

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Filed: 9/23/99  
49th Day: 11/11/99  
180th Day: 3/21/00  
Staff: MB-V  
Staff Report: 9/24/99  
Hearing Date: 10/12/99  
Commission Action:



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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-99-117

**APPLICANTS:** Rick and Jill O'Hara

**PROJECT LOCATION:** 3398 West Pacific Coast Highway, Faria, Ventura County

**PROJECT DESCRIPTION:** Construction of a concrete seawall with wave deflection cap.

**LOCAL APPROVALS RECEIVED:** County of Ventura: Coastal development permit Planned Development Permit No. PD-1747, dated October 29, 1998 and Flood Control Division, Department of Public Works, Flood Plain Development Permit, dated 9/28/98; Post-certification Monitoring Permit File 4-VNT-98-028 (O'Hara).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** with Special Conditions regarding: Assumption of Risk, Offer to Dedicate Lateral Public Access, Provisional Term for Shoreline Protective Structure, Future Limitations on Seawall Installation, Sign Restriction, State Lands Commission Review, Removal of Construction Materials, and Redesign/Revised Project Plans. The existing residence is fronted by an inadequate rock revetment. There has been extensive damage due to wave action and runup in recent years, including the El Nino storms. The proposed seawall will protect a storm damaged existing, older single family residence fronting Faria Beach. The engineering consultant has found the proposal to be necessary to mitigate wave deflection and runup caused by an adjacent, upcoast concrete seawall. Faria Beach has an eroding shoreline. The California State Lands Commission has determined that the project is within public trust lands.

**STAFF NOTE:** The revision to the project design received on September 23, 1999 included a large wave deflection cap which staff is investigating to determine if it will have any effects on shoreline processes and erosion hazard.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Ventura County Local Coastal Program; California State Lands Commission letter of evaluation, dated April 19, 1999; Penfield & Smith, Proposed Concrete Seawall 3398 Pacific Coast Highway, April 21, 1999; Pacific Engineering Group, letter report entitled Coastal Engineering Opinion Regarding the Location of Proposed extension of Existing Concrete Seawall, April 16, 1999; David C. Weiss, letter report entitled Location of Proposed Concrete Seawall, March 23, 1999; Carmichael & Associates, Structural Engineering Report & Calculations 4056 Faria Road, October 20, 1997; Noble Consultants; Executive Summary Coastal Sand Management Plan, July 14, 1989; Dames & Moore, Beach Nourishment Demonstration Project, January, 1991; Chambers Group, Final Environmental Impact Report/ Environmental Assessment for the BEACON Beach Nourishment Demonstration Project, September, 1992; Board of Supervisors, Faria Beach Seawall Requirements, Ventura County, general resolution dated December 6, 1983; U. S. Army Corps of Engineers: Ventura County California Survey Report for Beach Erosion Control, December, 1998 and Santa Barbara and Ventura Counties Shoreline, California Final Reconnaissance Report, April, 1997.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit 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 on which the Commission voted on the application. 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 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 development during construction, 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**

#### **1. Assumption of Risk, Waiver of Liability, and Indemnity**

- A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from storm waves, erosion, or flooding; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of

this condition. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**2. Offer to Dedicate Lateral Public Access**

In order to implement the applicants' proposal of an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline as part of this project, the applicants agree to complete the following prior to issuance of the permit: The landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the mean high tide line landward to the face of the seawall shown in Exhibit 4.

The document shall be recorded free of prior liens, which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances, which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicants' entire parcel(s) and the easement area.

**3. Provisional Term for Shoreline Protective Structure: Deed Restriction**

- A. Coastal Development Permit No. 4-99-117, in full or in part, authorizes the construction of the shoreline protective device generally depicted in Exhibits 3 and 4 attached hereto. By acceptance of this permit, the applicants acknowledge that the purpose of the subject shoreline protective device is solely to protect the existing structures located on site, in their present condition, including the septic disposal system, as generally depicted in Exhibits 3 and 4. If any of the activities listed below are undertaken, a new coastal permit for the shoreline protective device authorized by Coastal Development Permit 4-99-117 shall be required unless the Executive Director determines that a new permit is

**Application 4-99-117 (O'Hara)**

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unnecessary because such activities are minor in nature or otherwise do not affect the need for the shoreline protective device. The applicants or successor-in-interest shall contact the Executive Director if such activities are contemplated so that a determination as to the necessity of applying for a new permit can be made.

1. Changes to the foundation of any structure on the subject site located landward of the subject shoreline protective structure authorized herein, such as repairs or replacement of support piles or caissons;
2. Upgrade, relocation or abandonment of the septic disposal system;
3. Remodel of the primary structure or residence on the subject site involving the demolition of more than 50 percent of exterior walls or an addition to the primary structure or residence resulting in an increase of more than 10 percent of structural size;
4. Construction of a new structure on the subject parcel;
5. Relocation and/or complete removal of any structures.

If an application for a new coastal development permit is required pursuant to this condition, and the Commission determines that the proposed project is not consistent with the Coastal Act, the Commission may deny the permit application or may take any other action authorized by law.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of the subject parcel. The deed restriction shall include both a legal description of the applicants' entire parcel, and an Exhibit drawn to scale depicting the existing development as proposed for protection by the subject shoreline protective device, and the shoreline protective device itself. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without an amendment to this coastal development permit approved by the Coastal Commission.

**4. Seawall Installation: Future Limitations**

Prior to the issuance of Coastal Development Permit 4-99-117, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which states that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to this permit shall be undertaken if such activity extends the seaward footprint of the subject shoreline protective device and by acceptance of this permit the applicant hereby waives any rights to extend the seaward footprint of the shoreline protective device that may exist under Public Resources Code Section 30235. The deed restriction shall include a legal description of the applicant's entire parcel and the following exhibits, including both full-sized and 8-1/2 by 11-inch reductions, prepared to the satisfaction of the Executive Director: (a) a site plan mapping to scale the applicant's parcel in accordance with the legal description, including the development approved pursuant to this permit and (b) a cross section view of item (a). Both Exhibits shall identify and map the exact distance between the seawardmost component of the shoreline protective device and a fixed, baseline monument or landmark landward of the subject device found acceptable by the Executive Director. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit.

**5. Sign Restrictions**

No signs shall be posted on the property subject to this permit (and/or on immediately adjacent properties) which (a) explicitly or implicitly indicate that the portion of the beach on Assessor's Parcel Number (APN) 060-420-265 is located seaward of the revetment approved by Coastal Development Permit 4-99-117 is private or (b) contain similar messages that attempt to prohibit public use of this portion of the beach. In no instance shall signs be posted which read "*Private Beach*" or "*Private Property*." To effectuate the above prohibitions, the permittee is required to submit to the Executive Director for review and approval prior to posting the content of any proposed signs.

**6. State Lands Commission Review**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall obtain a written determination from the State Lands Commission that, for State lands involved in the development, all permits required by the State Lands Commission have been obtained.

**7. Construction Responsibilities and Debris Removal**

No stockpiling of construction materials or storage of equipment shall occur on the beach and no machinery will be allowed in the intertidal zone at any time. The permittee shall immediately remove from the beach area any and all debris that results from the construction activities.

**8. Redesign/Revised Project Plans**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval by the Executive Director, revised project plans which indicate that:

- a. All previously deposited concrete slurry shall be removed from the project site to an approved disposal site. No beach sand shall be used for back fill.
- b. Any previously deposited rip rap either shall be used for backfill, i.e. be located landward of the seawall, or be removed to an approved disposal site. No rip rap shall be deposited or allowed to remain seaward of the proposed concrete seawall.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description and Background**

The applicants seek approval for the construction of a vertical concrete seawall with a 7.5 foot wide wave deflection cap and downcoast return wall at approximately 107 ft. in length. Measured from the bottom of the base, inserted a minimum of one foot into bedrock, the seawall will have a height of 15.5 feet. A lip above the wave deflection cap adds an additional 2.5. feet. The exposed base of the seawall at the level of the exposed bedrock shelf is approximately three feet below mean sea level.

The proposed revised design, received on September 23, 1999 is located 21 feet seaward of the existing residence. The design includes a large nine feet deep concrete base which is approximately 5.5 feet thick. This is topped by a vertical seawall with a subfoundation two feet thick and a ten foot high upright and a 7.5 foot wide wave deflection cap. The proposed design includes a stairway built into the seawall near its eastern end.

The proposed design is a revision to a previous design received on September 20, 1999 which would have placed the proposed seawall 32 feet seaward of the

existing residence. That design was not tapered landward from the upcoast end and presented a more uniform front toward the ocean, resulting in greater consumption of beach area. The proposed revised design submitted on September 23 seawall moves the wall landward to a location slightly landward of where the west (upcoast) was originally proposed. There is then a curved feature moving landward to a point where the face of the seawall is 21 feet seaward of the O'Hara residence and sixteen feet seaward of the existing residence to the immediate east (down coast). This provides a splash and drainback zone seaward of the residence.

The project will protect an existing storm damaged single family residence, which has experience severe wave damage. The applicants' residence was built prior to the Coastal Act. A review of a 1973 aerial photograph of the project site indicates that there was a rip rap wall existing on the site, which has since settled. The rip rap was seaward of a timber bulkhead which is now highly deteriorated.

Down coast of the project site is the last single family residence in the Faria residential area. The down coast property has a deteriorated rip rap revetment. After the previous residence on this property was destroyed by wave action, a new single family residence was constructed on pilons, so that all development except for a utility/stair area and parking are located on the first floor.

There is an existing concrete seawall with a wave deflection cap upcoast of the project site. The four properties upcoast received a County coastal development permit (4-VNT-84-2) for the noted concrete seawall. The seawall was not constructed in the approved location shown on the project plans as noticed to the Coastal Commission. Commission staff later became aware that the project location of the as-built structure was not in the approved location. The County acknowledged that the structure was constructed approximately twenty feet seaward of the approved location. The County determined, however, on September 24, 1985 that relative to the location as built, the County "...is satisfied that the construction of seawalls is as shown on the approved map." The potential violation was not further pursued at that time.

The project is located with a southern of two segments of Faria Beach located in the North Coast of Ventura County. The virtually entire coast of the North Coast of Ventura County (also referred to property as "the Rincon") has been armored in recent years, especially after extensive armoring due to construction of the 101 Freeway in the early 1970s.

