. He further recommends that, on the basis of equity, the total first cost be borne by the United States, but that the maintenance of the groin at an estimated annual cost of $1,000 be borne by local interests.

The justification for the recommendation that the United States bear the total first cost is based on the fact that jetties constructed at Camp Pendleton as a wartime measure are primarily responsible for the erosion problem at Oceanside, where the shore had previously been stable. Had time permitted, there can be little doubt that probably detrimental shore effects of the Pendleton Harbor would have been determined in advance and appropriate measures included in the plans to avert shore damage. The harbor is used entirely for military purposes and produces no local benefits. Under these particular circumstances it is the opinion that, in equity, restoration and stabilization of the Oceanside shore should be a Federal responsibility.

COMMITTEE VIEWS

The committee is in accord with the recommendations of the Chief of Engineers that the existing project at Oceanside should be modified and that the total first cost and subsequent nourishment be borne by the United States.

AGENCY COMMENTS

The comments of the Bureau of the Budget and the Secretary of the Army are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 17, 1961.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge your letter of January 14, 1961, requesting the views of the Bureau of the Budget on S. 307, a bill to authorize certain beach erosion control of the shore in San Diego County, Calif.

The bill would authorize beach erosion control of the shore at Oceanside, San Diego County, Calif., in lieu of the existing Federal beach erosion control project, substantially in accordance with the recommendations of the Chief of Engineers in his report dated August 25, 1960, at an estimated cost of $1,498,000.

Since the aforementioned report is now contained in House Document 456, 86th Congress, this Bureau would suggest that the bill include reference to the project document. Subject to consideration of this amendment, the Bureau of the Budget would have no objection to the enactment of S. 307.

Sincerely yours,

(Signed) PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF THE ARMY,
Washington, D.C., February 23, 1961.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the view of the Department of the Army with respect to S. 307, 87th Congress, a bill to authorize certain beach erosion control of the shore in San Diego County, Calif.

The bill would authorize beach erosion control of the shore at Oceanside, San Diego County, Calif., substantially in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the beach erosion control report on cooperative study of San Diego County.

The Department of the Army favors the above-mentioned bill.

The Chief of Engineers, in his report dated August 25, 1960, (printed in H. Doc. 456, 86th Cong.), recognized that jetties constructed at Camp Pendleton, Calif., as a wartime measure are primarily responsible for the erosion problem at Oceanside, where the shore had previously been stable. If time had permitted, the detrimental shore effects of the jetty construction at Camp Pendleton Harbor would probably have been determined in advance and appropriate measures included in the plans to avert shore damage. The harbor is used entirely for military purposes and produces no local benefits. Under

these particular circumstances, it is the opinion of the Chief of Engineers that, in equity, restoration and stabilization of the Oceanside shore should be a Federal responsibility.

The Chief of Engineers recommends adoption of a project by the United States, in lieu of the existing Federal beach erosion control project, to provide for restoration and stabilization of the shore at Oceanside, Calif., subject to certain conditions of local cooperation, including the condition that local interests agree that the cost allocated to this beach protection project shall be adjusted to reflect the savings from multiple-purpose construction of the addition of the Oceanside Harbor improvement to the overall project, if authorized, and the cost so transferred from the beach erosion project to the harbor project be shared by local interests and the Federal Government as appropriate for small-boat harbor projects.

In the event the committee desires to take action on the bill, it is suggested that the language "contained in House Document No. 456, 86th Congress," be substituted for "dated August 25, 1960," in line 7 of the bill in order to include a reference to the project document number.

The Bureau of the Budget advised that, from the standpoint of the administration's program, there would be no objection to the presentation of a similar report on companion bills H.R. 276 and H.R. 1971 for the consideration of the committee.

Sincerely yours,

ELVIS J. STAHR, Jr.,
Secretary of the Army.

○

EXHIBIT H

U.S. Army Corps of Engineers Survey Report For Beach Erosion Control Project (September 1980)

Excerpts From
U.S. Army Corps of Engineers'
Survey Report for Beach Erosion Control
(September 1980)

See, in particular, pages 32 – 36
and pages E-1 through E-4

SAN DIEGO COUNTY, VICINITY OF OCEANSIDE, CALIFORNIA

SURVEY REPORT FOR BEACH EROSION CONTROL

MAIN REPORT, INCLUDING DRAFT ENVIRONMENTAL IMPACT STATEMENT, AND APPENDIXES

Prepared by

U.S. Army Corps of Engineers

Los Angeles District, California

September 1980

SYLLABUS

The purpose of the beach erosion control study was to investigate about 7.2 miles of shoreline along Oceanside, California, to determine the extent of damage by erosion of the shoreline and to develop the most suitable plan for the protection of the beach.

The study indicated that the shoreline upcoast from Camp Pendleton Harbor (Del Mar Boat Basin) has moved seaward and the shoreline downcoast from the harbor to the south city limit of Oceanside has suffered severe erosion. Consequently, tourism and business have declined, causing a loss of revenue to the city. In addition, property along the shoreline is subject to damage by wave action as a result of the eroded condition of the Oceanside beach. High wave action from the storms of February 1980 caused estimated damages of $0.8 million dollars to public property and $0.4 million dollars to private property.

The study also indicated that the shoreline from the south city limit of Oceanside to the Agua Hedionda Lagoon (City of Carlsbad) has also suffered erosion but to a lesser extent than in Oceanside and no improvement is considered at the present time.

The study discloses that a viable plan for beach erosion control consists of the construction of a 10,800-foot long continuous breakwater of alternating segments of 10- and 5-foot heights from the vicinity of Tyson Street to a point about 1,000 feet upcoast of Buena Vista Lagoon. One groin 800 feet long and another groin 500 feet long would

be constructed respectively at the upcoast and downcoast end of the breakwater. In addition, two groins, 400 and 200 feet long, would be constructed downcoast from the breakwater to provide a smooth transition of the breakwater to shore. About 1.29 million cubic yards of sand would be placed on the shore to form a protective beach about 200 feet wide and 5,500 feet long north of Loma Alta Creek and about 100 feet wide and 6,300 long south of Loma Alta Creek. The estimated total first cost of the improvement is $12,850,000, based on December 1979 price level. The total annual costs, including interest, amortization, and maintenance, are estimated at $946,000, and total estimated equivalent annual benefits are $949,000. The benefit-to-cost ratio is 1.0 to 1.

The cost of constructing, operating, and maintaining the project would be borne entirely by the United States. Local interests would provide all necessary lands, easement, and rights-of-way.

SAN DIEGO COUNTY, VICINITY OF OCEANSIDE, CALIFORNIA

SURVEY REPORT FOR BEACH EROSION CONTROL

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SAN DIEGO COUNTY, VICINITY OF OCEANSIDE, CALIFORNIA

REVIEW REPORT OF BEACH EROSION

INTRODUCTION

The erosion of the shoreline along the city of Oceanside has seriously affected the recreational value of the beach and impacted upon the economy of the area. Although an existing Corps of Engineers' harbor maintenance project has periodically provided artificial beach nourishment, it has not alleviated the erosion problem. Therefore, on August 9, 1967, the City Council of Oceanside passed a resolution requesting the U.S. Army Corps of Engineers to review its previous study of beach erosion along Oceanside for the purpose of determining a long-term solution to maintaining a suitable recreational beach that would provide adequate protection from the ocean.

PURPOSE AND AUTHORITY

This study investigates beach erosion of the shoreline between the Santa Margarita River and the Agua Hedionda Lagoon in Oceanside, California. Inherent in the investigation is the development of the most suitable plan for alleviating this problem.

This beach erosion study is authorized by resolution of the Committee of Public Works of the House of Representatives, October 19, 1967, which reads as follows:

> "Resolved by the Committee on Public Works of the House of Representatives, United States, that, in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army is hereby requested to direct the Chief of Engineers, to make a survey of the shores between the Santa Margarita River and the Agua Hedionda Lagoon in San Diego County and such adjacent areas as may be necessary in the interest of beach erosion control and related purposes."

