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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Appeal Filed: 6/17/02
SI Hearing Open: 7/11/02
Subst Issue: 8/6/02
Staff: J. Johnson
Staff Report: 12/19/02
Hearing Date: 1/8/03



RECORD PACKET COPY

STAFF REPORT: DE NOVO

LOCAL GOVERNMENT: County of Ventura
LOCAL DECISION: Approval with Conditions
APPEAL NO.: A-4-VNT-02-151
APPLICANTS: Dr. and Mrs. Dennis Longwill
REPRESENTATIVE: Steve Perlman
APPELLANTS: Chair Sara Wan and Commissioner Pedro Nava
PROJECT LOCATION: 6628 West Pacific Coast Highway
(Mussel Shoals), Ventura County

PROJECT DESCRIPTION: Construct a new, two-story, 3,638 square foot single-family residence with attached 857 sq. ft. garage, 1,368 sq. ft. deck and stair area, septic tank, and 275 cubic yards of grading.

SUBSTANTIVE FILE DOCUMENTS: County of Ventura Local Coastal Program, California Coastal Commission Regulations, California Coastal Act of 1976, Revised Preliminary Foundation Plan, by David Weiss, Structural Engineers & Associates, dated December 17, 2002, Opinion Report Regarding Existing Rock Revetment, by David Weiss, Structural Engineers & Associates, dated October 4, 2002, Updated Geotechnical Report, Lot 12, Tract 1, Mussel Shoals, by Villafana Engineering, dated 1/22/00, and Wave and Runup Investigation, by Charles I. Rauw, dated 1/15/02; Coastal Permit Application No. 4-97-236, NOAS Properties, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the proposed project with Ten Special Conditions including revised site and foundation plans, plans conforming to engineer's recommendation, shoreline protective devices, assumption of risk/shoreline protection, construction responsibilities and debris/excavated material removal, landscape and erosion control plans, drainage and polluted runoff plan, offer to dedicate lateral public access, sign restriction, and a generic deed restriction to bring the project into compliance with the certified Ventura County Local Coastal Program and the Coastal Act. On August 6, 2002, the Commission found that a substantial issue exists with respect to this project's

conformance with the certified Ventura County Local Coastal Program (LCP) and accepted jurisdiction over the coastal development permit. The Commission also continued the de novo hearing to allow staff an opportunity to address these substantial issues with the applicants. The **motion** and **resolution** for action are found on **page 2**.

STAFF NOTE

The proposed project does not include the existing 'unpermitted' rock revetment at the south east portion of the property partially located on the subject property and apparently partially located on State Tidelands according to a site plan submitted by the applicants identifying the approximate mean high tide line (Exhibits 14 and 18). The proposed residence has been designed using a caisson grade-beam foundation and does not require the use of a shoreline protective device to ensure stability of any of the proposed development. However, according to the applicants' engineer this rock revetment is needed to protect an existing septic holding tank serving the adjacent residence to the west and the adjacent residence located to the east. The applicants propose to construct their own septic holding tank located near West Pacific Coast Highway. This rock revetment is an integrated part of an 'unpermitted' revetment extending from the subject site downcoast to the east protecting three additional properties. The Coastal Act provides remedies to address unpermitted development and, although the revetment is not included as part of the proposed application, the revetment is subject to an ongoing investigation by Commission Enforcement staff and may be addressed through a separate enforcement action.

I. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by an affirmative vote of a majority of the Commissioners present.

MOTION: I move that the Commission approve Coastal Development Permit Number A-4-VNT-02-151 subject to the conditions below and that the Commission adopt the following resolution.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development will be in conformance with the provisions of the Ventura County certified Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with

the public access and recreation policies of the California Coastal Act of 1976, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

2. Conditions of Approval

A. 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. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **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.

5. **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.

B. Special Conditions

1. Revised Site and Foundation Plans

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, revised site plans and final detailed foundation plans. The revised site plans shall identify the location of the natural rock outcrop and delete the 'unpermitted' rock revetment on the plans. In addition, the final detailed foundation plans shall incorporate the design recommendations by the applicant's consulting engineer, David Weiss, Structural Engineer & Associates. The applicant has provided revised preliminary foundation plans (Exhibit 10) that are intended to illustrate the revised design that will become the final detailed foundation plans as required by this condition.

2. Plans Conforming to Engineers' Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the engineering consultants' review and approval of

all final design and construction plans. All recommendations contained in the following reports prepared by Villafana Engineering dated January 22, 2000, and by David Weiss Structural Engineers & Associates dated December 17, and October 4, 2002 shall be incorporated into all final design and construction for the residence including recommendations concerning grading, foundation design, retaining walls, site drainage, and perimeter slabs and must be reviewed and approved by the consulting engineers prior to commencement of development.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

3. Shoreline Protective Devices

A. The applicants hereby acknowledge that this permit does not authorize the existence and/or maintenance of the rock revetment present on the subject site that was constructed without a coastal development permit.

B. By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the residence, foundation, deck, and stairs for the residence at 6628 West Pacific Coast Highway, approved in Coastal Development Permit No. A-4-VNT-02-151, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 or the local coastal plan. However, the ability to seek a coastal development permit authorizing construction of return walls located along the side yards and connected, as far landward as feasible, to the proposed garage, if needed, on the subject property to protect West Pacific Coast Highway, the proposed driveway and septic system, and the legally authorized structures located on neighboring properties, is not waived.

C. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove that portion of the development authorized by this Permit, including the residence, garage, foundations, deck, stairs and septic system, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above and are not repaired and allowed to be occupied within one year of the order. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit or other authorization pursuant to the Coastal Act.

4. Assumption of Risk/Shoreline Protection

- A. By acceptance of this permit, the applicant acknowledges and agrees to the following:
1. The applicant acknowledges and agrees that the site may be subject to hazards from storm waves, surges, erosion, landslide, flooding, and wildfire.
 2. The applicant acknowledges and agrees to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.
 3. The applicant unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
 4. The applicant agrees 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.

5. Construction Responsibilities and Debris/Excavated Material Removal

The applicant shall, by accepting this permit, agree: a) that no stockpiling of dirt shall occur on the beach; b) that all grading shall be properly covered and sand bags and/or ditches shall be used to prevent runoff and siltation; and, c) that measures to control erosion must be implemented at the end of each day's work. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall remove from the beach and revetment area any and all debris that result from the construction period.

6. Landscape and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit a landscaping plan, prepared by a licensed landscape architect or a qualified resource specialist, and an erosion control plan prepared by a licensed engineer for review and approval by the Executive Director. The landscaping plan shall identify all necessary irrigation improvements. The plans shall identify the species, extent, and general location of all plant materials and shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants for coastal areas such as those listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native

species shall not be used. Vegetation on the seaward side of the residence shall be limited to native plants endemic to coastal bluffs of the local area. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils not covered with impervious surfaces;

- 2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 4) Permanent irrigation improvements shall be designed to minimize groundwater infiltration and shall be primarily limited to drip irrigation systems.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access route, staging areas and stockpile areas.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

7. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

8. Offer to Dedicate Lateral Public Access

In order to implement the applicant's 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 applicant agrees to irrevocably offer 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 ambulatory mean high tide line landward to the ambulatory intersection of the rocky beach and the seaward face of the bluff. On the western portion of the property where the rock outcrop is located and a small bluff is located seaward of the outcrop, the easement shall be located immediately landward of the base of the landward portion of the outcrop extending five feet landward across the top of the small bluff/rock area to the property located to the west as identified on Exhibit 14. In no case shall this easement be located closer than ten feet from the seaward edge of the proposed deck at the eastern portion of the property.

The offer to dedicate 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 applicant's entire parcel and the easement area. This agreement shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

9. Sign Restriction.

No signs shall be posted on the property subject to this permit unless they are authorized by a coastal development permit or an amendment to this coastal development permit.

10. GENERIC DEED RESTRICTION

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either

this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

3. Procedural History

On May 16, 2002, the Planning Director approved a coastal development permit (Planned Development Permit 1819) with conditions. The County's complete notice of final action was received in the Commission's South Central Coast office on June 3, 2002. See Exhibit 4 for County's findings and conditions on the project.

