

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**RECORD PACKET COPY**

Filed: 11-24-98  
49th Day: 1-12-99  
180th Day: 5-23-99  
Staff: JLR-LB, JK  
Staff Report: 12-2-98  
Hearing Date: Jan. 12-15, 1999  
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER: 5-92-108-A3**

**APPLICANT: Bel-Air Bay Club**

**PROJECT LOCATION: 16801 Pacific Coast Highway, Pacific Palisades**

**PROJECT DESCRIPTION: Request to extend the term limit imposed on the underlying permit for construction of sand berms on the beach for two years (until November 17, 2000).**

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**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission determine that the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

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**SUBSTANTIVE FILE DOCUMENTS:**

1. Coastal Development Permit 5-92-108 (Bel-Air Bay Club).
2. Sand Management Study, by Moffat & Nichol, Engineers, 10/13/92.

**Procedural Note:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality,

or,

- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment affects a condition required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

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#### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

#### **I. APPROVAL WITH CONDITIONS**

The Commission hereby **GRANTS** a permit, subject to the conditions below, an amendment for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

#### **II. STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

**NOTE:** Staff recommends that Special Condition No. 1 of the previously approved Coastal Development Permit be amended as indicated below. All other Special and Standard Conditions of Coastal Development Permit 5-92-108 remain in full force and effect and are unchanged by this amendment. Those conditions can be found in Section E of this report.

#### 1. Approval Term Limit

The term of this amended permit is limited to the two-year term commencing November 17, 1998, and terminating November 17, 2000. At the end of the two-year term, when Commission approval of the project expires, the applicants may request an amendment to Coastal Development Permit 5-92-108 in order to extend the Commission's approval for an additional two-year term. The Commission will then reexamine the project's effects on coastal resources and public access. Extension of the Coastal Permit's term will depend on the project's conformance with the Chapter 3 policies of the Coastal Act.

### III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

**A. Amendment Description**

The applicants have requested an amendment to Coastal Development Permit 5-92-108 in order to extend the term of the permit for an additional two years until November 17, 1998. On November 17, 1992, the Commission approved Coastal Development Permit 5-92-108 with conditions allowing the Bel Air Bay Club to use heavy machinery on the beach to build a sand berm during high tides and storms to protect the club's existing structures. The sand berm occupied the sandy beach and impeded lateral access. Special condition one of Coastal Development Permit 5-92-108 limited the effective term of the permit to two years. Special condition one of Coastal Development Permit 5-92-108 reads as follows:

**1. Approval Term Limit**

Approval of this project is limited to a two-year term commencing on the date of Commission action. At the end of the two-year term, when Commission approval of the project expires, the applicants may request an amendment to Coastal Permit 5-92-108 in order to extend the Commission's approval for an additional two-year term. The Commission will then reexamine the project's effects on coastal resources and public access. Extension of the Coastal Permit's term will depend on the project's conformance with the Chapter 3 policies of the Coastal Act.

The underlying permit allows the applicants to use heavy machinery on the beach to construct a one thousand foot long, eight foot high sand berm above the mean high tide line along the beach front of their property (Exhibit #2). According to the conditions of the permit, the applicants may build the sand berm 24 hours before every storm surge and high tide forecasted over 6'5", and must remove the sand berm within eight hours after the high tides have passed. The sand berm provides some protection from high tides and storm surges. However, the applicants agree that the proposed sand berm is not capable of protecting club property from severe storms and very high tides.

The sand required for the sand berm is scraped from the intertidal zone and backshore area of the applicants' property for placement above the high tide line. The sand may be scraped only from areas within the applicants' property lines as delineated in a 1937 agreement with the State of California (Exhibit #3). A condition of the permit requires the applicants to delineate their property lines so that the tractor operator does not encroach onto the neighboring State Lands. Conditions of the permit also prohibit the applicants from interfering with the public's ability to walk along the shoreline in front of the club, and the applicants are required to post signs along the sand berm which announce the public's ability to pass and repass.