SCOPE OF THE STUDY

The authorized study area encompasses about 7.2 miles of shoreline between the Santa Margarita River and the Agua Hedionda Lagoon consisting of 1.9 miles of government, 3.1 miles of public beach, and 2.2 miles of private beach. (See pl. 1.) The study indicated that the shoreline between the Santa Margarita River and the existing harbor has moved seaward as a result of impoundment of the littoral material by the existing north breakwater. No improvement, therefore, is being considered. The shoreline between the existing harbor and the groin at the San Luis Rey River has moved seaward, and no improvement is being considered. The shoreline from the San Luis Rey River to the Buena Vista Lagoon in Oceanside has suffered erosion and is considered for improvement. Downcoast from the Buena Vista Lagoon, the publicly owned beach in the City of Carlsbad has also suffered erosion, but to a much lesser extent than in Oceanside, and no improvement is being considered at this time. Therefore, the area being considered for improvement extends from Tyson Street in Oceanside about 11,800 feet downcoast to the Buena Vista Lagoon, the area hardest hit by the erosion.

STUDY COORDINATION AND PARTICIPANTS

The Corps of Engineers was responsible for conducting and coordinating the study, consolidating information from other agencies, formulating a plan, and preparing the report. At the district level, a multidisciplinary team conducted the study and assembled the report. This team consisted of a project engineer, a marine biologist, an economist, geologists, and others as specific data and analysis were required. In addition, the U.S. Army Engineer Waterways Experiment Station (WES), Vicksburg, Mississippi, conducted model testings of various alternative plans and evaluated coastal processes of the Oceanside littoral cell. The cell, as determined by WES, extends from Dana Point on the north to La Jolla on the south, a distance of about 50 miles.

The study was coordinated with appropriate Federal, State, and local agencies. In addition to interested citizens, the following agencies assisted in the investigation: California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Coastal Zone Conservation Commission (San Diego Region), State Resources Agency, U.S. Marine Corps, City of Oceanside, Oceanside Coastal Project Committee, Marine Biological Consultants, Inc., and the University of San Diego.

Besides the numerous meetings that have been held with Federal, State, and local agencies, and interested individuals, two formal public meetings have been held: one on May 29, 1968; the other on April 17, 1977. Also in October 1977, a model study was initiated in response to

a request by the City of Oceanside to conduct a model study so that they could determine the most appropriate plan of improvement from the model study results. A final public meeting will be held to present the tentatively plan of improvement for local comments.

STUDIES BY OTHERS

In 1976 the City of Oceanside prepared the Oceanside beach erosion control study, which discussed the history of the Oceanside beach, the beach erosion problems, and remedial measures, which had been taken by the city of Oceanside and the Corps to alleviate the beach erosion problem. The report directed a plan of action for the City of Oceanside to seek immediate Federal efforts to speed up the completion of the beach erosion control study by the Corps of Engineers.

THE REPORT AND STUDY PROCESS

Format of the report

This report on the Oceanside beach erosion control study includes a main report, and its environmental impact statement, and seven appendixes. The main report is a general nontechnical presentation of the results of the feasibility study for beach erosion control for the Oceanside beaches. As the basic document, it presents a broad view of the overall study for the benefit of all readers, both technical and nontechnical, and also contains the recommendations.

In the appendixes, Appendix A describes the district's public involvement program and includes pertinent correspondence in connection

with the study and comments from interested agencies. Appendix B details information on problem identification and recreation and natural resources. Appendix C details information necessary for formulating, assessing, and evaluating the detailed plans. Appendix D contains supporting engineering data and analysis. Appendix E explains the economic benefits and costs of the alternatives. Appendix F discusses the social well-being components of the area under study and includes the study's cultural resource reconnaissance report.

The study process

This overall study process was conducted in the following three distinct, but related, planning stages: Stage 1--reconnaissance study; Stage 2--development of intermediate plans; and Stage 3--development of detailed plans. Each stage considers four tasks: problem identification, formulation of alternatives, impact assessment, and evaluation.

PROBLEM IDENTIFICATION

The purpose of problem identification is to survey the existing and projected resource conditions resulting from the beach erosion problem at Oceanside, California.

NATIONAL OBJECTIVES

The "Principles and Standards for Planning Water and Related Land Resources," established by the Water and Resources Council and issued on September 10, 1973, for planning the use of water and related land resources, require that Federal and federally assisted water and related land planning be directed to achieve National Economic Development (NED) and Environmental Quality (EQ) as equal national objectives. An NED plan addresses the planning objectives in the way that maximizes net economic benefits. An EQ plan addresses the planning objectives in the way that emphasizes esthetic, ecological, and cultural contributions.

EXISTING CONDITIONS

General

A general understanding of the resources and development of the study area is helpful in identifying its problems and needs and formulating the various solutions thereto. Following is a discussion of the natural and human resources of the area as well as the development and economy of the area.

Environmental setting

PHYSIOGRAPHY AND TOPOGRAPHY. Oceanside beach lies on a narrow coastal plain that is the western edge of the Peninsular Range geologic province of southern California. The narrow beaches between San Clemente and Oceanside are backed by steep bluffs that reach heights of 100 feet or greater in many places. Within the study area, the major drainage features that intercept the bluffs are the Santa Margarita and San Luis Rey Rivers north of Oceanside, and the Loma Alta, Buena Vista Lagoon, and Agua Hedionda Creeks south of Oceanside. From the San Luis Rey River southward, the beaches are narrow and backed by bluffs that range in height from 20 feet at Buena Vista Lagoon to 300 feet near Torrey Pines, about 25 miles south of Oceanside. In the general project area, the beach is about 750 feet wide at the upcoast end of Camp Pendleton Harbor (Del Mar Boat Basin), narrowing to zero width at Wisconsin Avenue, and then widening to about 200 feet at Agua Hedionda Lagoon.

GEOLOGY. The mountains east of the coastal plain in the vicinity of Oceanside are composed mostly of granitic intrusive rocks. The coastal plain areas consist of both marine and non-marine sedimentary deposits of conglomerates, sandstones, siltstones, and shales of Tertiary and Cretaceous age.

SEISMICITY AND FAULTING. Approximately 34 earthquakes have occurred within a 30-mile radius of Oceanside Harbor during the last 40 years; 31 of these events had recorded magnitudes of 3.0 to 3.9 and 3 had recorded magnitudes of 4.0 to 4.5. No earthquakes exceeding magnitude 4.5 have

been recorded within a 30-mile radius of the project area since 1916. The majority of the events occurred along the Whittier-Elsinore, Agua Caliente, or Newport-Inglewood fault zones.

TSUNAMIS. A study of tsunamis in San Diego County, conducted for the U.S. Office of Civil Defense in 1968, indicated that the relatively wide continental shelf and borderland has acted as an effective diffuser and reflector of energy that arrives from remotely generated tsunamis. Locally generated tsunamis would occur only if the source earthquake exceeded magnitude 6.3.

GROUNDWATER. Under normal conditions, ground water flows westward along the San Luis Rey River and discharges into the ocean through the gravels in San Luis Rey Canyon. Groundwater in this portion of the San Luis Rey River is in the Mission groundwater basin. At present, heavy pumping has lowered the ground water level below sea level and a landward gradient has been established.

Seawater intruded into the ground water aquifers in 1951-52 and 1954-55 at well No. 11S/5W-23E1, which is in San Luis Rey Canyon about 4,000 feet upstream from the ocean. Water quality tests conducted in 1964 indicate that water from this well has a chloride ion concentration of 7,228 ppm. Later data from this well or others in the immediate vicinity are not available.