The Commission's ten-working day appeal period for this action began on June 4, 2002 and concluded at 5:00 pm on June 17, 2002. Appeals from California Coastal Commissioners Sara Wan and Pedro Nava were received during the appeal period and the appeal was filed on June 17, 2002 (Exhibit 5). These appeals contend that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to environmental review for pending development, beach erosion, structural integrity, marine resource protection, and public access.

The Commission scheduled a public hearing on July 11, 2002 that was continued to the August meeting at the request of the applicants. On August 6, 2002, the Commission found that a substantial issue existed in terms of the project's conformance with the certified Ventura County LCP and accepted jurisdiction over the coastal development permit for the project. At that time, the Commission continued the de novo hearing to a later date. Staff has worked with the applicants to address these coastal issues raised in the appeals. The applicant has revised the proposed project in response to these issues.

4. Findings and Declarations

The Commission finds and declares as follows:

A. Project Location

The project site is located on a beachfront lot on the seaward side of Pacific Coast Highway, in the community of Mussel Shoals, Ventura County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Ventura (adopted June 18, 1982) indicates that the subject site is within the appealable jurisdiction appeal as it is located both between the sea and the first public road, and within 300 feet of the inland extent of the adjacent beach (Exhibits 1-2). As such, the subject project site is located within the appeal jurisdiction of the Commission.

The subject site is a beachfront parcel located along West Pacific Coast Highway, a public road in the Mussel Shoals community of Ventura County (Exhibits 1-2). The site is an vacant 0.21 acre lot of trapezoidal shape that is approximately 100 feet wide on the seaward (south) side, 54 feet wide on the landward site with a maximum of 132 feet of length from the roadway to an existing natural rock outcrop (Exhibit 3). The property is planted with non-native ice plant and grasses. The subject site is an infill site within the

existing residential beach community, and is bordered by single-family residences located to the east and west. The nearest public access to the beach is located about 650 feet to the west of the subject site, on the west side of the Richfield/Bush oil pier; and about 450 feet to the east of the Cliffhouse Hotel and Restaurant.

There is an existing natural rock outcrop that parallels the shoreline in a west-east direction along the seaward side of the parcel, and provides some limited protection to the parcel from wave action for approximately 50' of the parcel's seaward frontage. This outcrop has been artificially extended with rock revetment and tied into the adjacent rock revetment located to the east of the site (Exhibits 3 and 6). According to the Commission's historic aerial photographs and a photograph submitted by the applicant dated 11-27-79 by Pacific Western Aerial Surveys, the construction of the rock revetment has occurred sometime after late 1979 and after the effective date of both the California Coastal Zone Conservation Act of 1972 and the Coastal Act in 1977; however, no record of a coastal development permit appears in Commission files. Commission staff, in previous correspondence with the County and the applicant's representatives (dated 4/3/00, and 2/20/02) informed the applicant the revetment was unpermitted and requires a coastal development permit from the Commission (Exhibits 12 and 13). In addition, Commission enforcement staff notified the applicant by letter dated 9/4/02 of the unpermitted status of the existing revetment and directed the applicant to submit a permit application for its removal. There is also no permit record for the revetment constructed across the three neighboring parcels to the east. This rock revetment is an integrated part of an 'unpermitted' revetment extending from the subject site downcoast to the east protecting three additional properties. The Coastal Act provides remedies to address unpermitted development and, although the revetment is not included as part of the proposed application, the revetment is subject to an ongoing investigation by Commission Enforcement staff and may be addressed through a separate enforcement action.

In addition, there is a septic tank and pump located on the subject property that serves the existing residence (Harmon Trust) located to the west. This tank is located at the southwest corner of the lot about 30 feet inland of the natural rock outcrop. Due to limited Commission records, it appears that this adjoining residence located at 6632 West Pacific Coast Highway was granted a coastal permit (No. 13-2, Harmon Lester) on July 12, 1973 by the South Central Coast Regional Commission. A review of the Commission's institutional knowledge indicates that sometime in the late 1970's or early 1980's the Regional Commission approved the replacement of individual sewage tanks and seepage or leach fields with the existing septic tanks (with a pump and grinder). No coastal permit records were found for this sewage tank and pipeline replacement at this time.

B. Ventura County Approved Project

The County staff report describes the proposed project as follows:

The Planned Development permit authorizes the construction of a new two story 3,638 S.F. single-family residence with an attached 857 S.F. garage and 1368 S.F. deck & stair area to be located on an .21-acre vacant parcel zoned "R-B"

(Residential Beach). The project height is 21' 2" from the street and about a maximum of 32' average finished grade on the ocean side.

See Exhibit 4 for the County approved plans.

C. Applicant's Revised Project

The applicants have recently revised the proposed project to meet the recommendations of the applicants' engineer increasing the height of the lower floor area to be above the maximum wave uprush height and revising the caisson design of the foundation. Exhibits 10 and 11 identifies the preliminary design now proposed for the foundation. The height of the revised project is about 32 feet above finished grade. The applicants continue to propose to construct a new, two-story, 21 feet high, 3,638 square foot single-family residence with attached 857 sq. ft. garage, 1,368 sq. ft. deck and stair area on a 0.21 acre, vacant, beachfront parcel located at 6628 West Pacific Coast Highway (see Exhibits 1, 2, 6 - 11). The applicants' project also includes a new septic tank, located adjacent to West Pacific Coast Highway to serve the proposed residence. Lastly, about 275 cubic yards of grading is proposed consisting of about 200 cubic yards of fill, (125 cubic yards of imported fill) and 75 cubic yards of cut. The applicants have also voluntarily offered an Offer to Dedicate Lateral Public Access in accordance with recommended Special Condition No. Eight, noted above.

D. Bluff Development and Hazards

The proposed development is located on a beach front lot in the Mussel Shoals area of Ventura County, an area considered to be subject to unusually high natural hazards such as from storm waves, erosion, flooding. In addition wildfires is an inherent treat to indigenous chaparral community of the Ventura County coastal mountains and terrace areas.

The Ventura County Local Coastal Plan, the Coastal Area Plan includes the following relevant policies from the California Coastal Act of 1976.

Section 30253 of the Coastal Act states in part that: **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 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.

The Ventura County Local Coastal Plan, the Coastal Area Plan also includes the following relevant hazard objectives and policies on pages 41-44:

Hazard Objective To protect public safety and property from naturally-occurring and human-induced hazards as provided by County ordinances.

Hazard Policy 1 New development shall be sited and designed to minimize risks to life and property in areas of high geology, flood, and fire hazards.

Hazard Policy 4 The County may require the preparation of a geology report at the applicant's expense. Such report shall include feasible mitigation measures which will be used in the proposed development.

Hazard Policy 6 New development shall be sited and designed so as not to cause or contribute to flood hazards, or lead to expenditure of public funds for flood control works.

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

Beach Erosion Policy 1 Proposed shoreline protective devices will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.

Beach Erosion Policy 2 All shoreline protective structures which alter natural shoreline processes will be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30253 of the Coastal Act and Ventura County LCP Hazard Policy 1 requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard and assure stability, structural integrity or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. In addition, Section 30235 of the Coastal Act and Ventura County LCP Beach Erosion Policy 1 also requires that revetments, seawalls and cliff retaining walls shall be permitted when required to protect existing structures in danger from erosion when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Coastal bluffs are unique

geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow runoff from the top of the bluff and from wave action at the base of the bluff. The Commission has typically required new development to minimize risks to life and property in areas of high geologic, flood and fire hazard, assure stability while not requiring shoreline protective devices that substantially alter natural landform along bluffs. The Commission has also required that new development be set back from the edge of coastal bluffs and be constructed in a manner that will not require the construction of a shoreline protective device during the economic lifetime of the new development. The Commission does allow shoreline protective devices when required to protect existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

The subject site is located entirely on a moderately sloping bluff property that extends from Pacific Coast Highway to the beach ranging in height from three feet to 24-feet above mean sea level. The site includes non-native vegetation, a septic tank serving the adjoining property to the west, and an 'unpermitted' rock revetment on the southeast portion of the property.