As discussed in greater detail below, Faria Beach is in an accreting subcell in terms of the overall sand budget in terms of the area subject to littoral processes, but is experiencing localized erosion of the nearshore area, due to due to extensive armoring by Caltrans, the County and private property owners. The project site is in an area of built out single family residences between the Old



Coast Highway and the shoreline. The majority of the properties in Faria Beach are protected by vertical concrete, or occasionally sheetpile, seawalls with wave deflection caps. The above referenced 1987 Corps of Engineers study indicates that Faria Beach contains 109 single family residences and one multiple family residence along the beach. There are also a few residences without beach frontage. The 1987 noted that "non-existent" winter beach conditions expose the residential development to direct wave attack. During winter beach conditions much of the sandy beach over the bedrock shelf is washed out to the offshore area of the littoral zone, lowering the beach level.

As noted in the above referenced report by Pacific Engineering Group, there is a 1,270 foot vertical seawall [combination of various privately constructed seawalls] protecting adjacent and upcoast properties [in the subject southern segment of Faria Beach]. The remainder of residential development in the area is in the separate northern section of Faria Beach containing a mixture of concrete seawalls and a few rock revetments. Most of the vertical walls were constructed prior to LCP certification in 1983.

As part of approval of shoreline protective devices in the early 1980s, prior to LCP certification, the Coastal Commission required deed restrictions for lateral access on eighteen permits for twenty parcels in the Faria Beach community. Since that time the County has reviewed and approved several permits for shoreline protective works with requirements for lateral access through deed restrictions.

Since certification, the Coastal Commission has asserted jurisdiction by reviewing coastal development permits for concrete seawalls in Faria Beach. For example, in application 4-87-161 (Pierce Family Trust and Patrick and Rita Moran) at 3932 and 3926 Pacific Coast Highway, the Commission approved adjoining concrete seawalls with wave deflection caps, subject to conditions requiring lateral access, assumption of risk, assertion of public rights, State Lands Commission review, and storm design and debris removal. The Commission noted that the project was part of a continuous, community-wide solution of vertical seawalls constructed according to 1983 County standards.

The project's engineering reports (referenced under substantial file documents above) note that the vertical concrete seawall is needed to protect the project site. As discussed in greater detail below, the reports also recommend that the seawall should be located substantially seaward of the location proposed by these findings.

The proposed project first came to the attention of Coastal Commission staff through notice of a final local decision from Ventura County. On November 13, 1998 the Coastal Commission notified the applicant and the County that a coastal development permit application to the Coastal Commission was necessary because the project was proposed seaward of the mean high tide line and in the area of potential public trust. In January, 1999, materials were

delivered to the Commission including an engineering reports by Penfield & Smith, Pacific Engineering group and photographs. Both engineering firms disputed the staff suggestion that the proposed seawall be constructed to within fifteen feet of the existing residence because it would cause wave uprush, wave splash, and vibration. After further discussions with Coastal Commission staff, an application was received on May 25, 1999. The application was deemed to be incomplete and the applicant was informed of this within thirty days of the application date.

In meeting with Coastal Commission staff in the field on September 14, 1999, staff expressed substantial concern with location of the seawall at the location so far seaward. Staff noted that the seawall should be located as far land ward as practicable to preserve public beach and lateral access. A revised project plan was provided to Commission staff on September 23, 1999 and the application was filed. The revised plan moves the seawall's proposed location back to a distance 21 feet from the seaward side of the O'Hara's house, rather than the previously proposed 32 feet.

#### **B. Shoreline Protective Devices**

After identifying the applicable Coastal Act sections upon which the Commission relies as the standard of review of the proposed project, and the certified LCP policies the discussion of the impacts of the shoreline protective device will proceed in the following manner:

First, the staff report describes the physical characteristics of the Faria Beach shoreline; second the report analyzes the dynamics of the Faria Beach shoreline; and third, the report analyzes the location of the proposed shoreline protective device in relation to wave action. Finally, the report evaluates whether the proposed shoreline protective device is warranted, weighing the available evidence in light of the Coastal Act requirements and the past guidance of the LUP policies, and whether the proposed revetment will adversely impact the shoreline sand supply and shoreline processes.

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

**Ventura County Land Use Plan (LUP)**

To assist in the determination of whether a project is consistent with sections 30235, 30250(a), and 30253 of the Coastal Act, the Commission reviews the certified Ventura County Local Coastal Program (LCP) for guidance, although the standard of review in this case (i.e. within State waters) is the Chapter 3 policies of the Coastal Act.

The LCP notes for the Faria Beach residential community that:

Erosion and flooding at high tides are continuing problems. Seawalls are being undermined. The Department of Navigation and Ocean Development has designated this area as "Future Use Critical".

The LUP has been found consistent with the Coastal Act and the North Coast Area segment provides specific standards for development of shoreline protective devices along the north coast of Ventura County.

Objective

To protect public safety and property from beach erosion as provided in existing ordinances, and within the constraints of natural coastal processes.

Policies

1. Proposed shoreline protective devices will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.
2. All shoreline protective structures which alter natural shoreline processes will be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.
3. [requirement for a building permit]
4. [Review by the County Flood Control Division] ... not only for structural soundness, but environmental soundness as well whenever necessary. This includes a survey of potential environmental impacts, including (but not limited to) the projects's effects on adjacent and downstream structures, on littoral drift, and downcoast beach profiles.
5. If the potential environmental impacts of the proposed structure are considered significant by the Public Works Agency, the applicant will then be required to obtain an engineering report that specifies how those impacts will be mitigated.
6. Permitted shoreline structures will not interfere with public rights of access to the shoreline.

1. **Proposed Project and Site Shoreline Characteristics**

The Faria Beach community includes a narrow strip of beach consisting of a shelf of soft shale intermittently covered by sand. The area is highly developed with single family residences.

**Faria Beach is an Eroding Beach**

Having defined Faria Beach as a narrow, heavily developed beach, the next step is to consider the overall trend of sand supply on the beach. Evaluating whether or not a pattern of beach erosion exists is the key factor in determining the impact of the proposed seawall on the shoreline. Generally, beaches fit into one of three profile categories: 1) eroding; 2) equilibrium, or 3) accreting.

As noted in the LUP, there is erosion and flooding at high tides, undermining of seawalls, and the area is designated by the Department of Navigation and Ocean Development as "Future Use Critical". The U.S. Army Corps of Engineers, Los Angeles District, identifies Faria Beach as an eroding beach. The erosion rate at Faria Park, a County park at the the north end of the Faria Beach Community Report for beach Erosion Control, 1978). However, the subject study contains aerial photos of beaches in Ventura County. A review of these aerial photos of Faria Beach in 1929 and December, 1974 indicates that the beach and shoreline remained at the approximate same location.

Noble Consultants in their 1989 Executive Summary Coastal Sand Management Plan indicate that the subcell that Faria Beach is located on (i.e. Subcell 3, Carpinteria to Ventura River) there is a net offshore accumulation of sand implied by the profile of beaches. However, they note that this segment is almost entirely fortified with seawalls while the small streams in the area deliver a small volume of sand depending on rainfall intensity. Using historical photography and records, it was found that:

... Highway construction has encroached over the zone of littoral transport temporarily reducing downcoast delivery volumes. As a result, the beaches have had to readjust and erosion conditions have and are likely to continue to be problematic. ...it is believed that the immediate offshore areas are still readjusting to the manmade alterations.

Noble Consultants surveyed the variation of the mean lower low water line from October, 1987 to April, 1988 and found that the location had not changed. Other areas between Ellwood Beach and Pt. Mugu in the littoral cell had accreted from 0 to approximately 215 feet during this period.

In summary, the above information shows that Faria Beach has been identified as a beach that is accreting in terms of the material within the littoral zone, but is eroding in terms of the shoreline because of extensive armoring.

The applicants have submitted three engineering reports that indicate that the revetment is necessary to mitigate the adverse effects of erosion and wave runup.

- David C. Weiss, letter report entitled Location of Proposed Concrete Seawall, March 23, 1999: Waves were found to soak the adjacent house and patio to the west [i.e. where a seawall has previously been constructed]. The doors and windows of the O'Hara house have been boarded up to protect against damage from flying debris and salt water spray. The maximum design wave breaking height was found to be 18.9 feet, with 14.7 feet above still water line, subjecting the house to flooding.

- Pacific Engineering Group, letter report entitled Coastal Engineering Opinion Regarding the Location of Proposed extension of Existing Concrete Seawall, April 16, 1999: February 1998 El Nino storms overtopped the residence producing severe structural damage. In January 30, 1999, wave uprush was seen to reach the landward side of the garage down coast.
- Penfield & Smith, Proposed Concrete Seawall 3398 Pacific Coast Highway, April 21, 1999: The residence is vulnerable to wave attack with overtopping water flowing onto the neighbors property to the west.

In summary, based on the preponderance of evidence, including site-specific evidence of beach erosion, the Commission concludes that the site proposed for placement of a seawall is located on an eroding shoreline.

**2. Location of the Proposed Shoreline Protective Device in Relation to the Mean High Tide Line and Wave Action.**

The Commission notes that loss of beach is widely understood to occur when shoreline protective devices are placed on equilibrium or eroding beaches. To determine what the impacts of the proposed revetment on the shoreline are likely to be, the location of the proposed protective device in relationship to the expected wave runup as calculated by the Mean High Tide Line (MHTL) must be analyzed.

**a. Mean High Tide Line**

The above-referenced Penfield & Smith report indicates that the mean high tide line is that established by a State Lands Commission survey and is 57 to 60 feet seaward of the existing residence in 1966. The assessor's map refers to a grant deed and shows that the lot is only approximately 45 feet in depth. This corresponds approximately to the seaward extent of the property line. The grant deed does not show that the seaward property line is ambulatory depending on the mean high tide line, but refers to the tract map.

However, these engineering consultants also indicate that there has been a land ward movement of the line due to beach erosion and that the existing rip rap revetment and the upcoast (west) concrete seawall has fixed this line. The project plans and the staff site visit indicate that mean high tide line is defined by the existing rip rap revetment.

Further, the applicants have submitted a letter from the State Lands Commission (SLC) dated April 19, 1999 indicating that a survey of the site on March 8, 1999 discussed with them indicates that the proposed seawall would be on State property. SLC did not assert any claim relative to the project encroaching onto public lands, but indicated on the telephone that they will further review the

project, such as for purposes of lease, once the Coastal Commission takes action.

b. Wave Uprush

The applicant has submitted the above noted reports from three consultants familiar with shoreline processes, together with photographs indicating that the wave uprush at the subject site extends all the way to land ward of the houses. This indicates that inundation of the beach fronting the existing rip-rap revetment will occur during high tide and low beach profile conditions in the winter.