HYDROLOGY. The two major streams within the study are the Santa Margarita and the San Luis Rey Rivers. The Santa Margarita River, which drains an area of 750 square miles in Riverside and San Diego Counties,

empties into the Pacific Ocean near the southern boundary of Camp Pendleton Marine Base. Flow data collected at a stream gage 1.7 miles upstream from the mouth for a period of 50 years (1923 to 1973) indicated an average flow of 27.5 f^3/s. The maximum recorded flow of 33,600 f^3/s occurred on February 16, 1927.

The San Luis Rey River drains an area of 558 square miles in northwest San Diego County and empties into the Pacific Ocean at the northern city limits of Oceanside adjacent to and south of the harbor. A stream gage 1.1 mile upstream from the mouth was monitored during the periods 1912-14, 1929-41, and 1946-73. The average annual flow over this period was 14.8 f^3/s. A maximum flow of 95,600 f^3/s was recorded on January 27, 1916.

CLIMATE. Oceanside has an annual average temperature of about 61°F. The highest temperature recorded was 103°F in October 1961. Average annual precipitation is about 11 inches, most of which falls between November and April. No snowfall has been reported, but there has been one report of sleet. Wind speeds are less than 8 miles per hour (mph) 50 percent of the time and exceed 14 mph 10 percent of the time.

AIR QUALITY. Information on air quality standards and concentration of pollutants in Oceanside was taken from the Annual Air Monitoring Report for 1977, Air Quality in San Diego County, published by the County of San Diego Air Pollution Control District. A beach erosion project was authorized by Congress in 1958 (PL 85-500)

Photochemical oxidant (measured as ozone) is the major pollutant problem in San Diego County. The Federal oxidant standard (1 hour per 8 parts per hundred million (p/hm)) was exceeded on 87 days in Oceanside in 1977. However, the health alert level (hours with levels at p/hm or greater) was reached on only 2 days at Oceanside during 1977 compared with 7 days during 1976.

Particulate matter is San Diego County's second major health problem. Total suspended particulate levels showed relatively little change in Oceanside between 1976 and 1977; 21 percent of the samples taken equaled or exceeded the State 24-hour standard (100 mu/m^3) in 1977, compared with 20 percent in 1976. Federal standards for carbon monoxide concentrations (1-h av, 35 p/m; 8-h av, 9/pm) were not exceeded at Oceanside during either 1976 or 1977. Sulfur dioxida levels were low, and standards were met at Oceanside throughout the period monitored (1976 and Jan.-June 1977). The number of days on which nitrogen dioxide levels exceeded California standards (1-h/25 p/hm) dropped from 4 days in 1976 to 2 days in 1977.

NOISE. Noise levels vary considerably with wind direction, topography, frequency duration, and muffling. To date, there are no ambient noise level studies or any city ordinances that regulate noise levels in Oceanside.

TIDAL DATA. There are two high and two low tides each day at Oceanside with approximately 6 hours between each high and low tide. The mean tidal range is 3.8 feet, the diurnal range is 5.3 feet, and the extreme range is approximately 10.0 feet.

WAVES. Waves that break along the San Diego County shoreline generally range in height from 2 to 5 feet, but waves ranging in height from 6 to 10 feet are not uncommon.

LITTORAL CONDITIONS. A study was conducted by the U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi, to ascertain quantitatively the rate of longshore transport in the Oceanside region. Study findings were published in a report titled Coastal processes study of the Oceanside, California, littoral cell (miscellaneous paper H-78-8), dated August 1978. The study estimated that the gross yearly littoral transport south was about 640,000 cubic yards, the gross yearly littoral transport north was about 540,000 cubic yards, and the net transport was about 100,000 cubic yards to the south.

WATER QUALITY. Sources of pollutants in the area are the Oceanside wastewater outfall, Oceanside Harbor, and recreational activities. In August 1977, on Loma Alta Creek, 1.5 million gallons of silica were spilled in the ocean. In January 1978 a lesser spill occurred. Both of these spills reduced the water quality in the Oceanside area.

SEDIMENT CHARACTERISTICS. A limited analysis of grain sizes of sediments within proposed project area indicates that the substrate is composed predominantly of fine sand. Grain size analysis is useful in the interpretation of factors influencing the distribtution of infaunal animals. Generally, grain size characteristics reflect the exposure of a location to hydrodynamic activity, a factor that directly affects the ability of animals to survive. Furthermore, grain size influences the food-carrying capacity of the substrate, another factor that influences the number and type of animals inhabiting an area.

TERRESTRIAL BIOLOGICAL ENVIRONMENT. The study area is in a urbanized area along the coast. The shoreline consists of rocks, cobbles, and sand. Vegetation is very sparse, consisting of landscaping plants (palm trees and ice-plants). The San Luis Rey River mouth is a wetland area consisting of approximately 40 acres of fresh-to-brackish marsh represented by Scirpus. A large avifauna inhabits the area; representative species include piro-bill grebes, coots, kestrels, killdeer, willets, ring-billed gulls, California gulls, green heron, and black crowned night heron.

The Buena Vista Lagoon, comprised of 350 acres, is a coastal pond or nontidal lagoon, of which 220 acres are submerged and 130 acres are covered with salt marsh and brackish marsh vegetation typical of nontidal lagoons of southern California. Buena Vista Lagoon providas habitat for the least tern, clapper rail, and Belding's savannah sparrow, as well as for about 200 other bird species. Representative fish of the lagoon are catfish, bluegill, and bass.

The Loma Alta Creek mouth has about 40 acres of wetland habitat bordered by disturbad riparian and coastal sage scrub. Reported wildlife are ducks, coots, mosquito fish, and mullets. No endangered species are resident in the area.

THREATENED AND ENDANGERED SPECIES. Avifauna listed as endangered by the Federal Government and the State of California inhabit most of the listed wetlands areas. The California least tern nest in the Santa Margarita River mouth and the Buena Vista Lagoon. Brown pelican feed offshore along the project area. The light-footed clapper rail and the Belding's savannah sparrow inhabit the Buena Vista Lagoon.

BIOLOGICAL ENVIRONMENT AT SAN LUIS REY RIVER. The major plant community that developed is disturbed coastal sage scrub. Wildlife in the area include upland species, such as California ground squirrel, cottontail rabbit, racoon, and roadrunner.

MARINE BIOLOGICAL ENVIRONMENT. The Los Angeles District has completed over 2.5 years of systematic field sampling of the marine biological environment in the Oceanside area. This sampling program consisted of replicate infauna grab samples by divers, diver transects, beach seines, otter trawls, gill nets, and ichthyoplankton tows, as well as limited water quality sampling.

CULTURAL RESOURCES. In April 1976, the San Diego State University Department of Anthropology conducted a cultural resource survey along 7.25 miles of project-area coastline (Cupples, 1976). No archeological or historical remains were discovered during the survey, which was conducted above the mean high tide line.

NATIONAL REGISTER OF PROPERTIES. Properties in the genetal vicinity of the project that are listed in the National Register of Historic Places include the Las Flores Adobe and the Santa Margarita Ranch House, which are on tha Camp Pendleton Marine Base, and the San Luis Rey Mission Church, which is 4 miles east of Oceanside.

ESTHETICS. Oceanside beach is a gradually sloping, sandy beach between the harbor jetty and the groin at the mouth of the San Luis Rey River. From the mouth of the San Luis Rey River to the pier, the beach has a steep slope and is primarily cobble. Downcoast from the pier, the

beach is a mixture of cobbles and sand and there are obvious signs of erosion. The continuity of the beach is interrupted by an old, deteriorating pier; a large, newer housing development (North Coast Development); a short groin at the mouth of the San Luis Rey River; and the harbor. A narrow street that runs from the North Coast Development to Wisconsin Avenue serves very limited beach parking, an older public community facility, private and commercial residences, motels, and a recreational vehicle camp. The surrounding area consists of a mixture of older, deteriorating structures and newer condominiums and apartments.