The applicant submitted an Updated Geotechnical Report dated by Villafana Engineering dated January 22, 2000 which included recommendations for the design of the foundation and the preparation of the site. At the request of Commission staff, the applicant submitted a Coastal Engineering Letter Report by Charles Rauw dated January 15, 2002 to investigate the wave runup on the subject property and develop recommendations for measures to reduce the risk of damage during a design storm event. This report identified a substantial natural rock outcrop ranging in elevation from +15 to +19 feet Mean Low Low Water.

This Coastal Engineering Report by Mr. Rauw concluded that:

In our opinion, the proposed single-family residence can be developed in a manner that will minimize extreme storm wave damage if certain measures are taken to reduce the risks of damage associated with wave runup and overtopping. It is concluded that it would not be economically justified or aesthetically appealing to design a single-family residence that would be risk-free from wave runup and overtopping damage during an extreme storm event. Although enhancing the existing rock riprap revetment and protecting the concave seaward face of the natural rock outcrop as described herein would reduce extreme storm wave damage to the property and proposed structure, we understand that these shoreline protection options are not presently allowed by regulatory agencies. The existing rock riprap revetment and rock outcrop in their present configuration and condition provide significant shoreline protection against extreme storm wave attack. Maintenance of these manmade and natural protective structures in their present configuration and condition is required to provide the level of shoreline protection analyzed herein.

The proposed property should be designed to resist damage from extreme storm wave runup forces and allow overtopping waters to quickly drain from the property.

Minimum setback distances as herein recommended should be incorporated into the design of the residence. Erosion resistant materials should be placed directly behind the top of the existing rock riprap revetment and rock outcrop to resist erosion by overtopping waves.

This Coastal Engineering Report by Mr. Rauw concludes that the proposed project should be designed to resist damage from extreme storm wave runup forces with recommended 15 foot minimum setback distances from the landward edge of the revetment to the residential structure and that additional erosion resistant materials should be placed directly behind the top of the existing rock riprap revetment and rock outcrop to resist erosion by overtopping waves. This report also recognizes that the regulatory agencies may not allow such a reinforced revetment to protect a new residential development. Further review of this Report identifies an approximate location of the mean high tide line located just seaward of the rock outcrop and along the approximate center of the existing 'unpermitted' rock riprap (Exhibit 14). The report also recommends that the project design incorporate wave uprush forces on the vertical sides of the residence facing the ocean ranging from 150 pounds per square foot at elevation +21.7 National Geodetic Vertical Data (NGVD is approximately the mean high tide line) to 350 pounds per square foot at elevation +18.7 NGVD.

This report did not provide any surveyed plans with cross sections prepared by a registered engineer for the proposed 'unpermitted' rock revetment, nor the Rauw recommended reinforced revetment proposal.

Staff reviewed this report and requested in a letter dated February 20, 2002 to the applicant's agent that if the applicant was proposing to retain this rock revetment that an application for a coastal permit be submitted to the Coastal Commission with the appropriate attachments including a stringline plan (Exhibit 13).

The applicant revised the application pending before the County on February 19, 2002 to comply with the Commission Staff's stringline request locating the residence and deck along the stringline of the decks and structures of the adjoining two properties to the west and one property to the east. The County of Ventura approved the project as revised but without the existing 'unpermitted' rock revetment. The applicant did not submit an application to the Coastal Commission for the existing 'unpermitted' rock revetment. Since then the County's approval has been appealed to the Commission which is the subject of this report.

After the Commission found Substantial Issue with regards to the County of Ventura's action on August 6, 2002, Staff met with the applicant and agents to discuss this application now pending before the Commission. Staff requested a new or revised Coastal Engineering Report addressing the issues raised in the February 20, 2002 letter with alternatives to the 'unpermitted' rock riprap and a design for the new residence that would not require a shoreline protective device and would include the removal of the rock revetment. The applicant submitted a report titled "Opinion Report Regarding Existing Rock Revetment" by David Weiss, Structural Engineer & Associates dated October 4, 2002. This Report concluded that the new residence could be re-designed to withstand the

effects of ocean wave scour and uprush forces but that the rock revetment was necessary to protect an existing sewage holding tank on the site and the adjacent structures to the east and west of the subject site (Exhibits 17 and 18).

This report titled, "Opinion Report Regarding Existing Rock Revetment" by Mr. Weiss concludes that:

Based on the results of the above calculations and my site visits, it is my professional opinion that the site must be protected from ocean wave scour. The proposed house can be and will be designed to withstand the effects of ocean scour and the uprush forces. The problem is the danger to the existing sewage holding tank on this site and the structures on the adjacent properties directly to the east and west. The portion of the existing rock revetment on the subject property is an integral part of that rock revetment protecting all adjacent structures including homes and visitor serving facilities.

As can be seen from the plot of uprush lines on the Site Plan (Exhibit 15), the two buildings on the adjacent lots could be undermined. As important, the existing sewage holding tank for the house to the west, this is located in the southwesterly quadrant of the subject site, could be destroyed. The potential liability to Dr. Longwill if he were to remove the existing rock revetment and not replace it with a new equal or better protective device would be staggering.

This report titled "Opinion Report Regarding Existing Rock Revetment" reviews two alternatives to the existing rock revetment. The first alternative is to construct two return walls only without a cross wall parallel to the beach between the return walls. The purpose of this alternative is to protect the sewage holding tank and the residences on the west and east by preventing wave uprush from flanking those developments should the revetment be removed. Mr. Weiss concludes that this alternative is impractical as a total of about 155 feet of returns wall would be necessary. The second alternative considered involves two shorter return walls and one short cross wall constructed in the gap left by removing a portion of the revetment. This second alternative is conceptually drawn on the site plan (Exhibit 15). This report concludes that the retention of the existing rock revetment is the preferred solution for this property.

The Commission Staff's coastal engineer reviewed the report titled "Opinion Report Regarding Existing Rock Revetment" and other application material in a memo dated December 4, 2002. Lesley Ewing, Coastal Engineer, concludes that:

... it seems very clear that the proposed new residence can be sited and designed so that it will not require the existing revetment to assure structural stability. Some key siting and design options are to site the new septic tank close to the road, construct the residence on caissons, and keep the development landward and above of the wave uprush zone.

Regarding the existing septic system on the subject property serving the residence located to the west, Ms. Ewing states:

... Regardless of the development by the Longwill's, the adjacent residence will need some approved method for wastewater disposal. A letter from Mr. Ken Rock, Ventura Regional Sanitation District (attached to Perlman Letter Report 10/15/02) notes that the "most appropriate and economical solution is to locate another tank dedicated for the new house near the street access for the new house." In discussions with you considered the possibility that the existing home could move its septic tank at the time the new house is constructed and eliminate the need for a septic tank adjacent to the ocean. Unfortunately, the neighboring residence is very low and it supposedly has some drains or plumbing in the basement. Any gravity feed system for the existing house would need to be at about the elevation of the current septic tank. ...

Options to existing septic tank: As long as the residence has a drain or plumbing in the lowest levels of the residence, the residence will require either a grinder pump or tank at about +6 MSL. The existing tank could be replaced with a more landward tank or pump that would be placed approximately 20 feet below ground. Ken Rock voiced concern about worker safety in needing to service such a tank, and also noted that since the excavation would be in sand, it would disrupt a large area to excavate 20 feet (assuming the side walls were 2:1, a 20' deep excavation would be 80' x 80' plus the dimensions of the tank or pump).

Its important to note that the alternative to relocate this tank landward at a 20 foot depth requires an excavation greater than the width of the 55 foot lot along the street. Ms. Ewing's memo concludes that the longer term option to this existing septic tank is to relocate it when the adjoining residence is renovated or redesigned.

Regarding the location of the new residence relative to inundation from wave runup, Ms. Ewing states:

The site for the new residence is subject to flooding and inundation from wave run-up. The applicant has proposed to site the residence with a +19 NGVD floor elevation. To elevate the fixed development above the flood level it would be reasonable that the home itself be at or above 20.3' NGVD to be above the anticipated flood elevation. Nevertheless, the site itself will still be subject to flooding. The preliminary foundation plans show a solid stud and plywood shear wall under the house, about 58' from the road. This wall should be redesigned to allow some pass-through of water. ... The proposed house is well seaward of the wave uprush zone, but likely to be safe from flooding due to the elevation of the home. The proposed development, while not in harms way, will be immediately over it.