It is important to accurately calculate the potential of wave runup and wave energy to which the seawall will be subject. Dr. Douglas Inman, a widely recognized authority on Southern California shoreline processes, states that<sup>1</sup>:

**While natural sand beaches respond to wave forces by changing their configuration into a form that dissipates the energy of the waves forming them, seawalls are rigid and fixed, and at best can only be designed for a single wave condition. Thus, seawalls introduce a disequilibrium that usually results in the reflection of wave energy and increased erosion seaward of the wall. The degree of erosion caused by the seawall is mostly a function of its reflectivity, which depends upon its design and location.**

In past permit actions, the Commission has found that one of the most critical factors controlling the impact of a shoreline protective device on the beach is its position on the beach profile relative to the surf zone. All other things being equal, the further seaward the device is, the more often and more vigorously waves interact with it. The best place for a revetment or seawall, if one is necessary, is at the back of the beach where it provides protection against the largest of storms. By contrast, a shoreline protective device situated too close to the MHTL is likely to cause constant interference with normal shoreline processes, resulting in frontal and end scour of the beach adjacent to and seaward of the wall, in addition to upcoast sand impoundment.

Based on the above discussion, the Commission finds that the proposed, vertical concrete seawall, at its proposed location, has the potential to encroach into an area of the beach that is currently subject to wave action during storm and high tide events. As previously discussed, the Commission finds that the shoreline at Faria Beach is narrow and eroding, and that the proposed concrete seawall will, at times, be subject to wave action during storm and/or high tide events. Therefore, the following section evaluates the impacts of the proposed revetment on the beach based on the above information, which identified the specific structural design, the location of the structure, and the shoreline geomorphology.

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<sup>1</sup> Letter from Dr. Inman to Coastal Commission staff civil engineer Lesley Ewing dated February 25, 1991.

**c. Effects of the Shoreline Protective Device on the Beach**

The seawall proposed is a revised design which moves the proposed wall land ward, i.e. slightly land ward of where the west (upcoast) was originally proposed. There is then a curved feature moving further landward to a point where the face of the seawall is 21 feet seaward of the existing residence. This 21 foot area provides a splash and drainback zone seaward of the residence.

The seawall will be located in rock shelf beach, with seasonal deposition of sand on the seaward side. The revised seawall design would place the downcoast (eastern) end of the seawall 16 feet seaward of that adjacent residence. This would allow for the minimum setback, according to the referenced County standards, in the event that a seawall is later constructed on the downcoast property. The proposed location, no further seaward than twenty one feet from the seaward extent of the residence, is in alignment with approved seawall location upcoast, discounting the twenty foot seaward location as actually built contrary to the County coastal development permit. The revised configuration, based on a review of aerial photographs, such as found in the 1978 Army Corps study, conforms to the curve of both the shoreline and shoreline development in the project area. It is also the location of the approximate mean high tide line established by the existing rock revetment. This location is far enough seaward to avoid directing wave action to the relatively unprotected residence to the immediate east (downcoast), although damage can continue to occur at that location due to the lack of adequate shoreline protection. For these reasons, the Commission concludes that the proposed footprint is as far landward as is feasible consistent with the need to ensure the structural stability of the residence and the surrounding development.

Although the precise impact of a structure on the beach is a persistent subject of debate within the discipline of coastal engineering, and particularly between coastal engineers and marine geologists, it is generally agreed that a shoreline protective device will affect the configuration of the shoreline and beach profile. Adverse impacts upon the shoreline may accrue as the result of beach scour, end scour (undermining of the beach areas at the ends of the seawall), the retention of potential beach material behind the wall, the fixing of the back beach and the interruption of along shore processes. To evaluate these potential impacts relative to the proposed structure and its location at Faria Beach, each of the identified effects will be evaluated below.

**(1) Beach Scour**

Scour is the removal of beach material from the base of a cliff, seawall or revetment due to wave action. The scouring of beaches caused by seawalls and revetments is a frequently-observed occurrence. When waves impact a hard



surface such as a coastal bluff, rock revetment, or vertical bulkhead, some of the energy from the wave is absorbed, but much of the energy is reflected back seaward. This reflected wave energy in combination with the incoming wave energy, will disturb the material at the base of the seawall and cause erosion to occur in front and down coast of the hard structure. This phenomenon has been recognized for many years and the literature acknowledges that such shoreline protective devices do affect the supply of beach sand. The wave uprush study prepared by the applicants' consultants indicate that the maximum wave uprush applicable to the subject site, absent a seawall or other shoreline protective device, goes inland of the existing residence.

The Commission notes that the proposed concrete seawall is located seaward of the maximum wave uprush and will therefore be periodically acted upon by wave action. In past permit actions, the Commission has found that shoreline protective devices which are subject to wave action tend to exacerbate or increase beach erosion. The following quotation summarizes a generally accepted opinion within the discipline of coastal engineering that:

**These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steepening offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect.<sup>2</sup>**

The above 1981 statement signed by 94 coastal geologists indicates that sandy beach areas available for public use can be harmed through the introduction of shoreline protective devices. Thus, in evaluating an individual project, the Commission assumes that the principles reflected in that statement are applicable. To do otherwise would be inconsistent with the Commission's responsibilities under the Coastal Act to protect the public's interest in shoreline resources and to protect the public's access along the ocean and to the water, as discussed in more detail in the subsequent section concerning public coastal access.

The impact of shoreline protective devices as they are related to sand removal on the sandy beaches is further documented by the State Department of Boating and Waterways:

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<sup>2</sup> Saving the American Beach: A Position Paper by Concerned Coastal Geologists (March 1981, Skidaway Institute of Oceanography), pg. 4.

**While seawalls may protect the upland, they do not hold or protect the beach which is the greatest asset of shorefront property. In some cases, the seawall may be detrimental to the beach in that the downward forces of water, created by the waves striking the wall rapidly remove sand from the beach.<sup>3</sup>**

Finally this observation was underscored more recently in 1987 by Robert G. Dean in "Coastal Sediment Processes: Toward Engineering Solutions":

**Armoring can cause localized additional storm scour, both in front of and at the ends of the armoring...Under normal wave and tide conditions, armoring can contribute to the downdrift deficit of sediment through decreasing the supply on an eroding coast and interruption of supply if the armoring projects into the active littoral zone.<sup>4</sup>**

Dr. Craig Everts found that on narrow beaches where the shoreline is not armored, the most important element of sustaining the beach width over a long period of time is the retreat of the back beach and the beach itself. He concludes that:

**Seawalls inhibit erosion that naturally occurs and sustains the beach. The two most important aspects of beach behavior are changes in width and changes in the position of the beach. On narrow, natural beaches, the retreat of the back beach, and hence the beach itself, is the most important element in sustaining the width of the beach over a long time period. Narrow beaches, typical of most of the California coast, do not provide enough sacrificial sand during storms to provide protection against scour caused by breaking waves at the back beach line. This is the reason the back boundary of our beaches retreats during storms.<sup>5</sup>**

Dr. Everts further concludes that armoring in the form of a seawall or revetment interrupts the natural process of beach retreat during a storm event and that:

**...a beach with a fixed landward boundary is not maintained on a recessional coast because the beach can no longer retreat.<sup>6</sup>**

The Commission has observed this phenomenon up and down California's coast

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<sup>3</sup> State Department of Boating and Waterways (formerly called Navigation and Ocean Development), Shore Protection in California (1976), page 30.

<sup>4</sup> Coastal Sediments '87.

<sup>5</sup> Letter Report dated March 14, 1994 to Coastal Commission staff civil engineer Lesley Ewing from Dr. Craig Everts, Moffatt and Nichol Engineers.

<sup>6</sup> *ibid.*

where a seawall has successfully halted the retreat of the shoreline, but only at the cost of usurping the beach. For example, at La Conchita Beach in Ventura County (approximately six miles northwest of the O'Hara site), placement of a rock revetment to protect an existing roadway has caused narrowing of the existing beach. Likewise, at City of Encinitas beaches in San Diego County, construction of vertical seawalls along the base of the bluffs to protect existing residential development above, has resulted in preventing the bluffs' contribution of sand to the beaches, resulting in narrowing.

As set forth in earlier discussion, Faria Beach is a narrow, receding beach. The applicants' coastal engineering consultant has indicated that the concrete seawall will be acted upon by waves during storm conditions. If a seasonal eroded beach condition occurs with greater frequency due to the placement of a seawall on the subject site, then the subject beach would also, at a minimum, accrete at a slower rate. The Commission notes that many studies performed on both eroding and oscillating beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists. Therefore, the Commission notes that the proposed seawall will result over time in potential adverse impacts to the beach sand supply resulting in increased seasonal erosion of the beach and longer recovery periods. The Commission, further, that several years after the applicants' revetment was placed, the properties up coast sought approval for construction of vertical concrete seawalls, thus adding weight to the conclusion that the placement of any shoreline protective device increases the erosional forces and a sandy beach and increases the likelihood that additional protective devices will be placed, thereby exacerbating and accelerating the erosional trend.

The impacts of potential beach scour are important relative to beach use for two reasons. The first reason involves public access. The subject property is located approximately 100 feet west of an informal vertical public access available along the Old Coast Highway. There is also an improved accessway south of Faria Beach and north of the Seacliff Community required through a coastal permit. If the beach scours at the base of the proposed seawall, even minimal scouring in front of the approximate 100 ft. long revetment will translate into a loss of beach sand available (i.e., erosion) at an accelerated rate than would otherwise occur under a normal winter season if the beach were unaltered. The second impact relates to the potentially turbulent ocean conditions. Scour at the face of a revetment will result in greater interaction with the revetment and thus, make the ocean along Faria Beach more turbulent than it would be along an unarmored beach area.

Thus, the Commission has ordinarily required that shoreline protection devices be located as far land ward as possible to reduce adverse impacts from scour and erosion. The proposed location is, after the initial setback of the curved feature to connect with the upcoast seawall, is a uniform 21 feet from the residence which corresponds as well to a sixteen foot setback from the down

coast residence. This corresponds to the splash zone minimum setback distance (16 ft.) specified in 1983 County standards. The County's 1983 design referenced under Substantive File Documents in the resolution and related exhibits permits a seawall to be a minimum of sixteen feet from the nearest structure to allow drainage back to the ocean and accommodate splash.