RECREATION. Recreational resources within the Oceanside area include boating, fishing, sunbathing, surfing, and other water-related activities. At Oceanside Harbor, small-craft facilities include 771 boat slips and side ties, 22 visitor slips, and a 4-lane boat-launching ramp. Sportfishing boats can be rented for fishing expeditions. Along the strand (in the general area of the proposed project), visitor-serving facilities include motels, restaurants, and a recreational-vehicle travel park. Offstreet public parking along the Strand is limited, so beach users presently utilize on-street parking, and where available, vacant land.

Annual beach attendance at Oceanside beaches has declined in recent years, dropping from about 700,000 in 1975 to just over 450,000 in 1977. The number of surfers using Oceanside beaches, however, has increased from about 175,000 in 1974 to about 300,000 in 1977. (Surfing is restricted to certain times and to specific areas along Oceanside's

coast). Beach use at the strand south of the pier (the proposed project area) dropped from about 250,000 in 1975 to less than 125,000 in 1977, largely because of the lack of beach. These data were obtained from the City of Oceanside.

Economic resources

LAND USE. The City of Oceanside's land use plan regulates land use within the city. Zoning within Oceanside also conforms to the city's land use plan. The area adjacent to the project beach is designated predominantly high density residential use. The area surrounding the pier is designated for general commercial use.

TRANSPORTATION. Interstate 5 connecting San Diego with Los Angeles connects Oceanside to the interstate freeway system. Mission Avenue, Oceanside Boulevard, and Vista Way from the east and Hill Street from the north and south provide access to the project beach. Amtrak, with its station less than 1/2 mile from the project beach, provides passenger rail service. Connections to San Diego and Los Angeles by rail are available.

HOUSING. Oceanside in 1970 had 14,936 housing units, of which 62.6 percent were single family homes; 29 percent were multiple family units; and 8.4 parcent, mobile homes. A survey in 1975 showed Oceanside housing to be 44.7 percent, single family; 46.1 percent, multiple family; and 9.2 percent, mobile homes, with 23,037 housing units existing.

INCOME. According to the 1970 census, median family income for the City of Oceanside was $8,377 per annum. The 1975 special census showed a median household income of $8,358 per annum, over $2,600 below the median figure for San Diego County as a whole.

The decline in income figures for Oceanside can be partially explained by comparing the 1970 family income with the 1975 household income. The household income category includes some living units that are not included in the family category and that usually have lower incomes than families. Also the growth of adult living units in Oceanside, primarily duplexes and mobile homes, has greatly increased the number of retirees.

EMPLOYMENT AND LABOR FORCE. The civilian labor force in Oceanside amounted to 13,608 in 1970. In addition, there were 3,116 persons employed by Federal, State and local governments. The labor force participation rate was 55.5 percent. The special census showed a civilian labor force of 16,712 with an additional 4,779 military personnel.

PROPERTY VALUES. The 1978 estimated market value of land and improvements subject to damage within the study area consists of 95 acres of land valued at $25 million and improvements consisting of buildings, utilities, and roads valued at $13 million for a total market value of $38 million. Of this total, 49 acres of land valued at $13 million and $20 million worth of improvement are privately owned.

REDEVELOPMENT. The boundary of the redevelopment district in Oceanside encloses the area south of the San Luis Rey River, west of Interstate 5, and north of Wisconsin Avenue. The goal of redevelopment is to provide a balance of residential commercial, tourist-oriented, and public uses in an attractive and functional setting. Any plan of improvement for Oceanside's beach would have a positive effect on redevelopment in Oceanside.

INDUSTRY. Oceanside is primarily a service- and tourist-oriented community. Manufacturing is confined primarily to Oceanside Industrial Park, with electrical component assembly a main employment activity. Clerical, sales, and service workers accounted for 45 percent of the total employment by the Oceanside labor force in 1970. Within the tributary area where manufacturing, service industries, agriculture, and government employment are major business and employment sectors, about 39.6 percent of the total labor force was employed in the clerical, sales, and service fields.

WATER SUPPLY. Oceanside relies almost totally on imported water use. Local ground water accounts for less than 1/10 of 1 percent of Oceanside's water use. The city purchases water from the San Diego County Water Authority, part of the Matropolitan Water District. The water is supplied through aqueducts from the Colorado River. The 1976 water consumption in Oceanside was 16,552 acre-feet.

Social resources

POPULATION. The City of Oceanside's population in 1970 was 40,494. Its population in 1975, based upon a special census conducted by the California Department of Finance, was 55,267. The January 1979 population was 72,400, based on data from the California Department of Finance.

POPULATION CHARACTERISTICS. The racial composition of Oceanside shown by the 1975 special census was 84.3 percent, white; 6.8 percent, black; 6.1 percent, Spanish; and 4.8 percent, others. The area most likely to be affected by any proposed alternatives for Oceanside beach is Oceanside west of the Santa Fe Railroad, including the harbor area and the beach area to the south. This location is referred to as the beach area. According to the 1975 special census, the racial composition of the beach area was 85.4 percent, white; and 6.9 percent, black.

Existing projects

AUTHORIZED BEACH EROSION CONTROL PROJECT. A beach erosion control project was authorized by Congress in 1958 (PL85-500) in accordance with House Document No. 399. The authorized project provided, by the artificial placement of approximately 900,000 cubic yards of suitable sand along the shore, a protective beach generally 200 feet wide and 10,000 feet long from the vicinity of Ninth Street southward to Witherby Street.

MODIFICATION OF AUTHORIZED PROJECT. The authorized project was modified by Congrees in 1960 (PL87-9) in accordance with the plan in House Document No. 456. The modified project provided for deposition of (1) about 1.7 million cubic yards of material to provide a protective beach generally 200 feet wide for 13,000 feet north of Witherby Street and 100 feet wide for 4,500 feet south of Loma Alta Creek, and (2) 500,000 cubic yards of material between Sixth Street and Wisconsin Avenue as advance nourishment for a period of 4 to 5 years. Provision in the modified project was also made for a stone groin (south jetty of harbor) about 800 feet long near the north end of the modified project.

Material for the protective beach was obtained from the Del Mar Boat Basin and from a proposed site for the Oceanside Harbor District's small craft harbor. Since the fill from the proposed site would only partially develop the small craft harbor, the City of Oceanside (represented by the Oceanside Harbor District) requested the Corps to complete the dredging of the harbor at the harbor district's expense concurrently with work on the protective beach. Consequently, about 3.8 million cubic yards of material were used for the beach (2.4 million cubic yards from dredging and 1.4 million cubic yards from excavating the Oceanside (small-craft) Harbor).

The excavated material was deposited on the Oceanside beach for a distance of about 2 miles downcoast between Ninth Street and Loma Alta Creek. No material was deposited on the private beach downcoast from Loma Alta Creek, however, because it was believed that it would be more economical to deposit the material at Loma Alta Creek where wave action

from the north would move it onto the private beach. Sand deposition on the beach was completed in April 1963, with the beach fill project costing about $1.8 million ($1.3 million Federal cost and $0.5 million non-Federal cost). However, the beach fill, although it restored the shoreline to the pre-harbor (1942-43) configuration, showed no inclination to remain in a stable condition; and subsequently, despite nourishment of 723,000 cubic yards of material from 1965 to 1968, the beach was lost. Construction of the south jetty to the Oceanside Harbor entrance, which was completed in July 1961, cost about $200,000. The City of Oceanside, at its own cost, extended the jetty 573 feet in 1968 to its present length of 1,223 feet.

MAINTENANCE DREDGING. The beach has been periodically nourished as a byproduct of maintenance dredging of the navigation channels of the Del Mar Boat Basin and Oceanside Harbor. An estimated 8 million cubic yards of material have been placed on the beach from 1961 to 1978. The material made available in this manner, however, could not maintain the beach and was subsequently lost.