Staff met with the applicant and agents on December 6, 2002 to discuss the proposed project and Mr. Weiss' recommendations regarding the proposed foundation design. Staff suggested that the foundation be partially redesigned to address the issues identified in Mr. Weiss' report titled "Opinion Report Regarding Existing Rock Revetment". In response, the applicant submitted revised foundations plans on December 13, 2002 and a letter report titled "Revised Preliminary Foundation Plan" by David Weiss on December 17, 2002. A

review of these revised preliminary foundation plans indicates that the foundation design was modified but that the finished floor level of the lower floor level had not been increased in height as suggested by staff above the design wave uprush height of +20' 3" NGVD. The letter report titled "Revised Preliminary Foundation Plan" by David Weiss describes the reasons for this revised foundation design:

The following is a brief description of the differences between the preliminary foundation plans of References Numbered One and Two above for the subject project. The main difference is that we have eliminated the block walls that were supporting the house on lines 7, 8, & 9 and the wood stud wall on the line between lines 3 and 4. On the latest plan and section, we have re-supported the house from lines 3 through 9 on a series of raised concrete grade beams on concrete piles. This was done at the suggestion of Mrs. Leslie Ewing, the Coastal Commission's Coastal Engineer to allow uprush water to flow back down the slope. We have also eliminated the concrete block wall that supported the curved deck at the southwest (lower left corner of the plan) corner of the project and replaced it with a series of concrete piles and a raised grade beam.

During our meeting of December 6, 2002, it was suggested that the ocean side deck and lower floor of the house might have to be raised because the wave uprush (on a slope of 1:5) was to an elevation of +20.3' and the elevation of the deck and lower floor are at +17.84 and +20.0' respectively. There is no need to change the deck or floor elevations because, as shown on the section on sheet PS2, the locus of points of the top of the wave uprush is, with the exception of the wine cellar, always below the floor platforms. The elevation of the wave uprush is shown for both waves calculated in my report by the dashed line (for the uprush on a 1:10 slope) and a dashed line with xs (for the uprush on a 1:5 slope). If you will remember, I stated during our meeting that I used the 1:5 uprush slope because I had to use something for an upper limit and picked the 1:5 because it was rather conservative. The wine cellar is totally self-contained with block walls on four sides and a structural slab floor; the water will never get into the cellar.

As a result of the applicant's engineering review and the suggestions of the Staff Coastal Engineer, Special Condition No. One requires that the applicant submit revised detailed foundation plans incorporating the recommendations of the applicant's consulting engineer. Exhibits 10 and 11 illustrate the preliminary design subject to minor revisions in the final revised plans as required by Special Condition No. One. In addition, to ensure the recommendations of the civil engineer consultant have been incorporated into all proposed development, Special Condition No. Two requires the applicants to submit project plans certified by the consulting engineering consultants as conforming to all recommendations to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission, except as noted in Special Condition No. One. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

Regarding the existing rock revetment, Ms. Ewing states:

The existing revetment is needed to protect the existing septic tank, until such time as this tank is removed. There is a 40' revetment and this structure is longer than necessary to protect just the tank. However, the tank will require some protection, and there would need to be some termination (end walls, etc.) for the revetment to the south. Again, the permits for these structures should indicate what can and cannot be done in the way of maintenance. It would seem to be the responsibility of the southern property owner to develop an end structure for their wall at such time that it would be needed. If the applicant wants to donate their property for this effort, they could do so, but it does not seem appropriate for them to construct an end wall now on their property.

As a result of the above, the Commission acknowledges that the existing 'unpermitted' rock revetment may be needed at this time, on a temporary basis, to protect the existing septic tank on the subject site and the adjoining property down coast to the east. The applicant is not proposing to retain the 'unpermitted' revetment through this coastal development permit. Therefore, the disposition of this revetment may be addressed through a separate enforcement action by the Commission's Enforcement Unit. **Special Condition No. Three** requires the applicants to acknowledge that this permit does not authorize the existence or maintenance of the rock revetment on the site and requires them to waive the right to build a shoreline protective device to protect the new development authorized in this permit, except for return walls located along the side yards and connected, as far landward as feasible, to the proposed garage, if needed on the subject property to protect West Pacific Coast Highway, the proposed driveway and septic system, and the legally authorized structures located on neighboring properties. The Condition also requires the landowner to remove the development if a government agency orders that the portions or all of the structures may not be occupied due to hazards identified in this report and that are not repaired and allowed to be occupied within one year of the order.

The Commission notes that the Ventura County coast has historically been subject to substantial damage as the result of storm and flood occurrences. The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges, and high tides. The Commission notes that the applicant's engineering consultant has concluded that it is not economically justified to design a residence risk free from wave runup and overtopping damage during an extreme storm event. The Commission notes that the "Coastal Engineering Letter Report," prepared by Charles Rauw, dated January 15, 2002, states:

In our opinion, the proposed single-family residence can be developed in a manner that will minimize extreme storm wave damage if certain measures are taken to reduce the risks of damage associated with wave runup and overtopping. It is concluded that it would not be economically justified or aesthetically appealing to design a single-family residence that would be risk-free from wave runup and overtopping damage during an extreme storm event.

Thus, as stated above by the applicant's engineering consultant, the proposed development is located on a beachfront lot in the City of Malibu and will be subject to some inherent potential hazards.

Past storm occurrences have caused property damage resulting in public costs through emergency responses and damage to private properties. As an example, the El Nino storms recorded between 1982 and 1983 caused high tides of over seven feet, which combined with storm waves of up to 15 feet causing substantial damage to residences and other property. The severity of the 1982 to 1983 El Nino storm events are often used to illustrate the extreme storm event potential of the California and Ventura coast, in particular. The severe El Nino winter storms in 1998 also resulted in damage to residences and public facilities along the Ventura Coast.

Thus, ample evidence exists that all beachfront development in the Ventura area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The proposed development will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Ventura LCP and the Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting coastal engineers, may still involve the taking of some 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 the subject property. The subject property is also subject to damage and destruction by wildfires due to the location of nearby chaparral plant communities on the terrace and hillsides in this area.

The Ventura County LCP includes a survey of Ventura County Beaches in 1977 by the California Department of Navigation and Ocean Development (Appendix 5) that indicates that indicates the shoreline condition of this section of beach to include a "rocky point and offshore rock reef with cobble and sand beach". This survey also notes that: "Erosion endangering houses and motel."

The Commission finds that due to the possibility of storm waves, surges, erosion, flooding, and wildfire, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant 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 applicant's assumption of risk, as required by **Special Condition No. Four**, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

The Commission notes that construction activity on a bluff or near a beach, such as the proposed project, will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately or unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to

offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Further, any excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional proposed fill material may result on erosion or sedimentation into the ocean or on the beach if not properly compacted on site.

To ensure that the potential for construction activities and landform alteration to adversely effect the marine environment are minimized, **Special Condition Five** requires the applicant to ensure that stockpiling of dirt or materials shall not occur on the beach area, that no machinery will be allowed in the intertidal zone at any time, all debris resulting from the construction period is promptly removed from the beach area, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation from the property.

The Commission finds that the minimizing site erosion will add to the stability of the site and minimize offsite sedimentation, particularly to the ocean. Erosion can best be minimized by requiring the applicants to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding beach environment. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical engineering safety of the site, **Special Condition No. Six** requires that all proposed disturbed and graded areas on subject site are stabilized primarily with native vegetation. However, the Commission also notes that landscaping improvements which require intensive watering requirements, such as many lawn and turf species, will result in potential adverse effects to the stability of the bluff slope due to increased groundwater infiltration on the subject site. Therefore, in order to ensure stability of the bluff slope, **Special Condition No. Six** also requires that permanent irrigation improvements, included as part of the landscaping plan for the subject site, shall be designed to minimize groundwater infiltration and shall be primarily limited to drip irrigation systems.

As a result of the revised foundation design and clarification of the height of the maximum wave uprush design calculation, the applicant's engineer has shown that proposed residence will not require a shoreline protection device either now or in the future, except for return walls connecting to the residence as noted in Special Condition No. Three. Further, the proposed residence, as conditioned, will minimize risks to life and property in this area of high geologic, flood and fire hazard, and will 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 the Mussel Shoals bluff.