In past permit actions, the Commission and the County have required a lateral public access easement for new shoreline protection devices to mitigate adverse impacts to beach sand supply and public access. To ensure that any potential adverse effects of the proposed revetment are mitigated to the maximum extent feasible, the applicants have proposed to offer a dedication for a lateral public access easement along the beach. Special Condition 2 has been included to implement the applicants' proposal of an offer to dedicate a new lateral public access easement. Therefore, as conditioned, the project will minimize the adverse impacts resulting from construction of the as-built revetment and is consistent with the applicable Coastal Act sections and with past Commission action. Public access is discussed in more detail below.

**(2) End Effects**

End scour effects involve the changes to the beach profile adjacent to the shoreline protection device at either end. One of the more common end effects comes from the way reflection of waves off of the shoreline protection device in such a way that they add to the wave energy which is impacting the unprotected coastal areas on either end. Coastal engineers have compared the end effects impacts between revetments and bulkheads. In the case of a revetment, the many angles and small surfaces of the revetment material reflect wave energy in a number of directions, effectively absorbing much of the incoming wave rather than reflecting it. Because of the way revetments modify incoming wave energy, there is often less problem with end effects or overtopping than that which occurs with a vertical bulkhead. In the case of a vertical bulkhead, return walls are typically constructed in concert with the seawall, and, thus, wave energy is also directed to the return walls causing end erosion effects.

In addition, the Commission notes that the literature on coastal engineering repeatedly warns that unprotected properties adjacent to any shoreline protective device may experience increased erosion. Field observations have validated this concern. Although it is difficult to quantify the exact loss of material due to end effects, Gerald G. Kuhn of the Scripps Institute of Oceanography concludes in a paper entitled, "Coastal Erosion along Oceanside Littoral Cell, San Diego County, California," (1981) that erosion on properties adjacent to a rock seawall is intensified when wave runup is high.

An extensive literature search on the interaction of seawalls and beaches was performed by Nicholas Kraus in which he found that seawalls have the same

effects on narrow beaches or beaches eroded by storm activity as Dr. Kuhn observed in relation to rock seawalls. Dr Kraus' research indicated that the form of the erosional response to storms that occurs on beaches without seawalls that are adjacent to beaches with seawalls is manifested as more localized toe scour and end effects of flanking and impoundment at the seawall.<sup>7</sup> Dr. Kraus' concluded that seawalls were a likely cause of retained sediment, increased local erosion and increased end erosion. Dr. Kraus states:

**At the present time, three mechanisms can be firmly identified by which seawalls may contribute to erosion at the coast. The most obvious is retention of sediment behind the wall which would otherwise be released to the littoral system. The second mechanism, which would increase local erosion on downdrift beaches, is for the updrift side of the wall to act as a groin and impound sand. This effect appears to be primarily theoretical rather than actualized in the field, as a wall would probably fail if isolated in the surf zone. The third method is flanking, i.e., increased local erosion at the ends of walls. (underline added for emphasis)**

In addition, the results of other researchers investigating the length of shoreline affected by heightened erosion adjacent to seawalls concluded that:

**...erosion at the ends of seawalls increases as the structure length increases. It was observed in both the experimental results and the field data of Walton and Sensabaugh (1978) that the depth of excess erosion is approximately 10% of the seawall length. The laboratory data also revealed that the along-coast length of excess erosion at each end of the structure is approximately 70% of the structure length.<sup>8</sup>**

A more comprehensive study was performed over several years by Gary Griggs which concluded that beach profiles at the end of a seawall are further landward than natural profiles.<sup>9</sup> This effect appears to extend for a distance of about 6/10 the length of the seawall and represents both a spatial and temporal loss of beach directly attributable to seawall construction.

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<sup>7</sup> "Effects of Seawalls on the Beach", published in the Journal of Coastal Research, Special Issue #4, 1988.

<sup>8</sup> "Laboratory and Field Investigations of the Impact of Shoreline Stabilization Structures on Adjacent Properties" by W.G. McDougal, MA Sturtevant, and P.D. Komar in Coastal Sediments '87.

<sup>9</sup> "the Interaction of Seawalls and Beaches: Seven Years of Field Monitoring, Monterey Bay, California" by G. Griggs, J. Tait, and W. Corona, in Shore and Beach, Vol. 62, No. 3, July 1994.

The Commission notes that end effect erosion may be further minimized by locating a proposed shoreline protection device as landward as possible to reduce the frequency that the seawall is subject to wave action. In the case of the proposed project, and as noted previously, the proposed revetment will be located as land ward as feasible according to County standards. The applicants have demonstrated that no feasible alternative to the proposed location exists at this time and, therefore, the seawall cannot be located further land ward than the location shown on Exhibit 4. However, the Commission notes that the proposed seawall may result in end effects which require the down coast property to upgrade their existing revetment or construct a concrete seawall.

**(3) Retention of Potential Beach Material**

A shoreline protective device's retention of potential beach material impacts shoreline processes simply by depriving beaches of nutrients that would normally be fed into the littoral cell and deposited on beaches through the actions of normal shoreline processes. A revetment prevents upland sediments from being carried to the beach by wave action and bluff retreat. In the case of Faria Beach, which is located in the Santa Barbara Littoral Cell, the back of the beach is fixed at the Old Pacific Coast Highway. One of the main sources of sediment for beaches are the bluffs themselves, as well as the material that has eroded from inland sources and is carried to the beach by coastal streams. The protective device may be linked to increased loss of material in front of the wall. The net effect is documented in "Responding to Changes in Sea Level, Engineering Implications" which provides:

**A common result of sea wall and bulkhead placement along the open coastline is the loss of beach fronting the structure. This phenomenon, however, is not well understood. It appears that during a storm the volume of sand eroded at the base of a sea wall is nearly equivalent to the volume of upland erosion prevented by the sea wall. Thus the offshore profile has a certain "demand" for sand and this is "satisfied" by erosion of the upland on a natural beach or as close as possible to the natural area of erosion on an armored shoreline...<sup>10</sup>**

As explained, the revetment protects the applicants' property from continued loss of sediment. However, the result of this protection, particularly on a narrow beach, is a loss of sediment on the sandy beach area that fronts the seawall. Furthermore, as explained previously, this loss of sediment from the active beach leads to a lower beach profile, seaward of the protective device, where the revetment will have greater exposure to wave attack.

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<sup>10</sup> "Responding to Changes in Sea Level: Engineering Implications," National Academy of Sciences, National Academy Press, Washington, D.C., 1987 (at page 74).

In past permit actions, the Commission has required a lateral public access easement for new shoreline protection devices to mitigate adverse impacts to beach sand supply and public access. In the case of this project, to mitigate any possible adverse effects upon public access along the beach, the applicants propose to dedicate a new public lateral access easement along the beach. Special Condition 2 has been included to implement the applicants' offer to dedicate a new lateral public access easement. Therefore, as conditioned, the project will minimize the adverse impacts resulting from construction of the revetment and is consistent with the applicable Coastal Act sections and with past Commission action.

**d. Past Commission Actions on Residential Shoreline Development**

Most of the Ventura County North Coast, is intensely developed with single family residences. There are small, unprotected beaches in portions of Rincon Point, Mussel Shoals, and Emma Wood State Beach. As discussed by the above sources, residential development and the shoreline protective devices installed to protect the Old Coast Highway, 101 Freeway and residences: prevents or greatly impairs access to the coast, obstructs public views to and of the beach and water from Pacific Coast Highway and other scenic viewing areas, interrupts shoreline processes and impacts the fragile biological resources in these areas.

As previously noted, the Coastal Commission has asserted jurisdiction by reviewing coastal development permits for concrete seawalls in Faria Beach as in application 4-87-161 (Pierce Family Trust and Patrick and Rita Moran) at 3932 and 3926 Pacific Coast Highway, where the Commission approved adjoining concrete seawalls with wave deflection caps, subject to conditions requiring lateral access, assumption of risk, assertion of public rights, State Lands Commission review, and storm design and debris removal. The Commission has allowed concrete seawalls of the proposed design a part of a continuous, community-wide solution of vertical seawalls constructed according to 1983 County standards.

Given the close proximity to the Los Angeles metropolitan area it is understandable why the North Coast including the Faria Beach Community has virtually built out residential beach enclaves in recent years. The vast majority of this development took place prior to the passage of Proposition 20 which established the Coastal Commission in 1972 and the 1976 Coastal Act. As previously stated, section 30235 of the Coastal Act allows for the construction of shoreline protective devices only if they protect a coastal dependent use or to protect existing structures of public beaches in danger from erosion. In this case, the proposed seawall is necessary to protect an existing single family residence. Therefore, the proposed project is consistent with Section 30235 of the Coastal Act.

**(1) Seaward Encroachment**

The Commission has found in past permit actions pursuant to Section 30235 of the Coastal Act, that seawalls, revetments, and other types of shoreline protective devices can be permitted to protect existing structures or new structures which constitute infill development and when designed and engineered to eliminate or mitigate adverse impacts on the shoreline. The Commission has found, in past permit actions, that in beach areas largely committed to residential development having shoreline protective devices, the construction of shoreline protective devices should tie into adjacent seawalls where appropriate.

No creation of new beachfront residential areas is allowed under the certified LCP. The developed portions of the coastline include only a few vacant parcels between existing structures.

To the maximum extent feasible, protective structures are required to tie into adjacent protective structures. In the case of the proposed vertical seawall, the project location and configuration is placed in such a way as to form a continuum with the adjacent properties on either side of the subject parcel, in an area that is built out. Thus the revetment is considered to be a shoreline protective device protecting infill development and the placement is consistent with the adjacent revetments.

The existing residence is presently damaged and unoccupied. Renovation or replacement of the residence is at a location inland of the mean high tide line and would be subject to review by Ventura County under their LCP. This renovation or replacement may include significant renovation of the foundation of the existing structure. In addition, there is potential replacement or repair of the septic system which has been exposed to wave action, thus potentially offering the applicants the opportunity, and potentially the obligation, to retire the existing septic disposal system in the near future. Presently, the pattern of public sanitation in Faria Beach and much of the North Coast is to collect waste from septic systems and convey the "overflow" to the City of Ventura Treatment Plant through a converted oil pipeline. The system may change in the future, such as through conversion to a community sewage disposal system. Changes to the septic system, combined with improvements to the aging structural members of the existing dwelling and support system, may obviate the need for the placement of a vertical seawall at the proposed location in the future.