CITY OF OCEANSIDE PROJECT. The open pile pier, constructed by the City of Oceanside at the foot of Third Street in 1927, is 1,130 feet long by 20 feet wide. The pier, however, has had no appreciable effect on the shoreline.

The City of Oceanside constructed the existing concrete-paved ocean front walk (the strand) with a concrete curtain wall at its seaward edge in October 1927 at a cost of $54,000, and in 1948, expended $4,800 to repair the municipal pier. Because of serious erosion near Wisconsin

Avenue, the city had stone riprap placed along approximately 1,000 feet of the strand from Wisconsin Avenue north to protect the wall and walk during the high tides of January 1949 at a cost of $3,560. In 1950, additional stone to protect the strand cost $12,135, and in 1951, extension of the stone protection cost $12,486 plus $423 for repairs to the strand pavement and wall. In 1952, construction of two stone groins (one at Wisconsin Avenue and the other about 1,000 feet to the south) about 50 feet long and extending to about the line of mean sea level cost $7,390; and in 1953, utility repairs and some heavy stone cost $450. From 1927 to 1953, the cost of the public shore protection amounted to $95,244. In addition, private property owners have constructed stone riprap along the shoreline between Loma Alta Creek and Buena Vista Lagoon to protect the land and property from damages by waves.

CONDITIONS IF NO FEDERAL ACTION TAKEN

Without corrective action, shore erosion in the project area will continue to reduce the beach widths, and cobbles on the beach will continue to create an unesthetic and hazardous beach environment. Local interests, as erosion threatens their property, will have to take additional protective action. In addition, the attraction of the area for ocean related recreational activities will be reduced for both tourists and local residents as both property erosion and loss of public and private beach continue.

SHORELINE AND OFFSHORE CHANGES

Plates 2 through 4, Appendix B, show the shoreline and offshore changes for 1934, 1952, 1956, and 1972 from the Las Flores Creek upcoast of the City of Oceanside, to the city of Carlsbad, a distance of about 16 miles. In general, the shoreline upcoast from the Camp Pendleton Harbor is seaward of the 1934 survey with a maximum advance by the mean high water (MHW) a distance of 500 feet at the Santa Margarita River. However, the shoreline downcoast from the harbor has receded. The MHW for 1972 showed a recession varying from about 50 feet at Wisconsin Street to about 200 feet at Ninth Street and the mean lower low water (MLLW) showed a recession varying from about 100 feet to about 400 feet at these two locations. The MHW for the 1952, 1956, and 1972 surveys were all seaward of the 1934 survey along the shoreline fronting the City of Carlsbad. However, the 6- to 30-foot depth contour for the three surveys were all landward of the 1934 survey for the 16 miles of shoreline.

VOLUMETRIC CHANGE

Volumetric analysis indicated an impoundment of about 1.6 million cubic yards of material upcoast from Camp Pendleton Harbor from 1952 to 1972. The beach downcoast from the harbor showed a net loss of 2.7 million cubic yards of material. Placed on the Oceanside beach from 1961 to 1971 were about 5.7 million cubic yards of material, of which about 5.2 million cubic yards were lost by 1972. Volumetric changes from the Santa Margarita River to the Agua Hedionda Lagoon from 1952 to 1972 are presented on plate 5 Appendix B.

BEACH PROFILE

Beach profiles furnished by the City of Oceanside were used to compute erosion rates in the project area for July 1966, June 1970, and July 1977. The +5 feet MLLW was used to determine the total erosion over a 11-year period of record, with the 1966 beach profile as the base year. (See figs. 1-5, Appendix B.) For purposes of estimating the requirements for benefits, an overall erosion rate of 4.9 feet per year was calculated for the beach area and 1.5 feet per year was assumed for the bluff area.

PROBLEMS AND NEEDS

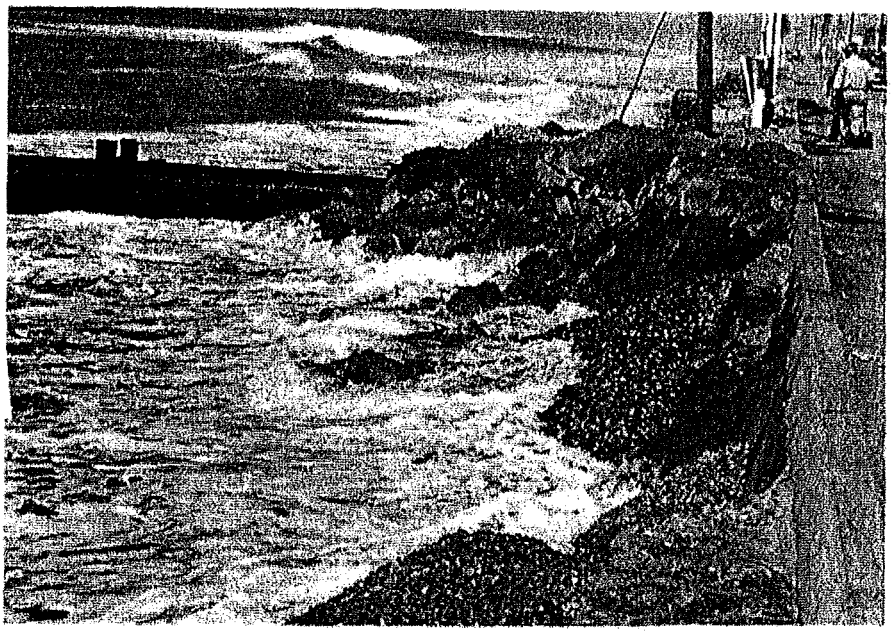
BEACH EROSION

At Oceanside, the problem has been loss of recreational beach and recession of the shoreline to such an extent as to impair the use of the popular bathing beach and to threaten the destruction of a public roadway, public utilities, and privately owned commercial and residential property.

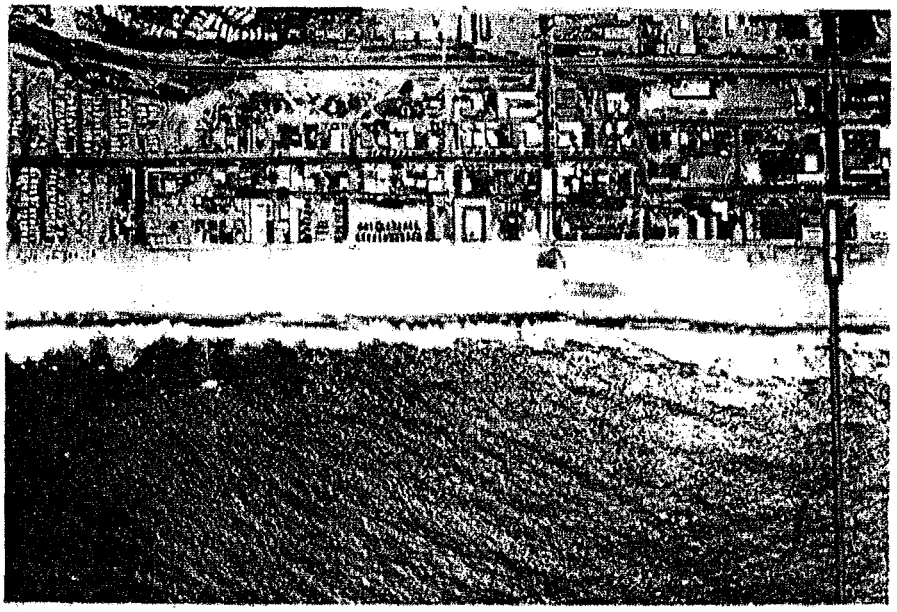
In some places the beach has eroded to the curb of the street. The result of the erosion is that cobbles that were deposited on the beach during the excavation of the Oceanside Small Craft Harbor in 1963 have been exposed. These cobbles, redistributed by wave action, have created a residual cobble beach in the foreshore zone. In an area historically noted for its wide sandy beaches, cobbles on the beach have created an unesthetic and hazardous environment, limiting the area available for beach recreation. This has caused a financial loss to the business community. The following photos show the beach in various stages of stability, erosion, and restoration starting in 1931.