The beach in front of the Bel Air Bay Club was artificially augmented in the past. The predecessor agency to the State Lands Commission established an adjudicated Mean

High Tide Line at that time, based on the augmented beach (See Exhibit 3). The beach has suffered significant erosion since the early 1980's. The sand shortage, combined with a shoreline erosion pattern which consistently erodes away the beach in the subject area, and the tendency of the beach to reestablish its former configuration, has made it difficult for the club to maintain a wide beach in this area to protect the club structures from high tides and storm surges. In response to the beach erosion problem, the club began using a tractor to catch sand from the surf area in order to combat beach erosion and protect the club's structures from high tides and storm surges. The club has been regularly using the tractor for beach maintenance since 1984. In August of 1991, Commission staff discovered that there was no valid Coastal Development Permit for the use of the tractor on the beach and asked the club to stop work and apply for a permit. They did so, and on November 17, 1992, the Commission approved Coastal Development Permit 5-92-108. Subsequently, in 1994, the applicant filed a permit request that was approved by the Commission for a two year time extension consistent with the Commission's previously approved permit conditions. In 1996, the Commission approved a second permit for a two year time extension.

The Bel Air Bay Club is located on the seaward side of Pacific Coast Highway in Pacific Palisades (Exhibit #1). The club is situated in the middle of Will Rogers State Beach, one of the most heavily used beaches in the state. A long series of county beach parking lots are located immediately to the east of the club. Two rock groins and a damaged storm drain outfall jetty are located on the beach in front of the Club.

#### **B. Extension of Permit Term**

Special condition one of Coastal Development Permit 5-92-108 states that the applicants may apply for an amendment to allow an additional two-year term at the end of the first two-year permit term. This amendment request is in compliance with the terms of special condition one. The Commission will examine the approved project's effects on coastal resources and public access in order to determine the project's conformance with the Chapter 3 policies of the Coastal Act.

The Commission's previous action raised concerns that the project may affect the recreational opportunities downcoast at Will Rogers State beach if future sand scraping and berm construction changes the beach profile. According to the applicant, in 1998, the berms were constructed approximately six to eight times during the rainy winter storm season. Although there is no evidence that the project has affected the beach profile at Will Rogers State Beach, there has been no scientific study done or data presented to determine the effects of the project on the adjacent state beach. Since the applicant's original permit approval in 1992, the applicant has not up-dated the beach profile studies. Therefore, the approval of the amendment is limited to a two-year term so that the Commission can reexamine the project in two years to make sure that the proposed project has not caused significant negative impacts on public access

or the sand supply and beach profile at Will Rogers State Beach. At the end of the two-year term, the applicants may apply for an additional two-year term through the amendment request process.

Since the first approval and first permit amendment, the applicant has posted the site indicating that access on the wet sand is available to the public. The applicant does remove the berm after the winter storms have ended. The staff has received no complaints from the public regarding the availability of public access along the shoreline. At the time of this application, no berm was in place.

### C. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, grading and geologic stability. The continued use of Temescal Canyon as a recreation area was also an issue, because at that time the Canyon was in private hands.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address the interface between parkland and the developed areas and geologic stability, approval of the proposed development will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission,

therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

**D. California Environmental Quality Act**

Section 13096 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As conditioned, the proposed amendment will not cause any significant adverse impacts on the environment. Therefore, the Commission finds that there are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity would have on the environment, and that the project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**E. Original Special Conditions of Coastal Development Permit 5-92-108**

**2. Sand Berm Construction**

Construction of the proposed sand berm shall not commence more than 24 hours before the forecasted arrival of a tide over 6'5", or 24 hours before the arrival of an anticipated storm surge. Any sand berm which is constructed shall be removed (flattened) within eight hours of the passing of the storm surge or tide over 6'5".

**3. Lateral Access**

The use of heavy machinery on the beach and the construction of sand berms shall not interfere with the public's ability to pass and repass on the applicants' property to get from one side of Will Rogers State Beach to the other.

**4. Signs**

Signs, approved by the Executive Director, shall be permanently posted at both the west and east sides of the applicants' beachfront property. There shall be at

least one sign at each end of the applicants' beachfront property, and each sign shall be a minimum of four square feet in area. The signs shall announce that the public may access and use the beach in front of the club to walk along the beach and must clearly state: "Public Access". The signs must be posted within sixty days of Commission action on this amendment.

In addition, during all times when heavy machinery is being used on the beach, and when the proposed sand berm is on the beach, temporary signs which conform to the previously approved signage plan shall be posted along the beach and sand berms which announce that the public may pass and repass on the applicants' property on both the landward and seaward sides of the proposed sand berm. Such signs shall be placed in several conspicuous locations along the applicants' beach front and property lines and on both ends of the proposed sand berm.