Special Condition 3 acknowledges that such circumstances may arise in the future, and that mitigation of adverse effects of the presently proposed shoreline protective device may then be achieved by removing or relocating the subject seawall. Moreover, under such circumstances, the adverse effects of the shoreline protective device on shoreline processes and sand supply as discussed previously, would no longer be justified in light of new alternatives for



removing or relocating the structure that may be posed by the changed circumstances. Therefore, the Commission finds that the imposition of Special Condition 3 is necessary to ensure that the authorization of the construction of such structure under this permit terminates should changes to the existing structures it is designed to protect become necessary or possible in the future. Under such circumstances, the landowner/permittee at the time must either (1) abandon and remove the revetment in concert with the other changes proposed on site, or (2) apply for, and obtain, a new Commission approval of the subject shoreline protective device. Thus, the Commission finds that as conditioned by Special Condition 3, the proposed development is consistent with Section 30235 of the Coastal Act.

In addition, to ensure that no future changes or improvements to the subject seawall result in seaward expansion of the bulkhead, the Commission finds it necessary to impose Special Condition 4, which requires the applicant to record a deed restriction acknowledging that no future seaward expansion of the subject bulkhead will be authorized. If implemented, Special Condition 4 ensures that the adverse impacts of the subject shoreline protective device are not compounded in the future by a seaward expansion of the seawall that increases the bulkhead's adverse effects on the shoreline achieved. by ensuring that any such improvements are constructed as far land ward as possible.

e. **Conclusion**

Coastal Act sections 30235, 30253 and 30250(a) set forth the Commission's mandate relative to permitting shoreline protective devices and beachfront development. In order for the Commission to permit the proposed project, which includes a seawall of approximately 100 ft. long and 16.5 ft. high above beach level, it must find the project consistent with the Chapter 3 policies of the Coastal Act.

Coastal Act section 30235 states that shoreline protective devices (such as seawalls and other construction that would alter natural shoreline processes) shall be permitted when necessary to serve coastal-dependent uses or to protect existing structures or to protect public beaches in danger from erosion and when they are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The proposed seawall will be set back landward as far as possible and provide the appropriate protection and drain back of wave splash over the seawall. In the case of this project, the applicants propose lateral public access and Special Condition 3 ensures that should the revetment prove no longer necessary in the future (if for example, the existing residence, foundation, or septic system were substantially remodeled or removed), the present approval for the revetment would terminate and the structure would either be removed or relocated, based on the Commission's consideration at that time and Special Condition 4 ensures that the applicant records a deed restriction acknowledging

that no future seaward expansion of the subject bulkhead will be authorized. Therefore, the project as conditioned is consistent with PRC Section 30253.

**C. Hazards and Geologic Stability**

Coastal Act Section 30253 states in part:

**Section 30253**

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard. In addition to section 30253 of the Coastal Act, the certified Ventura County LCP contains several policies and standards regarding hazards and geologic stability. As noted above, such development will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253; the County Flood Control Division reviews projects for structural soundness, environmental soundness and, if there are significant impacts, an engineering report is required which specifies how those impacts will be mitigated. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with section 30253 of the Coastal Act.

Coastal Act section 30253, (also cited above) mandates that new development neither create nor contribute significantly to erosion, or contribute to destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs or cliffs. In past permit actions, the Commission has required that new shoreline protection devices be located as far land ward as possible to reduce adverse impacts to sand supply and public access resulting from the development. In the case of this project, the applicants have revised their proposed design which has demonstrated that the proposed seawall will: have a return wall connection to the existing seawall to the north (upcoast) and have a return wall to the east (downcoast), be located as far land ward as possible as practicable under the present circumstances, and protect the existing residence from wave attack.

Further, in past permit actions, the Commission has also required a lateral public access easement for new shoreline protection devices to mitigate adverse impacts to beach sand supply and public access. In the case of this project, to mitigate any possible adverse impacts to public access along the beach that may be caused by the subject proposal, the applicants have offered to dedicate a new public lateral access easement along the beach. Special Condition 2 has been included to implement the applicants' offer to dedicate a new lateral public access easement.

### **Storm, Wave and Flood Hazard**

The North Coast of Ventura County coast has been subject to substantial damage as a result of storm and flood occurrences as described in the 1978 and 1987 Army Corps studies noted above. The proposed project site is subject to flooding and/or wave damage from storm waves and storm surge conditions. Past occurrences have resulted in public costs (through low-interest loans for home repairs and/or rebuilding after disasters).

Along the North Coast, significant damage has also occurred to coastal areas from high waves, storm surge and high tides. The Corps noted that the winter of 1977-78 storms caused an unusually high degree of erosion and threatened five homes. The "El Nino" storms in 1982-83 caused additional damage. The El Nino storms of 1987-88, 1991-92, and 1997-1998 did not cause the far-reaching devastation of the 1982-83 storms; however, they too were very damaging in localized areas and could have been significantly worse except that the peak storm surge coincided with a low tide rather than a high tide.

The applicants propose to construct a seawall of 100 ft. long, approximately 15 ft. high above rocky shelf. The location relative to the intermittent sandy beach will depend on if the sand is present and to what quantity. The proposed seawall will be subject to wave attack, flooding, and erosion hazards that in the past have caused significant damage to development along the California coast, including the Ventura County coastal zone and the beach area near the subject property.

The Coastal Act recognizes that new development, such as the construction of the proposed seawall, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Therefore, the Commission finds that due to the unforeseen possibility of wave attack, erosion, and flooding, the applicants shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, Special Condition 1 requires the applicants to waive any claim of

liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicants' assumption of risk, when executed and recorded on the property deed, will also show that the applicants are aware of and appreciate the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

In addition, Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. Beachfront development raises issues relative to a site's geologic stability. As noted previously, this shoreline has experienced coastal damage regularly from geologic instability induced by winter rains and heavy surf conditions.

The applicants have submitted a David C. Weiss letter report which indicates that the maximum design wave breaking height was found to be 14.7 feet above still water line which is below the approximate 16.5 foot height of the seawall. This indicates that the proposed project will have a height equivalent to the highest breaking wave at that location. The project engineer indicates that at this height there will still be some surge that overtops the wall, but the force of such surge will be adequately dissipated so as not to cause structural damage. The consultant finds that the new seawall is necessary and should be constructed immediately.

As set forth in Section 30253 of the Coastal Act, new development shall assure structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The Commission finds, in keeping with the conclusions of the consulting structural engineer, that the proposed seawall is consistent with Section 30253 as constructed.

In conclusion, the Commission finds that the proposed, as-built project is designed to minimize risks to life and property and assure stability and structural integrity and not adversely affect, either individually or cumulatively, coastal resources. The project minimizes adverse impacts resulting from the construction of the proposed revetment by ensuring that the structure is located as landward as possible. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

**C. Public Access.**

The Coastal Act mandates the provision of maximum public access and recreational opportunities along the coast. The Coastal Act contains several policies, which address the issues of public access and recreation along the coast.

Coastal Act Section 30210 states that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such use.

Finally, Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the

California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, section 30212 of the Coastal Act requires that adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches.

The major access issue in this permit application is the occupation of rocky and/or sandy beach area by a protective structure and potential effects on shoreline sand supply and public access in contradiction of Coastal Act policies 30211 and 30221. As proposed, the seawall will be inserted into a rocky shelf. As noted, the site approximately 100 feet west of the nearest public vertical coastal accessway along the Old Coast Highway.

All projects requiring a coastal development permit must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act. Based on the access, recreation and development sections of the Coastal Act, the Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline.

As noted above, interference by a shoreline protective device has a number of effects on the dynamic shoreline system and the public's beach ownership interests:

- First, changes in the shoreline profile, particularly changes in the slope of the profile which results from reduced beach width, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property.
- The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The effect on the public is, again, a loss of area between the mean high water line and the actual water.
- Third, shoreline protective devices such as revetments and bulkheads cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until

such devices are constructed individually along a shoreline and they eventually affect the profile of a public beach.

- Fourth, if not sited landward in a location that insures that the revetment is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave' energy.
- Finally, revetments and bulkheads interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season.

Due to the aforementioned adverse impacts of shoreline protective structures on public access, the proposed shoreline protection device must be judged against the public access and recreation policies of the State Constitution, Sections 30210, 30220, and 30211 of the Coastal Act. Along the California coast, the line between land and ocean is complex and constantly moving.

The State owns tidelands, which are those lands below the Mean High Tide Line as it exists from time to time. By virtue of its admission into the Union, California became the owner of all tidelands and all lands lying beneath inland navigable waters. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The public trust doctrine restricts uses of sovereign lands to public trust purposes, such as navigation, fisheries, commerce, public access, water oriented recreation, open space, and environmental protection. The public trust doctrine also severely limits the ability of the State to alienate these sovereign lands into private ownership and use free of the public trust. Consequently, the Commission must avoid decisions that improperly compromise public ownership and use of sovereign tidelands.

Where development is proposed that may impair public use and ownership of tidelands, the Commission must consider where the development will be located in relation to tidelands. The legal boundary between public tidelands and private uplands is relation to the ordinary high water mark. In California, where the shoreline has not been affected by fill or artificial accretion, the ordinary high water mark of tidelands is determined by locating the existing "mean high tide line." The mean high tide line is the intersection of the elevation of mean high tide with the shore profile. Where the shore is composed of sandy beach whose profile changes as a result of wave action, the location at which the elevation of mean high tide line intersects the shore is subject to change. The result is that the mean high tide line (and therefore the boundary) is an "ambulatory" or moving line that moves seaward through the process known as accretion and landward through the process known as erosion.

Consequently, the position of the mean high tide line fluctuates seasonally as high wave energy (usually but not necessarily) in the winter months causes the mean high tide line to move landward through erosion, and as milder wave conditions (generally associated with the summer) cause the mean high tide line to move seaward through accretion. In addition to ordinary seasonal changes, the location of the mean high tide line is affected by long term changes such as sea level rise and diminution of sand supply.<sup>11</sup>

The Commission must consider a project's direct and indirect impact on public tidelands. To protect public tidelands when beachfront development is proposed, the Commission must consider (1) whether the development or some portion of it will encroach on public tidelands (i.e., will the development be located below the mean high tide line as it may exist at some point throughout the year) and (2) if not located on tidelands, whether the development will indirectly affect tidelands by causing physical impacts to tidelands.

The applicant has revised the project plans to move the proposed seawall landward. This location, given the characteristics of Faria Beach as a narrow sand and/or bedrock shelf beach, means that the seawall will be located in the area of State Tidelands. Although the project is within State Tidelands, there may be times during summer sand deposition when the beach profile may be higher and the mean high tide line may be located some distance from the seawall.

