



October 6, 2023

Delivered via email

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

Re: TH20d - Application 6-23-0562/A-6-OCN-22-0019 (Dillon et al., Oceanside) - SUPPORT

Honorable Commissioners,

The Surfrider Foundation is a nonprofit grassroots organization dedicated to the protection and enjoyment of our world's ocean, waves, and beaches through a powerful network. Thank you for the opportunity to comment on the de novo hearing of this project, which we appealed to the Commission in May 2022.

Our grounds for appeal were predicated on two concerns. First, that a portion of the proposed development likely fell within the Coastal Commission's original permit jurisdiction. Second, Oceanside's Local Coastal Program (LCP) requires that impacts to sand supply resulting from shoreline protective devices be eliminated or adequately mitigated. We are thankful that the Commission supported our appeal, as the revised project and special conditions recommended by staff for this de novo hearing result in a better outcome for what little remains of Oceanside's beach in front of these 19 parcels.

We support all of the Special Conditions in place, especially Special Conditions 1, 3, 5, 11, and 15. While we prefer enforcement action when possible because it's a stronger deterrent against future Coastal Act violations, we're thankful that the applicants will be required to remove all unpermitted structures and concrete grouting from the project area (Special Condition #1). We strongly support requiring the applicants to provide fixed benchmarks of the revetment toe for reference against annual Mean High Tide Line (MHTL) surveys (Special Conditions 3, 6). This is extremely important to ensure no future seaward extension of the revetments (Special Condition 5), and also to safeguard against *future impacts to Public Trust Lands* (Special Condition 15).

These Special Conditions are necessary because South Pacific Street properties sit

atop Oceanside's historic back beach, and heavy erosion continues to occur and will only become worse as sea levels rise. Across these particular 19 parcels, current conditions render it impossible to tell where the revetment toe is located due to migration of their riprap onto the public beach, along with copious amounts of beach cobble covering the revetment foundations (and in some cases, the entire revetment). As San Diego Coastal District Staff are aware, Surfrider maintains that many of these revetments may already be located within public tidelands. For this reason, we have requested that new MHTL surveys be conducted *prior to issuing a CDP* in several previous applications for revetment improvements at South Pacific Street properties.¹

Now that this Special Condition has been introduced and annual MHTL surveys will be conducted at the site of these properties, will the results of these surveys be used, applied, or compared to MHTL surveys in front of other nearby properties on South Pacific Street? If these surveys only apply to the properties in question, we strongly encourage the Commission to require permanent benchmarks and annual MHTL surveys in future CDP applications concerning revetments in Oceanside, as the same situation that warrants these conditions exists across the entire Oceanside coast south of Tyson St.

While the conditions placed on this CDP application result in a better outcome for public beachgoers, they still fall short of our assertion that a MHTL survey should be conducted prior to issuing additional CDPs for South Pacific Street revetment work.² Previous Staff Reports have stated that the entire revetment is on private property without recent evidence to support such a claim.³ The Staff Report for this CDP application falls short of making the same claim, which we applaud, but states that "lateral access is currently available to the public along the beach seaward of the revetment, except during high tide and storm events. Vertical access is also provided north of the subject site at the terminus of Hayes Street, within the subject site at the terminus of Marron Street and south of the subject site at the terminus of Forster Street."⁴

¹ Surfrider comment letters for [CDP application 6-21-0520](#) (1507-1513 South Pacific Street), [CDP application 6-21-0566](#) (1601 South Pacific Street)

² "Before approving this project, a better determination should be made concerning whether the riprap revetment in question is indeed situated on private property.... Once a satisfactory determination is made to determine whether and how much of the riprap revetment sits within the public tidelands and potential mitigation is assessed, we also request that an additional condition be placed on this project that requires MHTL surveys and monitoring to track the migration of the MHTL over time." Comment letter for [CDP application 6-21-0520 \(1507-1513 South Pacific Street\)](#), 9.2.22

³ "The property lines of these parcels extend to the mean high tide line (MHTL) and the revetment is located on the private properties." Page 9, Findings & Declarations, <https://documents.coastal.ca.gov/reports/2022/9/W18a/W18a-9-2022-report.pdf>

⁴ Staff Report, Application No. 6-23-0562/A-6-OCN-22-0519 (Dillon et al., Oceanside)



The project area, including location of vertical beach access points

This statement is not entirely accurate based on current conditions. The two photos below, taken on October 6, 2023, illustrate that the Hayes Street vertical access is currently chained off and marked *BEACH ACCESS CLOSED*. Even if one ignored the signage, the staircase leads directly into a pile of rip rap boulders on the public beach, precluding safe access at this site. The second photo, facing southward into the project area from the closed Hayes Street access at a 3.5 foot tide with minimal swell, depicts a complete lack of lateral access.



Left: Hayes Street vertical access is currently closed and unsafe. Right: lack of lateral access into project area (3.5 ft tide).

Now let's move to the Forster Street vertical access, directly south of the project site. The two photos below illustrate the current condition of access at Forster St. The first photo, taken on October 6, 2023 during a 3.5 foot tide on a day with minimal swell, shows that safe lateral access is unavailable to the public. The second, taken on October 2, 2023 during a 0.0 foot tide with minimal swell, illustrates that the vertical access path at Forster St. cuts off several feet above the beach, leading to a pile of rip rap boulders on public tidelands. Similar to Hayes Street, this cannot currently be considered a safe vertical access, and lateral access to the properties is cut off from

both points at a tide level well below what is generally considered high tide (and Mean High Tide Level).



Left: Forster Street, lack of lateral access into project area (3.5 foot tide). Right: Forster Street, lack of safe vertical access even at low tide.

From our perspective, only the terminus of Marron Street can currently be considered a relatively safe vertical beach access. And only at Marron Street does some lateral beach access exist at medium to medium-high tides, but only across a partial section of the project area. We share these images to emphasize not only the unacceptable condition of beach access on South Pacific Street at and around the project site, but also why we maintain that public trust lands may have already migrated landward of the revetments.

Should this CDP application be approved, restacking the rocks (along with removing unpermitted staircases) that have migrated onto the public beach will hopefully improve lateral access. But without knowing the exact location of the revetment toes, that remains to be seen. The photos below illustrate private staircases partially seaward of a 3.5 foot tideline - if these staircases are within the permitted footprint of the original revetments, then it's highly likely they now sit within public trust lands. If they are not within the permitted footprint on the revetments, then they represent violations of both the Coastal Act and the Oceanside LCP.



The private staircase at 917 S Pacific, partially submerged at a 3.5 foot tide. The private staircase at 1023 South Pacific, partially seaward of a 3.5 foot tide.

Re: Special Condition 11 as it relates to a form of mitigation for the unpermitted stairways and other improvements atop the revetment structures, we support the property owners proposed improvements to the Marron Street beach access. However we would ask for more specificity about the scale and type of improvements, along with the addition of language requiring long-term maintenance of the areas they improve. The language in the condition only requires the addition of one park bench, an unspecified number of bike racks, and an unspecified number of native plantings. At the very least, the native plantings should replace all of the invasive ice plants that overrun either side of this access point.

In conclusion, Surfrider supports the special conditions placed on this project and urges the Commission to require MHTL surveys for all South Pacific property revetment repair CDPs going forward. We would like to see more specificity placed on the Marron Street improvements (Special Condition 11). And lastly, we urge the Commission to liaise with both the City of Oceanside and neighboring South Pacific Street property owners to immediately begin work to improve the dilapidated state of the various vertical beach access points along South Pacific Street, several of which are currently closed to the public.

Sincerely,

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