Therefore, the Commission finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Ventura County LCP including Sections 30235 and 30253 of the Coastal Act.

F. Public Access

The proposed development is located on a beachfront lot in the Mussel Shoals area of Ventura County, an area where the public has a right to access the public tidelands and beach immediately seaward of the subject site as provided by the California Constitution and the California Coastal Act. The Mussel Shoals area is a popular surfing recreational area. The Ventura County Local Coastal Plan, the Coastal Area Plan includes the following relevant access and recreation policies from the California Coastal Act of 1976.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212(a) of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212(c) of the Coastal Act states:

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30220 of the Coastal Act states:

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

The Ventura County LUP states under the Recreation and Access section for North Coast the following:

Recreation and Access Objective To maximize public access to the North Coast sub-area consistent with private property rights, natural resources and processes, and the Coastal Act. Also to maintain and improve existing access, as funds become available.

Policy Vertical 1. For all new development between the first public road and the ocean, granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:

- a. Adequate public access is already available within a reasonable distance of the site measures along the shoreline, or ...

Policy Lateral 2 For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory unless subsection (a) below is found. In coastal areas, where the bluffs exceed five feet in height all beach seaward of the base of the bluff shall be dedicated. In coastal areas where bluffs are less than five feet, the area to be dedicated shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespass signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

- a. Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected.

Mussel Shoals

Policy 7. As new funds are available for continuing maintenance, the County will assume responsibility for lateral accessway dedication attached to existing Coastal Development Permits issued by the Coastal Commission in Mussel Shoals.

General

Policy 9 In accordance with Sec. 30214(a), the time, place, and manner of access will depend on individual facts and circumstances; including topographic and site characteristics, the capacity of the site to sustain use at the intensity proposed, the

proximity to adjacent residential uses, the privacy of adjacent owners, and the feasibility to provide for litter collection.

Policy 10 In accordance with Sec. 30214(b), the requirement of access shall be reasonable and equitable, balancing the rights of the individual property owner and the public.

Sections 30210 and 30211 of the Coastal Act 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 and along the sea be provided with certain exceptions including areas with where fragile coastal resources need protection.

In addition, all projects approved by a local government with 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 through offers to dedicate in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline.

The major access issue in this permit application is the effects the proposed residential structure will have on public access in contradiction of the policies set forth under Sections 30211 and 30221 of the Coastal Act. The proposed project site is located between two vertical public accessways, one located about 650 feet to the west on the west side of the Richfield/Bush oil pier, the other located about 450 feet to the east on the east side of the Cliffhouse Hotel and Restaurant. The beach fronting the subject site is accessible from these public access locations beaches at times of mean to lower tides. As noted previously, there is an existing 'unpermitted' rock revetment located on the rocky beach approximately above and below the mean high tide which is approximately at +4.5 Mean Sea Level, which is not part of this project description.

The State of California owns tidelands, which are those lands located seaward 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 the use 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 relative 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 where the 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 moving line that goes 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.

The Commission must consider a project's direct and indirect effect 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. In the case of the proposed project, the California State Lands Commission has not commented on the proposed new residence, although the applicants' agent has contacted them in May 2001 regarding a possible application for a coastal permit for the 'unpermitted' rock revetment on the applicants' property. The applicant has not submitted an application for this 'unpermitted' revetment to the Coastal Commission to date. A copy of the letter from the staff of the California State Lands Commission, dated May 15, 2001 is attached as Exhibit 16.

California's beaches are subject to slow erosion over time due to wave forces and sea level rise. Sea level has been rising slightly for many years. For example in the Santa Monica Bay area located about 75 miles to the south, the historic rate of sea level rise has been 1.8 mm/yr. or about 7 inches per century¹. Sea level rise is expected to increase by 8 to 12 inches in the 21st century.² There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion.

On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. On a relatively flat beach, with a slope of 40:1, every inch of sea level rise will result in a 40-inch landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as bulkheads, revetments, seawalls, single family residences, pilings, an increase in sea level will increase the extent and

¹ Hicks, Steacy D. and Leonard E. Hickman, Jr. (1988) United States Sea Level Variations Through 1986. Shore and Beach, Vol. 56, no. 3, 3 - 7.

² Field et. al., Union of Concerned Scientists and the Ecological Society of America (November 1999) Confronting Climate Change in California, www.ucsusa.org.

frequency of wave action and future inundation of the structure. More of the structure will be inundated or underwater than are inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage.³ So, combined with a physical increase in water elevation, a small rise in sea level can expose areas that are already exposed to wave attack to more frequent wave attack with higher wave forces.

Therefore, if new development along the shoreline is to be found consistent with the Coastal Act, the most landward location must be explored to minimize wave attack with higher wave forces as the level of the sea rises over time. Residential structures including supporting caissons must also be located as far landward as feasible to protect public access along the beach as discussed further below.

The Commission notes that interference by the structure of the proposed residence, the caissons supporting the decks and residence and the proposed stairway from the deck to the ground level will interfere with sea level rise, the seaward erosion of the shoreline, the landward movement of the mean high tide and the public's right to laterally access this coastal area.

The Commission acknowledges that the existing 'unpermitted' rock revetment may be needed at this time, on a temporary basis, to protect the existing septic tank on the subject site and the adjoining property down coast to the east. The applicant is not proposing to retain the 'unpermitted' revetment through this coastal development permit. Therefore, the disposition of this revetment may be addressed through a separate enforcement action by the Commission's Enforcement Unit. **Special Condition No. Three** requires the applicants to acknowledge that this permit does not authorize the existence or maintenance of the rock revetment on the site and requires them to waive the right to build a shoreline protective device to protect the new development authorized in this permit, except for return walls located along the side yards and connected, as far landward as feasible, to the proposed garage, if needed on the subject property to protect West Pacific Coast Highway, the proposed driveway and septic system, and the legally authorized structures located on neighboring properties. The Condition also requires the landowner to remove the development if a government agency orders that the portions or all of the structures may not be occupied due to hazards identified in this report and that are not repaired and allowed to be occupied within one year of the order.

Furthermore, 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 new development's effects on tidelands and on public rights which are protected by the common law public trust doctrine, the Commission must consider whether

³ Dean, Robert G. and Robert Dalrymple (1984) Water Wave Mechanics for Engineers and Scientists, Prentice-Hall, Inc. New Jersey.

the project will affect a public right to use beachfront property, independent of the ownership underlying the land on which the public use takes place. Generally, there are three additional types of public uses, which are 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 when the public walk on 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 and cobble on the beach is an integral part of this process, which is why the effects of structures constructed on the beach are of particular concern.

The beaches of Ventura County are 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 in the future. The public has a right to use the shoreline under the public trust doctrine, the California Constitution, and State 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 past permit actions, the Commission has required that the construction of new residences on a beachfront lot provide for lateral public access along the beach below the bluff and above the mean high tide line. The Commission approving the proposed new residence, the applicants, family and guests once the residence is constructed will acquire the right to access the public tidelands and ocean as private individuals occupying the residence. A dedication of a lateral public access easement located between the base of the bluff and the mean high tide and immediately landward of the rock outcrop, once the responsibilities for maintenance and liability are accepted by a public agency or private association will allow the public to access laterally along the applicant's beach area, which is private property. The Commission finds that the applicants' right to use and enjoy the proposed residence together with their use and access of the public's tidelands and ocean waters is in rough proportionality with the public use of the applicants' beach area for lateral access and recreational purposes once the applicants' offer to dedicate lateral public access is completed and then accepted by a public agency or private association to be opened for public use.

In this case the applicant is proposing to dedicate a lateral public access easement which would provide for public access along the entire width of the beach above the ambulatory mean high tide line and below the bluff ranging from approximately nine to eleven feet above sea level (NGVD) and in immediately landward of the rock outcrop as identified in the photos in Exhibits 17 and 18. The Commission notes that the lateral public access easement which the applicant has offered to dedicate as part of this project will be consistent with other lateral public access easements which have been recorded on properties in the Mussel Shoals, Ventura County area.