To avoid approving development that will encroach on public tidelands during any time of the year, the Commission, usually relying on information supplied by the State Lands Commission, will look to whether the project is located landward of the most landward known location of the mean high tide line. In this case, the State Lands Commission presently asserts that the project intrudes onto sovereign lands (SLC letter dated April 19, 1998). Consequently, the proposed development must secure permission from the State Lands Commission as recommended in condition 5 so that the proper license or other permission is obtained.

The Commission must also consider whether a project affects any public right to use shorelands that exist independently of the public's ownership of tidelands. In addition to a development proposal's impact on tidelands and on public rights protected by the common law public trust doctrine, the Commission must consider whether the project will affect a public right to use beachfront property, independent of who owns the underlying land on which the public use takes place.

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<sup>11</sup> The legal location of the tidelands boundary was the subject of litigation involving the Coastal Commission, the State Lands Commission and an owner of private uplands. (See *Lechuza Villas West v. California Coastal Commission*, \_\_\_ Cal. App. 4<sup>th</sup> \_\_\_, 97 Daily Journal D. A. R. 15277 (Dec. 19, 1997).



**Application 4-99-117 (O'Hara)**

**33 of 36**

Generally, there are three additional types of public uses identified as: (1) the public's recreational rights in navigable waters guaranteed to the public under the California Constitution and state common law, (2) any rights that the public might have acquired under the doctrine of implied dedication based on continuous public use over a five-year period; and (3) any additional rights that the public might have acquired through public purchase or offers to dedicate.

These use rights are implicated as the public walks the wet or dry sandy beach below the mean high tide plane. This area of use, in turn moves across the face of the beach as the beach changes in depth on a daily basis. The free movement of sand on the beach is an integral part of this process, and it is here that the effects of structures are of concern.

In this case, evidence has been presented in connection with this application that the public may have acquired rights of use under the doctrine of implied dedication. Although the Commission notes that the subject seawall is located as land ward as practicable, there is still evidence that the existing residence will be subject to wave uprush which may result in some potential adverse individual and cumulative impacts on sand supply, beach profile, and ultimately, public access as a result of localized beach scour, retention of beach material and interruption of the along shore and onshore sand transport process. This is true regardless that, as previously noted, the summer deposition of sand may temporarily shift the mean high tide line seaward of the seawall.

Faria Beach is extensively used by visitors of both local and regional origin and most planning studies indicate that attendance of recreational sites will continue to increase significantly over the coming years. The public has a right to use the shoreline under the public trust doctrine, the California Constitution and California common law. The Commission must protect those public rights by assuring that any proposed shoreline development does not interfere with or will only minimally interfere with those rights. In the case of the proposed project, the potential for the permanent loss of sandy beach as a result of the change in the beach profile or steepening from potential scour effects, as well as the presence of a residential structure out over the sandy beach, does exist.

In past permit actions, the Commission has required that new shoreline protective devices be located as landward as possible to reduce adverse impacts to the sand supply and public access resulting from development. In the case of the proposed project, the applicants have revised the project design to move the seawall landward, as discussed previously. They have demonstrated that the proposed seawall is located as landward as feasible to protect the residence and septic system.

As noted previously, however, the building and septic system has been adversely affected by erosion and wave action. It is questionable if the structure may be structurally sound at present, and the applicants have indicated a need

for remodeling or renovation of the structure. In addition, a successor in interest to the present owner may even demolish the existing residence and rebuild on the site. If proposed, such changes (among others outlined in Special Condition 3) would raise the possibility that the residence and septic system, could be replaced or moved landward or placed on caissons, potentially obviating the need for the presently proposed revetment, or at a minimum, offering the potential to relocate the revetment landward and thereby to mitigate any adverse effects that it may have on public access to the sandy beach. Special Condition 3, as noted previously, ensures that future activities on the subject site or changes to the structures landward of the proposed revetment as noted in the condition would require the applicants to seek a new permit from the Commission for the revetment that is the subject of the present coastal development permit application.

Special Condition 3 would not require that all potential development on the subject site trigger the need to obtain a new permit for the seawall. In the case of the applicants' site, there is very little available space landward. On the other hand, if the applicants replaced the residence with a new residence on caissons or installed a new septic system, Special Condition 3 would generally require that the applicants obtain a new coastal development permit for the continued retention of the subject shoreline protective device.

In addition, in past permit actions, the Commission has also required a lateral public access easement for new shoreline protection devices to mitigate adverse impacts to beach sand supply and public access. In the case of this project, to conclude with absolute certainty what impacts the proposed development would cause on the shoreline processes and public access, a historical shoreline analysis based on site-specific studies would be necessary. This level of analysis has not been submitted by the applicants, requiring the applicants to but the applicants have offered to dedicate public access. This offer is addressed Special Condition 2. Because of fluctuating sand levels, the MHTL will vary, and at times will be located at the base of the concrete wall. An offer a dedication of a public lateral access easement along the beach will mitigate any possible adverse impacts the proposed revetment may have on public access.

The Commission further notes that chronic unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties in the Faria Beach area. These signs have a chilling effect on the legitimate, protected access of the public to public trust lands. The Commission has determined, therefore, that to ensure that such postings are clearly understood by the applicants to be off limits until or unless a coastal development permit is obtained for such signage, it is necessary to impose Special Condition 5 to ensure that similar signs are not posted on or near the proposed revetment or existing structures. The

Commission finds that if implemented, Special Condition 4 will protect the public's right of access to the sandy beach below the MHTL.

In addition, as discussed above, special condition 8 is necessary to ensure that the project, by being constructed to conform to County standards used as a basis for past Commission approvals in the Faria Beach Community, will not interfere with coastal access, such as in deposition of rip rap materials seaward of the seawall or not minimizing seaward construction of the concrete foundation. Approval with this condition will maximize the opportunities of the public to use the area seaward of the proposed seawall in a manner consistent with PRC Sections 30210 through 30212.

In addition, the Commission notes that, as proposed, the beach will accrete during the summer beach season. During the winter the sand washes into the littoral zone and the beach will be comprised of naturally colored, weathered rock. As such, the Commission finds that the proposal will not significantly affect public views of the coast from the sandy and/or rock shelf beach.

For all of the above reasons, the Commission finds that as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, 30220, and 30251 of the Coastal Act.

**D. Local Coastal Program**

Section 30604 of the Coastal Act states that:

(a) 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 Chapter 3 (commencing with Section 30200) 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 Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

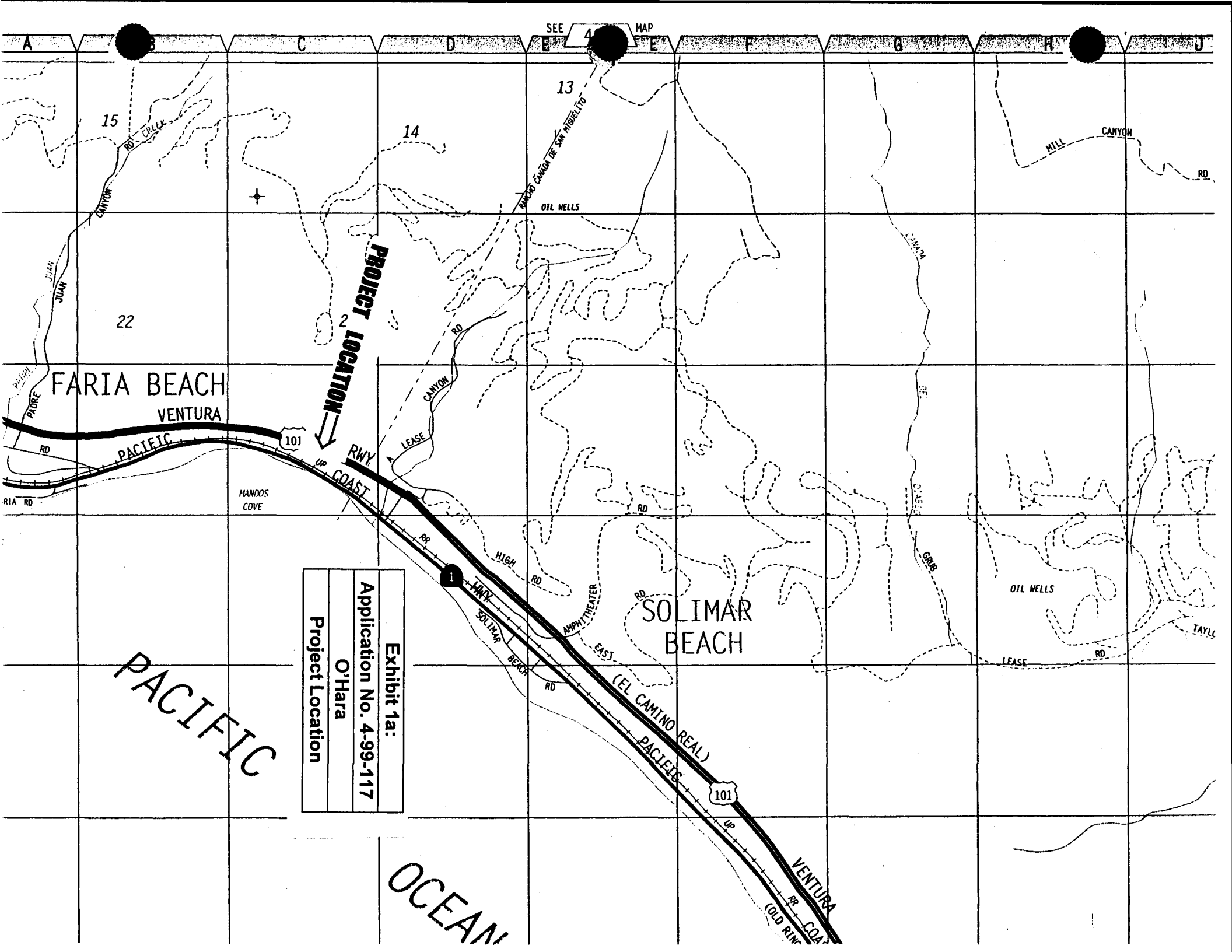
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicants. As conditioned, the proposed development will not create

adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the Local Coastal Program for Ventura County which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604 (a).

**E. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity would have on the environment.

The Commission finds that the proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is consistent with CEQA and the policies of the Coastal Act.