5. Public Rights

By acceptance of this Coastal Development Permit amendment, the applicants acknowledge, on behalf of their successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicants shall also acknowledge that issuance of the amended permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

6. State Lands

No heavy machinery shall be used on, or any sand taken from, state-owned lands seaward of, or adjacent to, the applicants' property as delineated in the California State Lands Ordinary High Water Mark Agreement #OR. 15482-23, dated November 9, 1937. To ensure compliance with this condition during construction of the proposed sand berm, the applicants shall demarcate their property lines on the beach and across the water so that the tractor operator does not encroach onto any state-owned lands.

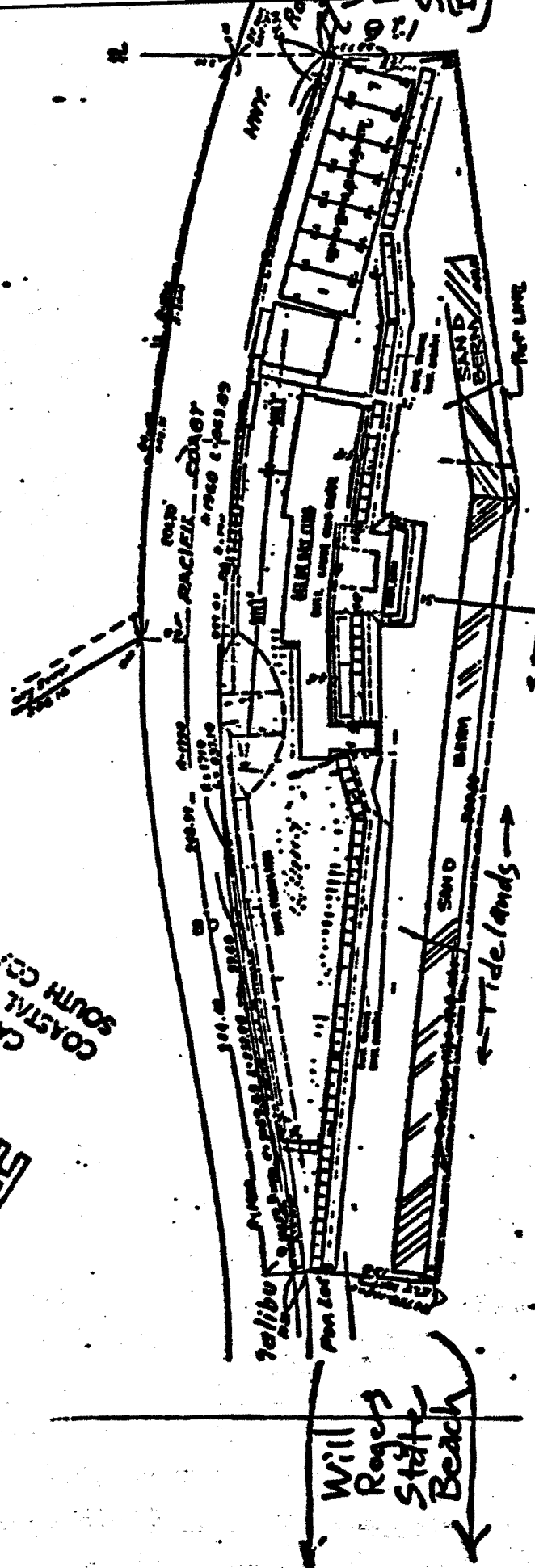
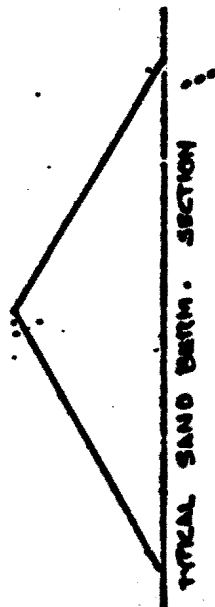
JLR:





#5-92-108

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COASTAL  
SOUTH CO.