In order to conclude with absolute certainty what adverse effects would result from the proposed project in relation to shoreline processes and the adequacy of the lateral public access, a historical shoreline analysis based on site-specific studies would be necessary. Although this level of analysis has not been submitted by the applicant, the Commission notes that because the applicant has proposed as part of the project an offer to dedicate a lateral public access easement seaward of the bluff it has not been necessary for Commission staff to engage in an extensive analysis as to the adequacy of the original easement or whether the imposition of an offer to dedicate would be required here absent the applicant's proposal. As such, **Special Condition Nos. Eight and Ten** have been required in order to ensure that the applicant's offer to dedicate a lateral public access easement is completed prior to the issuance of the coastal development permit.

In addition, the Commission notes that unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties in the Ventura County area. These signs have an adverse effect on the ability of the public to access public trust lands. The Commission has determined, therefore, that to ensure that the applicants clearly understand that such postings are not permitted without a separate coastal development permit, it is necessary to impose **Special Condition Nine** to ensure that similar signs are not posted on or near the proposed project site. The Commission finds that if implemented, **Special Condition Nine** will protect the public's right of access to the sandy beach below the mean high tide line.

For all of these reasons, therefore, the Commission finds that as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, and 30220 of the Coastal Act and the Ventura County LCP.

F. Coastal Water Quality and Environmentally Sensitive Habitat Area

The proposed development is located on a beach front lot in the Mussel Shoals area of Ventura County which drains directly into the ocean, an observed tide pool area, and downcoast to a Ventura County LCP designated environmentally sensitive habitat area where other tide pools are located. The Ventura County Local Coastal Plan, the Coastal Area Plan includes the following relevant coastal water quality and ESHA policies from the California Coastal Act of 1976.

The Ventura County LCP states:

Sections of the Coastal Act, as amended from time to time by the State, immediately relevant to each of the issues are provided in the following pages. For purposes of this land use Plan, the definitions found in the Coastal Act will be utilized.

Section 30230 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained

and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Ventura County LCP addresses ESHA as tidepools and beaches in the Mussel Shoals area as follows:

A. Tidepools and Beaches

Tidepools occur at Faria, Mussel Shoals, Seacliff and Emma Wood State Beach (Figure 1). Subtle rock outcrops provide anchorage for kelp, which in turn provides habitat for a multitude of organisms. Intertidal and subtidal diversity creates feeding habitat for a variety of water birds. The sandy beach adjacent to the rocky areas serves as resting habitat for shorebirds, and is important for shellfish and as grunion spawning grounds.

Environmentally Sensitive Habitat Objective: The protection of tidepools.

The Ventura County LCP includes the following ESHA policies addressing tidepools and beaches in the North Coast.

Policy 3 Shoreline protective structures, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal-dependent land uses, and public beaches. Any structures built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore habitat losses and impacts on local shoreline and sand supply.

Policy 5 An applicant for any coastal project, including shoreline protective devices, will show that their proposal will not cause long-term adverse impacts on beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater or oil, and runoff from streets and parking areas. Findings to be made will include, but not be limited to, proper wastewater disposal.

Policy 7 The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.

The Commission recognizes that new development in Ventura County coastal areas have the potential to adversely impact coastal water quality, beaches and tidepools through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. The Ventura County LCP uses the "State Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitats" to define ESHA as open coastal waters and coastal waters, and addresses standards for siting development adjacent to ESHA and buffer areas.

The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" establish criteria for reviewing development adjacent to ESHA.

As with development located in environmentally sensitive habitat areas, the key standard for evaluating development adjacent to such areas is the extent to which the proposed development maintains the functional capacity of such areas (the standards to evaluate whether the functional capacity is being maintained are located on page 17). A development which does not significantly degrade an environmentally sensitive habitat area will maintain the functional capacity of that area. The type of proposed development, the particulars of its design, location in relation to the habitat area, and other relevant factors all affect the determination of functional capacity.

Accordingly, the Commission may set limits and conditions to development adjacent to environmentally sensitive habitat areas based upon any or all of

the following sections of the Coastal Act: 30230; 30231; 30233; 30236; and 30240. The Commission has required the following types of mitigation measures: setbacks; buffer strips; noise barriers; landscape plans; pervious surfacing with drainage control measures to direct storm run-off away from environmentally sensitive habitat areas; buffer areas in permanent open space; land dedication for erosion; and wetland restoration, including off-site drainage improvements.

As described in detail above, the proposed project includes the construction of new, two-story, 21 feet high, 3,638 square foot single-family residence with attached 857 sq. ft. garage, 1,368 sq. ft. deck and stair area on a 0.21 acre, vacant, beachfront parcel located at 6628 West Pacific Coast Highway. The applicants' project also includes a new septic tank, located adjacent to West Pacific Coast Highway to serve the proposed residence, while retaining on-site a septic tank serving the residence on the adjoining property to the west. Lastly, about 275 cubic yards of grading is proposed consisting of 200 cubic yards of fill, (125 cubic yards of imported fill) and 75 cubic yards of cut.

The Ventura County LCP includes a map of environmentally sensitive habitat on the north coast. This map identifies rocky tidepools as close as about 400 feet of the project site. These tidepools, coastal waters and the beach are required to be protected from any adverse impacts from new development, the primary potential impact is from non-point source pollution in stormwater and any water drainage off the subject site.

The proposed project will result in an increase of impervious surfaces on the site to about 5,400 sq. ft. The site is considered a sloping beach front development, as it involves gentle to moderate sloping terrain with soils that are susceptible to erosion. An increase in the amount of impervious surfaces remain which increase the volume and velocity of runoff. The runoff from these impervious surfaces can include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and their functional capacity of coastal resources including the beach and tidepools and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and

pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. 7**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. 6** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site septic tank system that pumps effluent into a sewer line along West Pacific Coast Highway to a sewage treatment facility in the City of Ventura. The septic tank system is proposed to be located on the landward side of the residence and will serve the proposed development on the site. The County of Ventura Environmental Health Department has approved in-concept the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Finally, **Special Condition No. Ten** requires the applicant to record a generic deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, landscape and erosion control plan, is consistent with Sections 30230, 30231 and 30240 of the Coastal Act and the Ventura County LCP.

G. Violation

Development has occurred on site without the benefit of a coastal development permit including the construction of a rock revetment. The proposed project does not include the existing 'unpermitted' rock revetment at the south east portion of the property partially located on the subject property and apparently partially located on State Tidelands according to a site plan submitted by the applicants identifying the approximate mean high tide line (Exhibits 14 and 18). Commission enforcement staff notified the applicant by letter dated 9/4/02 of the unpermitted status of the existing revetment and directed the applicant to submit a permit application for its removal. The applicant has not submitted an application to remove the unpermitted revetment. The unpermitted revetment may be addressed by Commission Enforcement staff through follow-up enforcement action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