Oceanside beach in 1931.

Oceanside beach in 1939, showing relatively stable beach upcoast from pier, Del Mar Boat Basin, and site of Oceanside Harbor.



Oceanside beach in 1960 after destruction by eroding waves.



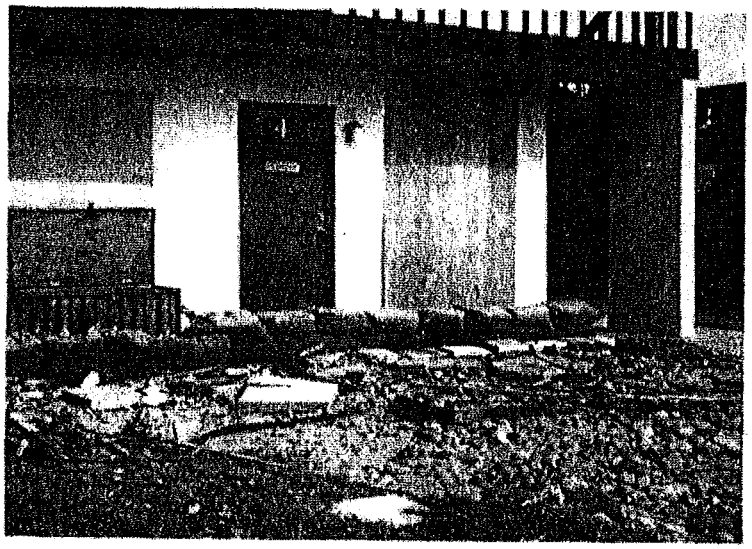
Restored Oceanside beach in 1963, after Corps' beach erosion control project was completed.

Eroded beach in 1977; a solitary beachgoer sits among the cobbles.

STORM DAMAGE

High surf conditions during the February 1980 storms caused damage to 11 residences and 10 rental properties, 500 feet of seawall and street along the strand, parking lots, sewer and water lines, and riprap and lost of beach area along the shoreline of Oceanside. The total estimated damages were $1.2 million consisting of $0.4 million to private property and $0.8 million to public property. In addition, the U.S. Army Corps of Engineers, Los Angeles District performed emergency shore protection work under PL 84-99 to protect property along about 1,100 feet of the shoreline. Total estimated cost of the emergency work was $100,000. Damages resulting from the February 1980 storms are shown in the following photos.

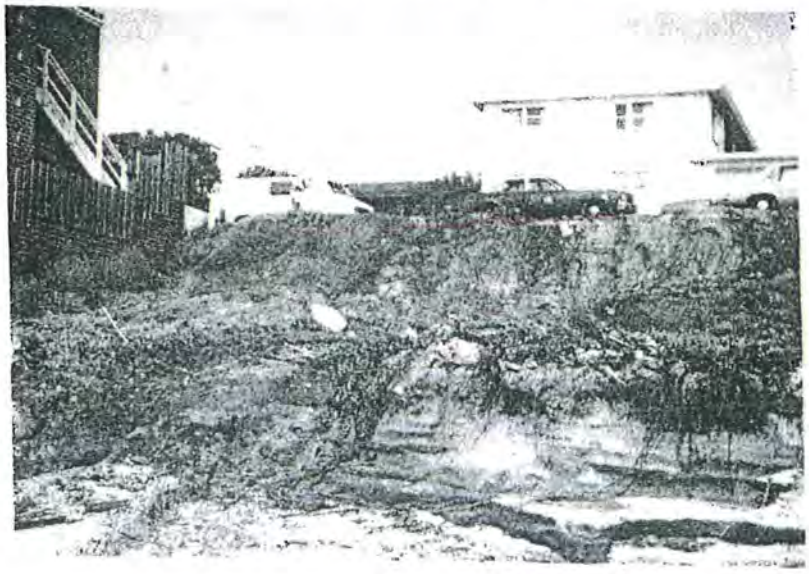
(a)



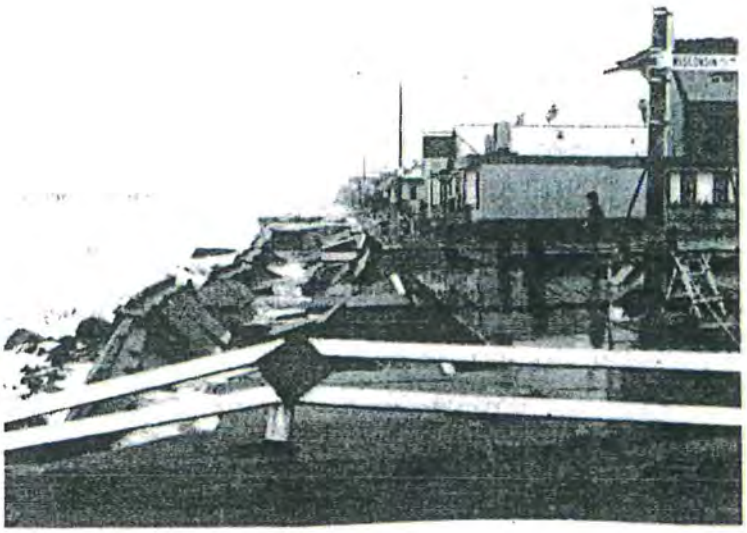
(b)

Two views of property damage in vicinity of Wisconsin Street caused by wave action from the February 1980 storm.

(a)
Land erosion downcoast of Hays Street caused by wave action from the February 1980 storm.



(b)
Land erosion between Wisconsin and Hays Streets caused by wave action from the February 1980 storm.



Street and seawall damages along the Strand upcoast of Wisconsin Street caused by wave action from the February 1980 storm.

Emergency bank protection performed by the U.S. Army Corps of Engineers, Los Angeles District, at Hays Street during February 1980 storm.

ANALYSIS OF THE PROBLEM

Beaches are dynamic features; they constantly change under the influence of waves and currents. Depending on prevalent geologic and oceanographic conditions and on the time interval considered, beaches can accrete, remain stable or erode. Many portions of California's coastline are generally eroding and beach changes can occur quite rapidly along exposed portions of the coastline such as at Oceanside Beach. If a manmade structure, such as a harbor breakwater, is constructed on a coastline, the beaches immediately adjacent to the structure may be subjected to transient or long-term depositional or erosional effects depending on the supply of sediments.

To the extent possible, this investigation has studied the following factors relating to the littoral regime at Oceanside, California: Sources and characteristics of littoral materials; modes and direction of littoral transport; rates of supply and loss of littoral material; and shoreline location during recent times. The sources of beach materials at Oceanside are believed to be sediments from the San Luis Rey and Santa Margarita Rivers and eroded material from the coastal bluffs which back the beaches in this region. A coastal process study of the Oceanside littoral cell determined there is an annual net potential downcoast transport (in a southerly direction) of approximately 100,000 cubic yards of material at Oceanside, California. With respect to the location of the shoreline, it has been observed that a fillet with a volume of approximately 3.7 million cubic yards of material has accreted and presently exists on the upcoast

(north) side of the Oceanside harbor breakwater. Since harbor construction, the beach downcoast (south) of the harbor to Buena Vista Lagoon has sustained severe erosion amounting to about 7.9 million cubic yards of material.