Pacific Ocean

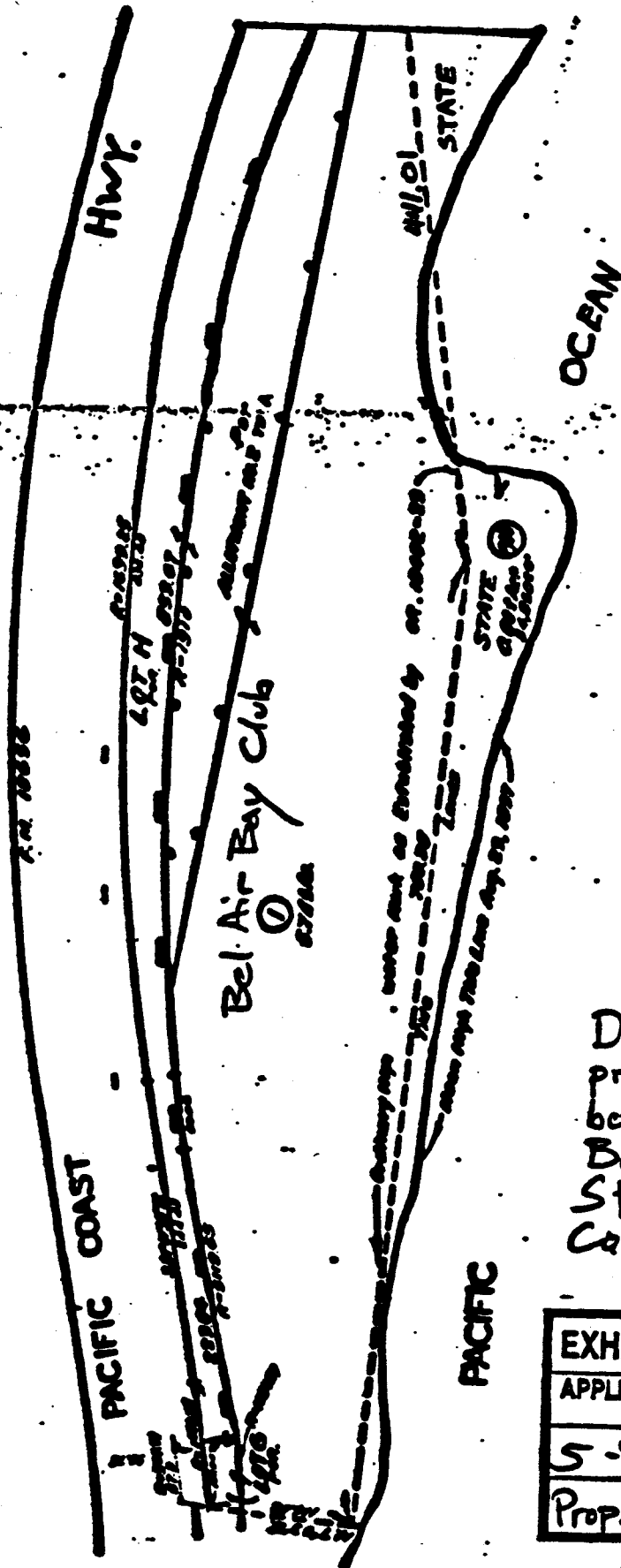
North

DEL AIR BAY CLUB LTD.  
1600 PACIFIC COAST HWY  
PACIFIC PALISADES, CA  
5-11-51  
TENTORY SAND BERM

EXHIBIT NO. 2  
APPLICATION NO.  
5-92-108A  
Site Plan

4415 36

ME P - 100



Dashed line is property line between Bel Air Bay Club & State of California.

EXHIBIT NO. 3
APPLICATION NO.
5-92-108A
Prop. line w/ state

7-2-1-

October 13, 1992

RECEIVED

OCT 16 1992

Bel-Air Bay Club  
16801 Pacific Coast Highway  
Pacific Palisades, CA 90272

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Attn: Mike Hyler

Subj: Sand Management Study  
M&N File: 3185

Dear Mr. Hyler:

This letter summarizes our investigation of construction of a sand dike or dune along coastal city and community shorelines to provide temporary shore protection during the winter. Sand dikes provide short-term protection against coastal flooding due to high tides and moderate storm waves.

The City of Seal Beach, City of Carpinteria, County of Los Angeles, and the U.S. Navy were contacted regarding their sand dike construction practices and experience. Generally, sand dikes have been successful in reducing the extent of wave runup and inundation and subsequently, flooding. Specific characteristics and construction methods of the sand dune for each locality, and review of technical references are discussed.