SEE 4 MAP

13

14

15

22

FARIA BEACH  
VENTURA

SOLIMAR BEACH

PACIFIC

OCEAN

PROJECT LOCATION

Exhibit 1a:
Application No. 4-99-117
O'Hara
Project Location

WINDY CANYON DE SAN VIGILITO  
OIL WELLS

MILL CANYON

MANDOS COVE

OIL WELLS

RD

LEASE

RD

RD

RD

RD

101

UP

VENTURA

COLD RING

(EL CAMINO REAL)

PACIFIC

AMPHITHEATER

RD

HIGH

RD

LEASE

CANYON

RD

COAST

RWY

UP

101

PACIFIC

VENTURA

RD

RD

RD

RD

RD

RD

RD

RD

RD

RD

RD

RD

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CANYON

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TAYLOR

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RD

PORTION SECTIONS 22,23, T.3N, R.24W.

Tax Rate Area  
91006

60-42

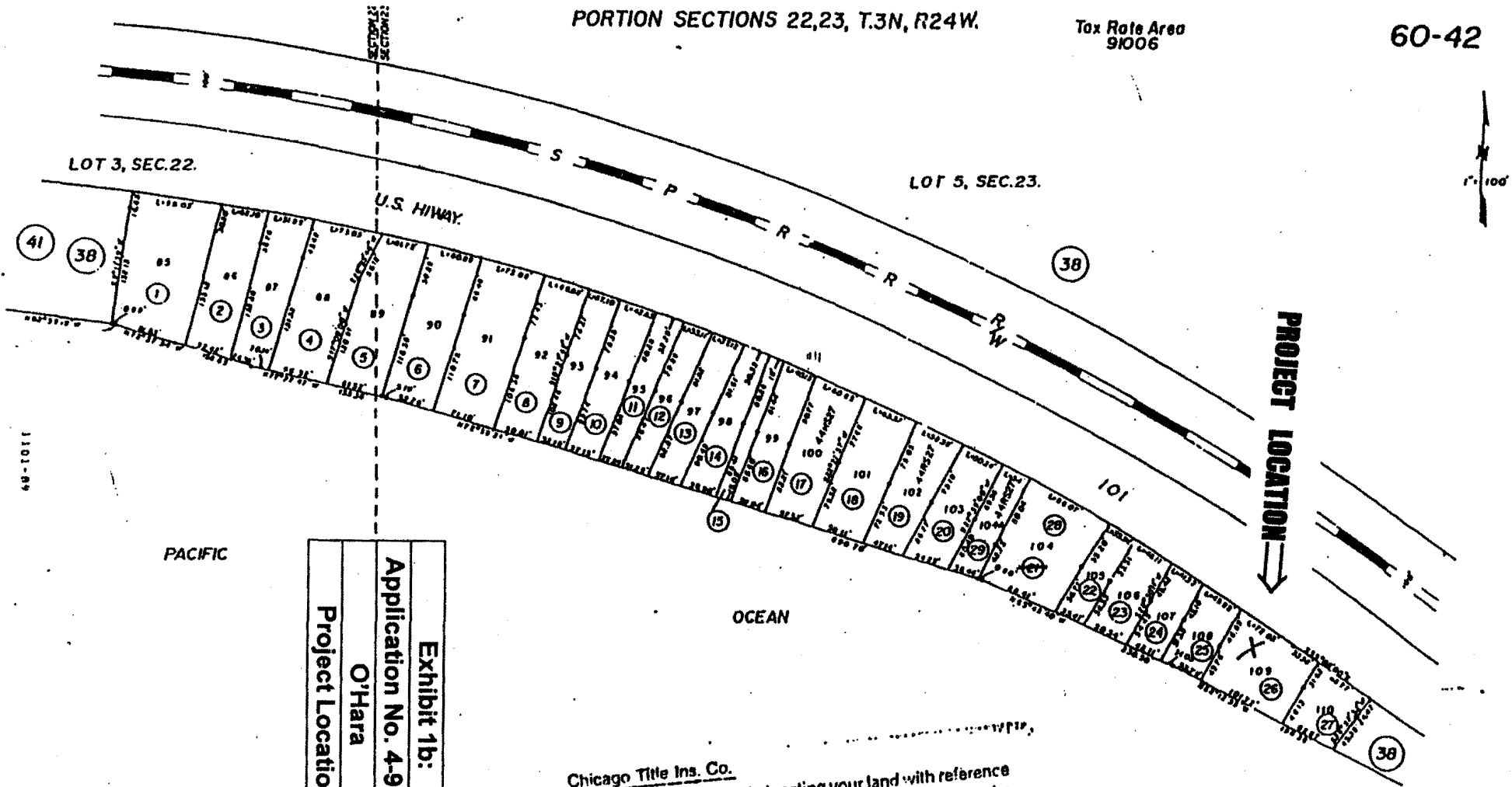


Exhibit 1b:  
 Application No. 4-99-117  
 O'Hara  
 Project Location

Chicago Title Ins. Co.

Chicago Title Ins. Co.  
 "This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the Company assumes no liability for any loss resulting by reason of reliance thereon."

Faria Beach, R.S. Bk. 36, Pg. 27

Ventura County Assessor's Map  
 Assessor's Field Map  
 Assessor's Parcel Map  
 Assessor's Parcel Map  
 Assessor's Parcel Map  
 Assessor's Parcel Map

DRAWN	DRAWN BY
REVIEWED BY	DATE 8-23-76
INDEXED	EFFECTIVE 02-01-80
PREVIOUS BK. 60, FOR PG. 38	
Compiled By Ventura County Assessor's Office	

NOTE: ALL LOTS SHOWN ON THIS MAP  
 ARE SUBJECT TO THE PLAT AND THE  
 CHECK WITH COUNTY CLERK'S OFFICE  
 PLANNING DIVISION FOR VENTURA

1101-69

*File*

STATE OF CALIFORNIA  
CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

GRAY DAVIS, Governor

ROBERT C. HIGHT, Executive Officer

California Relay Service From TDD Phone 1-800-735-2922  
from Voice Phone 1-800-735-2929



Contact Phone: (916) 574-1833  
Contact FAX: (916) 574-1925

April 19, 1999  
RECEIVED  
APR 26 1999

File Ref: SD 1998-12-08.1

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Rick O'Hara  
20 Lower Lake Road  
West Lake Village, California 91361

Dear Mr. O'Hara:

Subject: Coastal Development Project Review for Proposed Seawall at 3398  
West Pacific Coast Highway, Ventura

This is in response to your request for a determination by the California State Lands Commission (CSLC) whether it asserts a sovereign title interest in the property that your proposed project will occupy and whether it asserts that the project will intrude into an area that is subject to the public easement in navigable waters.

The facts pertaining to your proposed project include the construction of a concrete seawall in front of your property located at 3398 West Pacific Coast Highway in Ventura. The proposed seawall will be approximately 14 feet high and will be approximately 110 feet along the beach frontage. You indicate that the proposed seawall will tie into an immediately adjacent sea wall located at 3412 West Pacific Coast Highway. Existing rock riprap is proposed to be removed from its existing location and relocated in front of the new seawall. This area is a well-developed stretch of beach with numerous residences, seawalls and rock riprap.

The November 23, 1998 plans (by David C. Weiss) that you submitted, show the proposed seawall footing will be constructed into "weathered bedrock surface" (elevation -1.0' Mean Sea Level). Additionally, the May 28, 1998 topographic survey by Peak Surveys, Inc., shows that all portions of the proposed seawall will be located in an area that is below the elevation of mean high tide. On March 8, 1999, CSLC staff had a conversation with David Weiss and he confirmed that the survey completed by Peak Surveys, Inc., indicated that the proposed seawall would be on State property.

Exhibit 2: p1 of 2
Application No. 4-99-117
O'Hara
State Lands Commission Letter

By copy of this letter, we are advising the California Coastal Commission of our determination. If you have any questions regarding the above, please contact Barbara Dugal, Public Land Management Specialist, at (916) 574-1833.

Sincerely,

*Robert Lynch by  
Karel Anderson*

Robert L. Lynch, Chief  
Division of Land Management

cc: David Weiss  
22440 Clarendon Street, #203  
Woodland Hills, CA 91367

Gary Timm  
California Coastal Commission  
89 South California Street, #200  
San Buenaventura, CA 93001

Barbara Dugal

<b>Exhibit 2: p 2 of 2</b>
<b>Application No. 4-99-117</b>
<b>O'Hara</b>
<b>State Lands Commission Letter</b>



LIC WORKS AGENCY  
**County of Ventura**

Director  
Arthur E. Goulet

October 26, 1982

Board of Supervisors  
Ventura County Flood Control District  
800 S. Victoria Avenue  
Ventura CA 93009

Deputy Directors  
Al F. Knuth  
Transportation  
T. M. Morgan  
Engineering Services  
G. J. Nowak  
Flood Control/Water Resources  
Donald B. Perry  
Real Property Services

Subject: FARIA BEACH SEAWALL REQUIREMENTS

RECOMMENDATION:

Approve adding the attached standard for seawall design along Faria Beach to the District Design Standards. This standard is to be used unless an alternative design supported by detailed on-site engineering data and analysis is prepared by a licensed engineer qualified in coastal engineering.

DISCUSSION:

In May, 1982, your Board received a letter from the Faria Beach Homeowner's Association expressing concern over proposed requirements for seawall heights. In September, we responded to the Association indicating we were reexamining our approach and expressing our hope that, upon finalization of our results, we would be able to obtain the Association's concurrence in such results and the methodology employed.

Subsequently, in cooperation with the Association, this consultant (Moffat and Nichol Engineers), and the Corps of Engineers, we have developed a standard for seawall design at Faria Beach. This standard is acceptable to the Association and fulfills our obligation relative to insuring protection of the area against flood and wave damage.

Accordingly, we are recommending adoption of the standard and inclusion of it in the District's design standards. Additionally, the use of alternative designs providing equivalent protection will be allowed.

If you have any questions concerning this item, please contact the undersigned at extension 2001.