During the course of this study, several viable structural alternatives have been identified to solve the beach erosion problem at Oceanside. However, the littoral studies have not been conclusive, primarily because of the lack of ascertainable data. Thus, the effect of the Federally constructed breakwater at the Del Mar Boat Basin on the littoral regime, especially relating to the eroded area downcoast of the structure, has not been positively determined. Also, it has not been possible to differentiate that portion of the documented erosion which may be attributable to naturally occurring conditions irrespective of breakwater construction. In conclusion - it cannot be determined that the Federally constructed breakwater at Del Mar Boat Basin is entirely responsible for the erosion that has been experienced at Oceanside Beach.

Coast Sharing

It is proposed that the Federal Government bears 100 percent of the construction costs and subsequent maintenance for the recommended project for Oceanside based upon: (1) The precedent established in the prior report (House Document No. 456, 86th Congress, 2nd Session) and (2) the fact that beaches have accreted in the immediate area north of the Federal structure and eroded to the south of the structure. A precedent was established in the prior report for 100 percent Federal

cost based on an assumption that the Federal structure was the "primary cause" of the erosion of the Oceanside beach. More recent studies made in connection with this report do not conclusively support this assumption, however, available evidence is insufficient to support an engineering finding to the contrary at this time. Therefore, in the Oceanside Beach situation, where it was previously determined that the breakwater was the cause of the downcoast erosion problem, and whereas the breakwater still remains as an indeterminant influence on the shoreline to the natural sand transport in the immediate vicinity of the harbor, it is concluded that special cost sharing consideration should be given to this project in the form of a 100 percent Federal cost for initial construction of the proposed remedial works and for the annual maintenance and monitoring of the project as recommended in this report.

To assist in resolving the matter of Federal financial contribution to the project, reference is made to Section 111 of Public Law 90-483, approved August 13, 1968, which states: "The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and construct projects for the prevention or mitigation of shore damages attributable to Federal navigation works. The cost of installing, operating, and maintaining such projects shall be borne entirely by the United States. No such project shall be constructed without specific authorization by Congress if the estimated first cost exceeds $1,000,000."

This project does not clearly fall within the authority of Section 111 because of the financial limitation, i.e., it exceeds the $1,000,000 limitation. It is further pointed out that application of the Section 111 authority does not require that a showing be made that the Federal navigation work be the sole or 100 percent contributor to the erosion, but merely that the shore damages are attributable to Federal nagivation works.

LOCAL INTERESTS' DESIRES

What local interests desire is a permanent, effective, and economical means of preventing further beach loss and restoring the beach to an acceptable and usable condition for tourism, business, and recreation.

BEACH NEEDS FOR RECREATION

Oceanside in 1975 had approximately 19 acres of beach area, and Carlsbad, the only other general recreational beach in the tributary area, had about 12.5 acres. Oceanside beach at that time had an approximate seasonal attendance of 700,000 and Carlsbad had 1 million, or a total for both of 1.7 million. The drop in attendance at Oceanside beach in 1977 to about 450,000 was due to the decreased quality and quantity of the beach with respect to other beaches in the area. The demand for beach area has continued to increase, primarily because of an increase in the population of the area.

With continued population increases, it is projected that a shortage of beach area for peak-hour use will occur in 1981 without the project; and in 1998, average hour-use shortages will occur. With the project, peak-hour shortages will occur by 2000, while average hour demand will be met through 2030.

PLANNING CONSTRAINTS

In addition to assuring the engineering feasibility of any plan, once this was accomplished, other forces acted as a detriment. For example, each plan had to:

1. Meet the test of economic feasibility.

2. Minimize to the greatest possible extent the adverse impacts on the human and natural environment and, whenever possible, try to improve the environmental quality.

3. Minimize the adverse social impacts as much as possible.

4. Accommodate the needs, desires, and attitudes of the local citizens; and respond to the concerns and responsibilities of local government and State and Federal agencies.

Appendix E

ECONOMICS

METHODOLOGY

Benefits attributable to the erosion control and beach restoration at Oceanside Beach, which are tangible monetary benefits, include: recreational benefits for beach-related activities and damage prevented to lands and improvements. Recreational benefits consist of beach-recreation visits made possible by the project. These benefits were computed in accordance with ER 1120-02-108. The typical season for southern California beach use is from April through October, or approximately 200 days. Of these 200 days, roughly 20 days of inclement weather can be expected. About 30 days of peak beach attendance occur annually and 150 days of average beach attendance. Peak hour attendance is 4 percent of the tributary population, and seasonal annual attendance is defined as:

$$Y \text{ (seasonal attendance)} = 30(2x) + 150(2x/3)$$

where x = peak hour demand

$x/3$ = average hour demand

2 = daily turnover rate.

Actual population	Projected population*					
1975	1980	1990	2000	2010	2020	2030
237,800	308,700	450,600	559,800	684,000	764,700	855,200

*Estimates based on projections of San Diego Comprehensive Planning Organization and Southern California Association of Governments.

Population of the City of Oceanside in 1970 was 40,494. Population in 1975, based upon a special census conducted by the California Department of Finance, showed Oceanside's population at 55,267. The January 1979 population was 72,400, according to the estimates of the California Department of Finance.

BENEFITS

Oceanside had approximately 19 acres of beach area in 1975 and Carlsbad, the only other general recreational beach in the tributary area, about 12.5. Seasonal attendance in 1975 for Oceanside beach was 650,000, whereas for Carlsbad it was 1,011,662, for a total of 1,661,662. Using a peak-hour attendance figure of 4 percent of the tributary population, annual attendance would be 1,712,160 by following EM 1120-2-108. The following tabulation lists 1975 and projected beach visitor demand for the tributary area, based upon EM 1120-2-108 criteria.

Benefit for eliminating damage to lands and improvements was determined by establishing a value for lands and improvements. This was accomplished by contacting local officials and realtors, and by referencing local tax assessor rolls and the Marshall valuation service, a widely recognized replacement cost guide. An erosion rate of 4 feet per year was used for the beach, and 1.5 feet per year for the bluff area. The future stream of land and improvement losses was discounted to a present worth and amortized over the 50-year project life at 7-1/8 percent interest, except otherwise noted.

TRIBUTARY AREA

The centrally located position of Oceanside in relation to the rest of urbanized southern California makes the beach at Oceanside accessible to users from northern San Diego and southern Riverside Counties. The tributary area for Oceanside beach was determined by analyzing travel time, alternate beach capacity, and actual beach-use residence surveys. The tributary area for Oceanside beach includes the Cities of Escondido, San Marcos, Carlsbad, Oceanside, and Vista, and the communities of Ramona, San Dieguito, Fallbrook, Valley Center, and Pauma Valley, as well as Camp Pendleton and a portion of southern Riverside County. Population of the tributary area in 1975 was 237,800. The following tabulation lists the projected population in the tributary area.

Actual population	Projected population					
1975	1980	1990	2000	2010	2020	2030
1,661,662	1,975,700	2,883,800	3,582,700	4,377,600	4,894,100	5,473,300

Without the project, a shortage of beach area for peak-hour use will occur by 1982. Average-hour-use shortages will occur in 1998.

The beaches at Oceanside have a front footage of 13,900. The supply of beach at Oceanside by 1980 will be about 12.5 acres, and should be totally eroded by 1990. The beach at Carlsbad has about 12.5 acres and is stable. The following tabulation shows the beach area between Oceanside and Carlsbad beaches without the project and with alternatives 7, 8, and 9.

	Tributary beach area in acres	
Year	Without project	With alternatives 7, 8, and 9
1980	25.0	66.0
1990	12.5	53.5
2000	12.5	53.5
2010	12.5	53.5
2020	12.5	53.5
2030	12.5	53.5

Because alternatives 7, 8, and 9 each provide 41 acres of beach, the recreational benefits derived from their construction are identical.

Alternatives 7, 8, and 9 would provide a stable beach at Oceanside about 11,800 feet long and an average of 150 feet wide, whereas, without the project, the entire beach at Oceanside will be eroded by 1990. The approximate 41 acres of beach created would supply additional beach visits in accordance with the formula previously given under the heading "Methodology," as shown in table E-1.