City of Seal Beach

The City of Seal Beach has been scraping sand from the beach since the 1960's to construct a dune between the pier and the Anaheim Bay jetty to reduce coastal flooding along East Beach due to wave inundation. The dune is typically constructed in October and remains in place through April or May to protect the residences.

The dune is located approximately 50 feet from the seaward row of houses and extends to an elevation of approximately +20 feet MLLW. The existing beach elevation at the houses is +11 feet MLLW. The crest width of the dune is 8 feet and the seaward and landward slopes are about 7:1 (horizontal:vertical) and 3:1, respectively. The existing sand dune configuration is shown in Figure 1.

EXHIBIT NO. 4.

APPLICATION NO.

5-92-108A

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Mike Hyler  
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Sand for the dune is obtained from the area between the residences and dune. However, if there is not enough sand in this area to construct the dune, then sand is pushed up from the beach seaward of the dune or hauled from the east part of the beach or from the west side of West Beach.

The annual cost for construction of the dune is about \$10,000. This flood protection system has served its intended purpose, but is overtopped on occasion and is susceptible to breaching under severe tide and wave conditions. Construction of the dune has also been criticized by some homeowners because it is a temporary visual obstruction of the ocean, although it protects their residence from flooding.

#### City of Carpinteria

The City of Carpinteria constructs an approximate 1500-foot long sand dune along the beach between Ash Avenue and Linden Avenue to provide temporary shore protection to public and private beachfront properties from mid-November to April. The crest of the sand dune is at elevation of about +21 feet MLLW and is 8 feet wide and is located as far shoreward as possible. Approximately 10,000 cubic yards of sand is pushed up using a D8 or D9 loader from the upper tidal zone during low tide to construct the dune. The sand is pushed back into the intertidal zone when the dune is removed, returning the beach to its normal summer profile.

The lifeguard association at Carpinteria monitors the dune by taking bimonthly profiles. The dune construction and removal is contracted out by the City and the lifeguard association sometimes is awarded the contract through the competitive bidding process.

#### County of Los Angeles

The Los Angeles County Department of Beaches and Harbors constructs winter sand berms in the following primary areas: Hermosa Beach, Zuma Beach, Venice Beach, Dockweiler Beach, and Playa del Rey. The berms are constructed to provide temporary protection to lifeguard facilities, public restrooms, and bike paths. The 10 foot high berms are typically constructed in November and removed in March. The County has maintained this practice for many years.

#### Naval Amphibious Base - Coronado

The Navy has been constructing temporary sand dikes to provide coastal flooding protection for the Naval Amphibious Base in Coronado for many years. They have described this measure to work quite well to provide protection against high tides and moderate wave conditions.

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Ex. 4.  
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### Technical References

The enclosed technical references address the effectiveness of sand dike construction as a method of erosion control. Most of the literature refers to temporary sand dike construction using sediment within the beach system (versus beach nourishment with sediment from outside sources) as beach scraping.

McNinch and Wells (1992) describe the effectiveness of beach scraping as a method of erosion control at Topsail Beach in North Carolina. The study evaluated biweekly beach profiles obtained over a 12 month period (September 1988 - September 1989). They concluded that beach scraping can be effective temporary shore protection for conditions less severe than hurricanes. They also found that the borrow zone for most active scraping filled naturally within 48 hours to its original, pre-scraped profile. They noted that design of an effective beach scraping program requires (1) identification of the erosion problem and recognition of the limitations; (2) proper siting of the borrow zone and artificial dike; and (3) a rate of sediment removal from the borrow zone that approximates the rate at which sediment can be replaced by natural processes.

Bruun (1983) studied the effects of beach scraping. He concluded that if undertaken in a practical and modest manner, scraping is beneficial in protecting dunes and dikes against erosion on a short-term basis. He states that beach scraping is a way of organizing beach material in a more sensible way on a short-term basis, emphasizing that it does not replace artificial nourishment.

In summary, experience has shown that construction of temporary sand dikes to provide added shore protection in winter can be effective in preventing or reducing coastal flooding caused by high tides and/or moderate wave conditions. These methods do not, however, replace the requirement for adequate shore protection during severe wave conditions.

Sincerely,

MOFFATT & NICHOL, ENGINEERS



Russell H. Boudreau, P.E.  
Coastal Engineer

RHB/pjb

Enclosure

5-92-108A  
EX.4  
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