H. California Environmental Quality Act (CEQA)

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

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

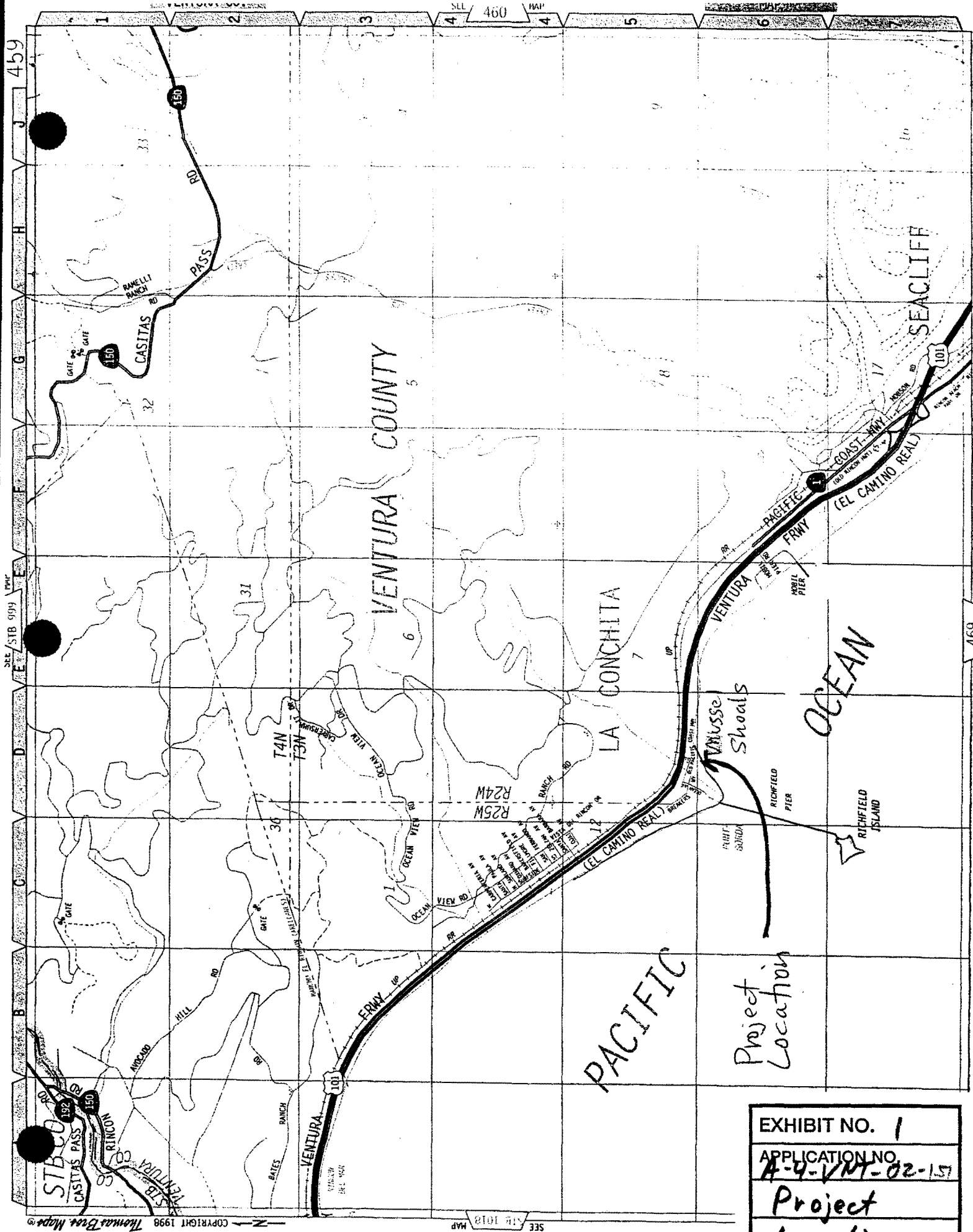


EXHIBIT NO. 1
APPLICATION NO. A-4-VNT-02-151
Project Location

MAP

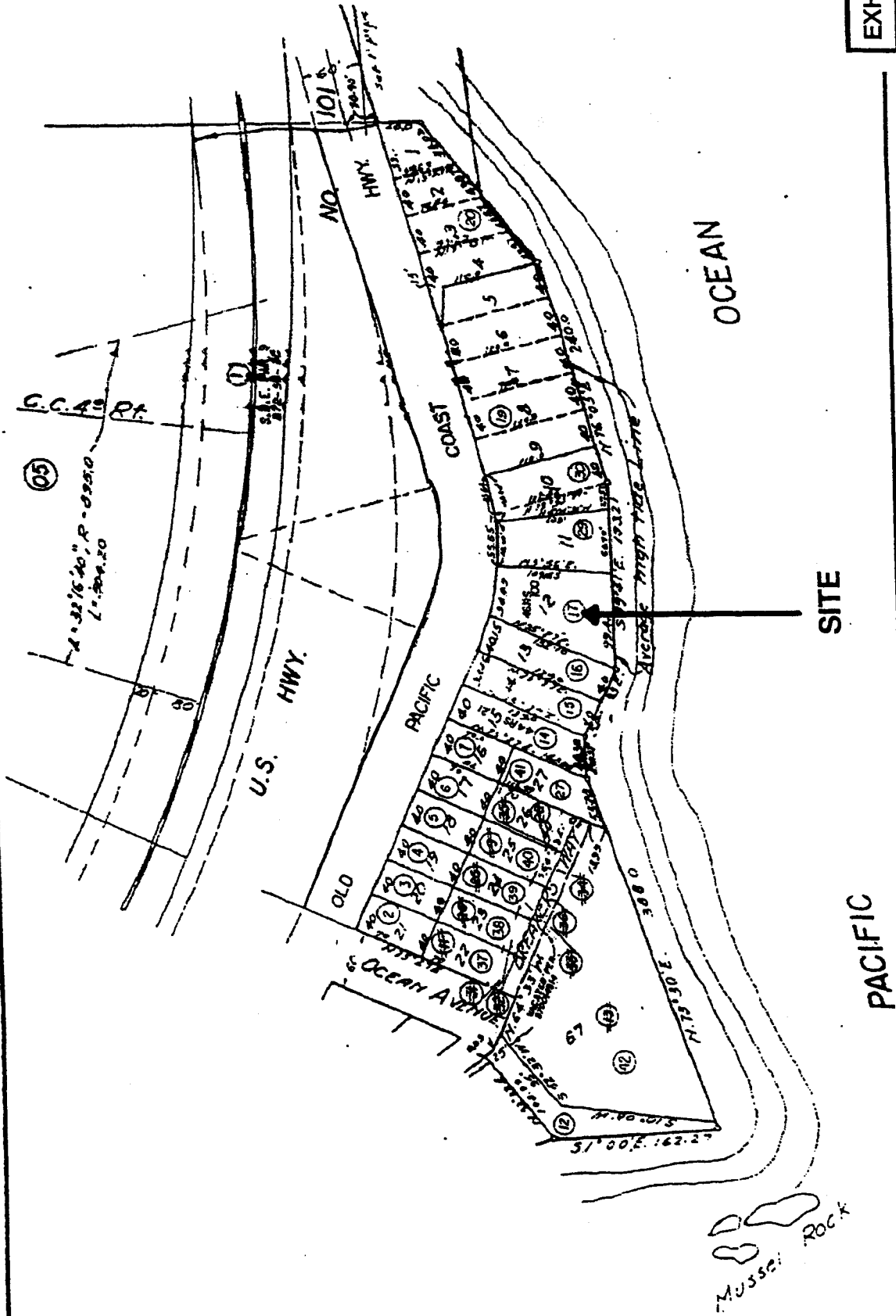


EXHIBIT NO. 2

APPLICATION NO.