Table E-1. Summary of beach visits resulting from alternatives 7, 8, and 9, San Diego County, vicinity of Oceanside California.

Year	W/O proj. capa.	With proj. capa.	Peak dem.	Avg. dem.	Add. peak visits suppl.	Add. avg. visits suppl.	Add. annual visits	Annual rec. benefits
1980	14,520	38,340	12,350	4,116	0	0	0	0
1990	7,260	31,170	18,020	6,008	10,760	0	645,600	774,700
2000	7,260	31,170	22,390	7,464	15,130	204	969,000	1,162,800
2010	7,260	31,170	27,360	9,120	20,100	1,860		1,882,300
2020	7,260	31,170	30,590	10,190	23,330	2,936		2,269,700
2030	7,260	31,170	34,210	11,402	23,910	4,142		2,703,800

NOTE: Add. = additional; capa. = capacity; dem. = demand; suppl. = supplied.

To compute the additional peak visits supplied, subtract the capacity without the project from the lesser of with the project capacity or the peak demand, and calculate the additional average visits supplied by the same method, substituting average demand for peak demand. To determine additional annual visits, insert the peak and average visits supplied into the formula given under the heading "Methodology."

A recreation user-day value of $1.20 was used for beach recreation. This was computed by using price levels to update values presented in EM 1120-02-108. Equivalent annual recreation benefits were calculated by discounting the future stream of benefits to 1980 and applying a capital recovery factor of 0.073607. Equivalent annual recreation benefits amount to $837,600 for these alternatives at 7-1/8 percent.

The tentatively selected plan would provide protection for approximately 11,800 feet of beach. However, the southern 3,800-foot section of the beach below Cassidy Street currently provides no public access. The Oceanside City Council has passed a resolution requiring public access as a condition of any major development. The city has been granted control of the tidelands from the State Lands Commission, with jurisdiction extending from mean high tide 2-1/2 miles seaward. The city states it will have jurisdiction over these lands after the beach restoration project is completed, since public use has been established by prescriptive right. Therefore, all beach created as a result of the project is to be public beach. However, no legally binding documentation has been provided as assurance.

The limited access to the beach is reflected in a lower user-day value associated with beach attendance of $0.40, one third of the value for more accessible beaches.

The beach provided by the tentatively selected plan was analyzed in two parts. The first segment includes 8,000 feet of beach. This section of beach has good public access and has an assigned user-day value of $1.20. Table E-2 shows the additional visits provided by this 8,000-foot segment.

Table E-2. Summary of beach visits resulting from 8,000-foot beach for alternative plans 7, 8, and 9, San Diego County, vicinity of Oceanside, California

Year	W/O proj. cap.	With 8,000-ft beach cap.	Peak demand	Avg. demand	Add. peak visits suppl.	Add. avg. visits suppl.	Add. annual visits	Annual rec. benefits
1980	14,520	35,097	12,350	4,116	0	0	0	0
1990	7,260	27,837	18,020	6,008	10,760	0	645,600	774,700
2000	7,260	27,837	22,390	7,464	15,130	204	969,000	1,162,800
2010	7,260	27,837	27,360	9,120	20,100	1,860	1,764,000	2,116,800
2020	7,260	27,837	30,590	10,196	20,577	2,936	2,115,420	2,538,500
2030	7,260	27,837	34,210	11,402	20,577	4,142	2,477,220	2,972,700

Note: Cap. = capacity; proj.= project; suppl.= supplied.

The equivalent annual benefits for this segment of the project total $833,600 at 7-1/8 percent.

The final 3,800-foot segment of proposed beach has an assigned user day value of $0.40. Table E-3 lists the visitis associated with this segment of the project.

Table E-3. Summary of beach visits resulting from southrn 3,800-foot beach, San Diego County, vicinity of Oceanside, California.

Year	With 8,000-ft beach cap.	With 11,800-ft beach cap.	Peak demand	Average demand	Add. peak visits suppl.	Add. avg. visits suppl.	Add. annual visits	Annual rec. benefits
1980	35,097	38,340	12,350	4,116	0	0	0	0
1990	27,837	31,170	18,020	6,008	0	0	0	0
2000	27,837	31,170	22,390	7,464	0	0	0	0
2010	27,837	31,170	27,360	9,120	0	0	0	0
2020	27,837	31,170	30,590	10,196	2,753	0	165,180	66,000
2030	27,837	31,170	34,210	11,402	3,333	0	199,980	80,000

Note: Cap.= capacity; suppl.= supplied.

The equivalent annual benefits for this segment are $4,000 at 7-1/8 percent.

The total recreation benefits associated with the tentatively selected plan are listed in table E-4.

Table E-4. Summary of total recreation benefits associated with the tentatively selected plan, San Diego County, vicinity of Oceanside, California.

Year	8,000-Foot segment	3,800-Foot segment	Total
1980	0	0	0
1990	774,700	0	774,700
2000	1,262,800	0	1,162,800
2010	2,116,800	0	2,116,800
2020	2,538,500	66,000	2,604,500
2030	2,972,700	80,000	3,052,600
Equivalent annual	833,600	$4,000	$ 837,600

Recreation benefits for the tentatively selected plan total $837,600 annually at 7-1/8 percent.

Total value of lands subject to damages within the project area is $3,175,000, whereas public and private improvements subject to damage total $1,405,000. Total losses to land and improvements over the

50-year life of the project would be $4,780,000, and annual benefit for damages prevented would be $111,000. No damage is considered to land and improvements along the private beach betwen Loma Alta Creek and Buena Vista Lagoon. Benefits for damages prevented are the same for each alternative analyzed.

If no action were taken in the Oceanside area, erosion of the beach would result in the loss of 20 structures and 345,000 square feet of land. The structures that would be lost are all residential. Land loss would be incurred at a constant rate throughout the project life, since the protective beach has already been lost. The improvements are lost beginning in 2005 and continuing throughout 2030.

Table E-5 shows the annual loss to lands and improvements by decade without the project.

Table E-5. Loss to land and improvements without project (1980-2030) San Diego County, vicinity of Oceanside, California.

	Annual loss		
Year	Land	Improvement	Total
1980	$103,500	0	$103,500
1990	103,500	0	103,500
2000	103,500	0	103,500
2010	103,500	$ 56,200	159,700
2020	103,500	56,200	159,700
2030	103,500	56,200	159,700

Equivalent annual benefits for reduction in loss to land equal $103,000. Equivalent annual benefits for reduction in loss to improvements equal $8,400. The project would prevent all losses.

Total benefits for alternatives 6, 7, 8, and 9 at 7-1/8 percent are:

Recreation	$837,600
Prevention of land loss	103,000
Prevention of improvement loss	8,400
	$949,000

Table E-6 summarizes benefits, cost, B/C ratios, and net benefits for each alternatives

Table E-6. Summary of economics for alternative plans ($1,000), San Diego County, vicinity of Oceanside, California.

Item	Plan							
	2	3	4	5	6	7	8	9
First cost:	2,112	2,470	53,000	4,780	11,536	9,208	12,850	7,310
Annual first cost	155	182	3,902	352	829	677	860	539
Operation and Maintenance	5	5	0	0	628	166	86	1,017
Total annual charges	160	187	3,902	352	1,457	843	946	1,556
Benefits:								
Recreation	0	0	0	0	838	838	838	838
Damages prevented to lands	103	103	0	103	103	103	103	103
Damages prevented to improv.	8	8	0	8	8	8	8	8
Total annual benefits	111	111	0	111	949	949	949	949
Net benefits	(49)	(76)	(3,902)	(241)	(408)	106	3	(607)
B/C ratio	0.7	0.6	0	0.3	0.7	1.1	1.0	0.6

Plan 8, the tentatively selected plan, is economically justified. Plan 7 is the NED alternative with $106,000 in net annual benefits.