G. J. NOWAK  
Deputy Director of Public Works  
Flood Control & Water Resources Department

COPIES TO:

PWA (2)  
Files (3)  
Item 37  
10/26/82 fw

Exhibit 3: p1 of 4  
Application No. 4-99-117  
O'Hara  
Ventura County Faria  
Seawall Standards

NOV 02 1982

PUBLIC WORKS AGENCY  
**county of ventura**

**RECEIVED**  
JAN 26 1984

Director  
Arthur E. Goulet

Manager - Administrative Services  
Paul W. Ruffin

CALIFORNIA  
COASTAL EMISSION  
SOUTH CENTRAL COAST DISTRICT

Deputy Directors  
Ron Brazill  
Real Property Services  
Al F. Knuth  
Transportation  
T. M. Morgan  
Engineering Services  
G. J. Nowak  
Flood Control/Water Resources

December 6, 1983

Board of Supervisors  
Ventura County Flood Control District  
800 S. Victoria Avenue  
Ventura, CA 93009

Subject: FARIA BEACH SEAWALL MINIMUM TOP ELEVATION,  
REVISION TO STANDARD DESIGN REQUIREMENT

RECOMMENDATION:

Approve the attached revised Standard Drawing No. 15 for Faria Beach Seawall Minimum Top Elevation for addresses beginning at 4166 and ending at 4286.

DISCUSSION:

On October 26, 1982, your Board approved a Standard Design for Seawalls along Faria Beach with required minimum top elevations at certain locations.

Subsequently, in January, 1983, Faria Beach experienced the most severe damage from wave action in decades. Immediately after the storms, many homeowners started rebuilding their seawalls to conform to Board adopted seawall requirements, which had proved effective in minimizing wave damage where they had been previously constructed.

At the most westerly end of Faria Beach, many of the older seawalls are already higher than the required minimum top of seawall elevation. As a result of last winter's storms, most homeowners now want new walls to be constructed higher than the present minimum top elevation would require. It is important to have uniform seawall height and design features to provide effective protection for adjoining properties.

The Faria Beach Homeowners' Association concurs with our proposal to revise the minimum top of seawall elevation from 10.2 to 11.0 for addresses between 4192 to 4286, with a transition in elevation from 11.8 to 11.0 for house addresses between 4166 to 4192.

If you have any questions regarding this item, please contact the undersigned at Ext. 2001.

*G. J. Nowak*  
G. J. NOWAK

Deputy Director of Public Works

COPIES TO:

PWA (2)  
Files (2)  
Item 17  
12/6/83

fw

Exhibit 3: p 2 of 4
Application No. 4-99-117
O'Hara
Ventura County Faria Seawall Standards

DEC 19 1983

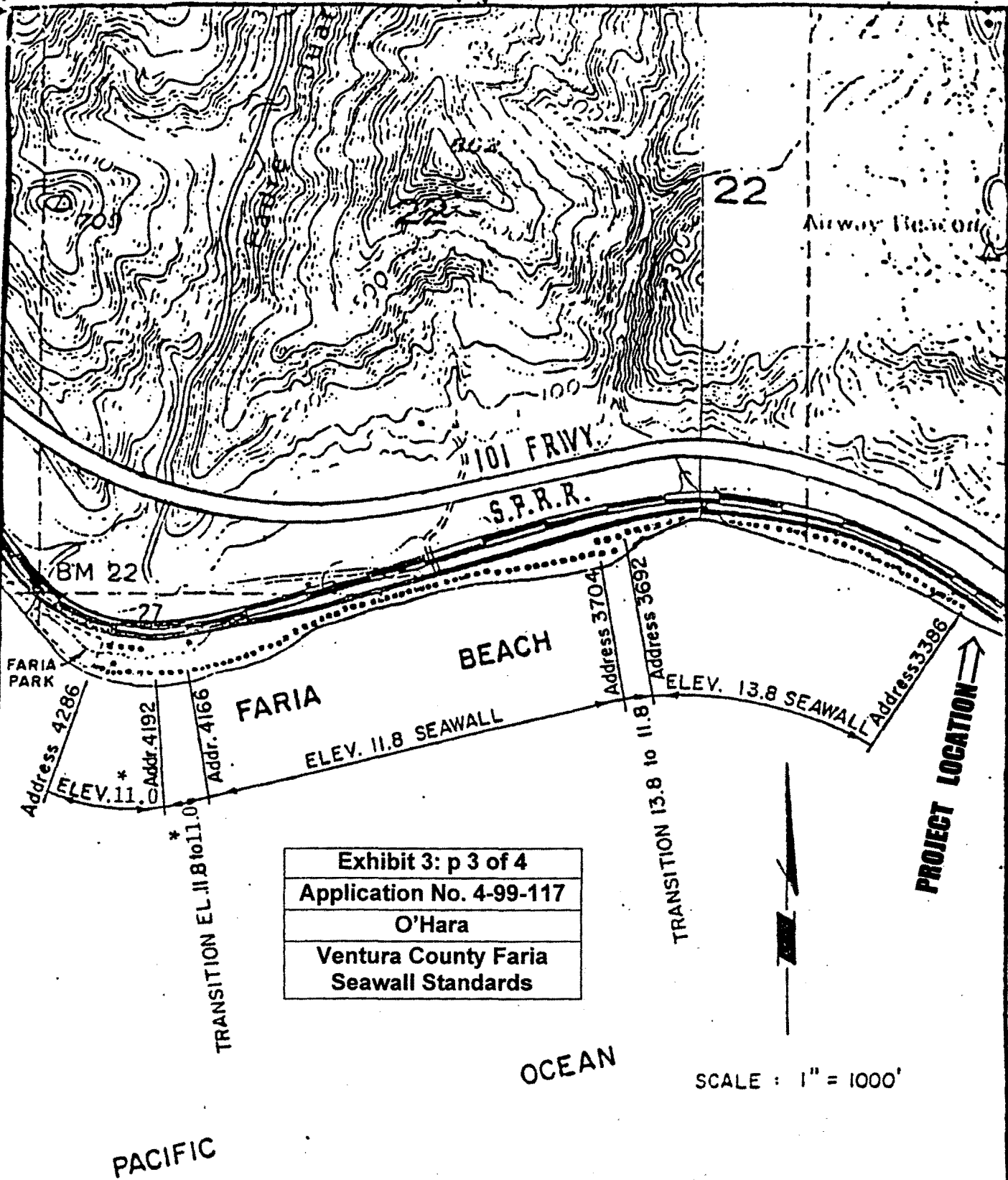


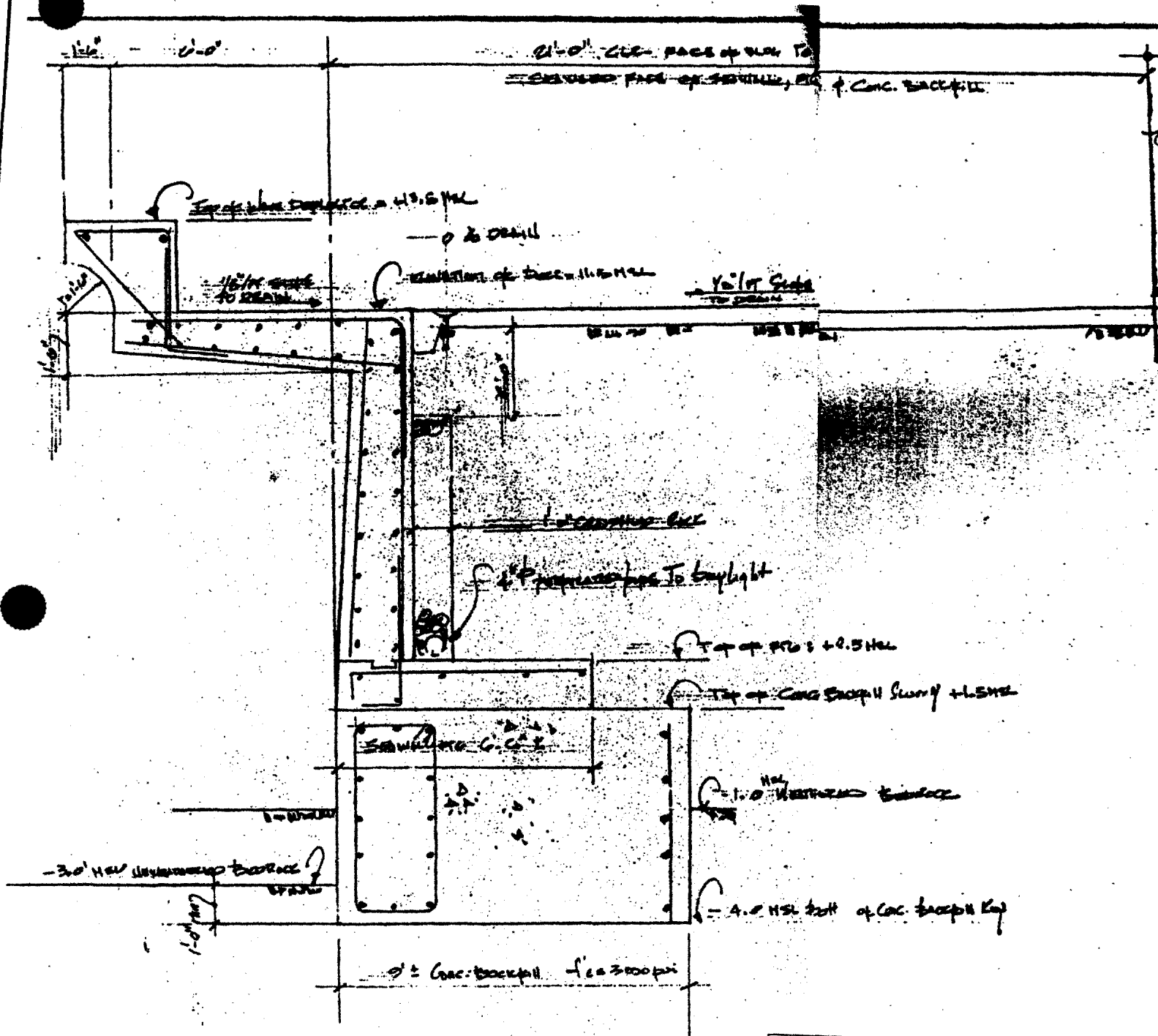
Exhibit 3: p 3 of 4
Application No. 4-99-117
O'Hara
Ventura County Faria Seawall Standards

\*REVISION - Approved by Board of Supervisors Dec. 6, 1983

Approved by Board of Supervisors,  
October 26, 1982

VENTURA COUNTY FLOOD CONTROL DISTRICT DESIGN STANDARDS	
FARIA BEACH SEAWALL MINIMUM TOP ELEVATION	
APPROVED <i>[Signature]</i>	DATE: 12/17/12





A Section Through Seawall, Part of 4-104  
 Scale: 1/2" = 1'

Exhibit 4a
Application No. 4-99-117
O'Hara
Proposed Seawall