A-4-VNT-02-151

PARCE MAP

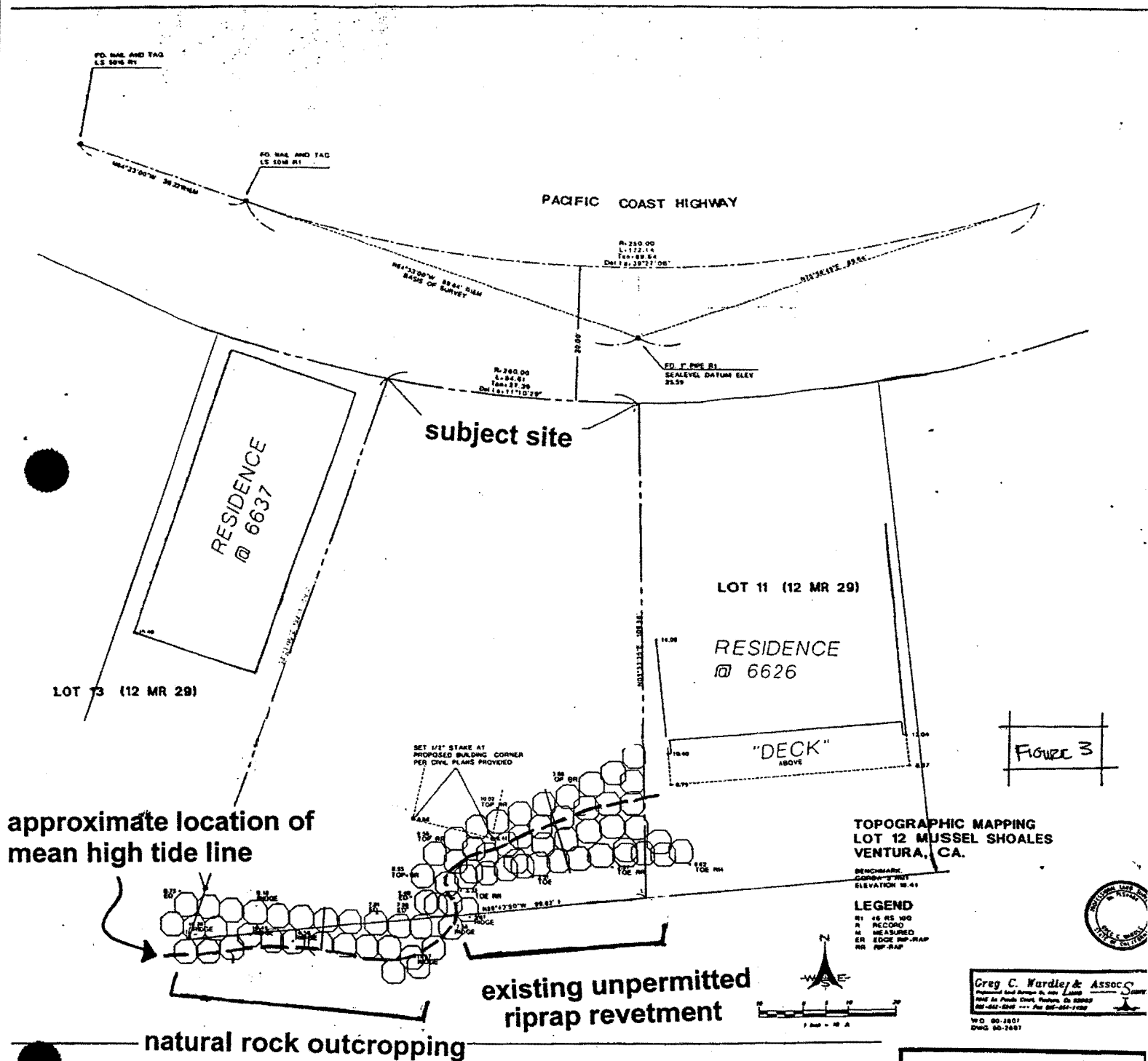


EXHIBIT NO. 3

APPLICATION NO.

A-4-VNT-02-151

REVETMENT

BU

Planning Division

Christopher Stephens
Director

NOTICE OF FINAL DECISION

RECEIVED

JUN 3 2002

May 28, 2002

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

On May 16, 2002, the Planning Director approved Planned Development Permit 1819 (PD-1819). No Appeals were filed with the County, so that decision is now final and effective at the end of the Coastal Commission Appeal period if no Appeals are filed. The permit is described as follows:

Applicant Name and Address: Mr. & Mrs. Dennis Longwill

Project Location: The project site is located at 6628 Pacific Coast Highway in the Community of Mussel Shoals, in the north coast area of Ventura County.

Assessor Parcel No.: 060-0-090-17

Description of Request: The Planned Development permit authorizes the construction of a new two story 3,638 S.F. single-family residence with an attached 857 S.F. garage and 1368 S.F. deck & stair area to be located on an .21-acre vacant parcel zoned "R-B" (Residential Beach).

Date Filed: March 19, 2000 (as revised February 19, 2002)

Approval Date: May 16, 2002

End of County Appeal Period: May 26, 2002

Findings and Conditions: See attached staff report for the findings and conditions that apply to the proposed project.

Appeals: After receipt of this Notice, the Coastal Commission will establish its Appeal period. At the conclusion of that Appeal period, if no Appeals are filed, this decision will be final.

Any inquiries regarding this Notice of Final Decision should be directed to Kim Rodriguez, Senior Planner, at (805) 662-6521.

NB Francis
NANCY BUTLER FRANCIS
Coastal Administrative Officer
County of Ventura

Attachment: Coastal Staff Report

Cc:
Mr. & Mrs. Dennis Longwill (Property Owner) - 402 Galvin Circle, Ventura, CA 93004
Mr. Steven Perlman (Applicant's Representative) - 7811 Marin Lane, Ventura, CA 93004
Mr. Kenneth Soudani (Architect) - 145 LaCrescenta Drive, Camarillo, CA 93010

EXHIBIT NO. 4
APPLICATION NO. A-4-VMT-02-157
VTC Notice of Final Decision

page 1 of 16

I:\WINWORD\PERMITTING\PERMITS\PLANNED DEVELOPMENT PERMIT\PD1819 - Longwill (coastal-sloped lot)\NOTICE OF FINAL DECISION.doc



**VENTURA COUNTY
COASTAL ADMINISTRATIVE HEARING
STAFF REPORT AND RECOMMENDATIONS
Meeting of April 25, 2002**

SUBJECT:

Planned Development Permit No. 1819 (Coastal)

APPLICANT /PROPERTY OWNER:

Mr. & Mrs. Dennis Longwell
402 Galvin Circle
Ventura, CA 93004

A. REQUEST:

The applicant is proposing to construct a new two story 3,638 S.F. single family residence with an attached 857 S.F. garage and 1368 S.F. deck & stair area to be located on an .21-acre vacant parcel zoned "R-B" Residential Beach (see Exhibit "4 "5" & "6").

B. LOCATION AND PARCEL NUMBER:

The project site is located at 6628 Pacific Coast Highway in the Community of Mussel Shoals, in the north coast area of Ventura County. The Assessor's parcel number is 060-0-090-17 (see Exhibit "6").

C. BACKGROUND:

On September 30, 1991, Planned Development Permit PD-1458 was approved for the construction of a 3,570 square foot single-family dwelling with an attached 3-car garage to be located on the .21-acre vacant parcel located at 6628 Pacific Coast Highway. The permit automatically expired as a Zoning Clearance was not issued within 2 years of project approval. The current applicants obtained the property approximately 3 years ago. They are now requesting a permit to construct a new single-family residence on the lot.

D. GENERAL PLAN AND ZONING:

General Plan Land Use Map Designation: *EXISTING COMMUNITY*
Coastal Area Plan Land Use Map Designation: *RESIDENTIAL HIGH*
Coastal Zoning Classification: *"RESIDENTIAL BEACH" ("R-B")*

E. EVIDENCE AND PROPOSED PERMIT FINDINGS:

Certain findings specified by Section 8181-3.5 of the County Coastal Zoning Ordinance must be made to determine that the proposed project is consistent with the Ordinance and with the Land Use Element of the Local Coastal Program. The proposed findings and the project information and evidence to either support or reject them are presented below:

1. **Proposed Finding: The project is consistent with the Intent and provisions of the County Local Coastal Program.**

Evidence:

- (a) **General Plan and Zoning:** The proposed project is compatible with the current General Plan, Local Coastal Plan and Coastal Zoning Ordinance. Section 8174-4 of the Zoning Ordinance indicates that

the construction of a single-family residence is allowed in the "R-B" zone with a Planning Director Approved-Planned Development Permit and meets the Standards Related to Dwellings as outlined in Section 8175-5-1 et seq.

- (b) Protection of Environmentally Sensitive Habitats: The proposed project is on a parcel in a developed residential community. Sensitive tidepool communities are located in this area per *Figure 1* of the Ventura County General Plan Area Plan for the Coastal Zone. As such, public access to the beach seaward of this project site is not recommended (see discussion below in sub-section (d)). However, the construction of a single-family home, landward of the tidepools, with no proposed revetment improvement, and using appropriate setbacks, is not expected to have any significant environmental impact.
- (c) Protection of Archaeological and Paleontological Resources: The proposed project is on a parcel in a developed residential community. Therefore, no direct or indirect adverse impacts to archaeological or paleontological resources will occur as a result of the proposed project.
- (d) Recreation and Access: To maximize public access to the North Coast consistent with private property rights, the LCP makes mandatory the granting of lateral access easements to allow public access along the shoreline, for all new development in this area. Public access to the beach seaward of this project site is not recommended due to sensitive tidepool communities per *Figure 1* of the Ventura County General Plan Area Plan for the Coastal Zone. However, adequate public access to the beach is available eastward of the Cliffhouse Hotel and Restaurant and west of the Bush oil pier. Therefore, there will be no impact from the proposed project on recreation or access thereto.
- (e) Preservation of Agricultural Lands: The proposed project site is not located on or near an agriculture preserve or prime soils area. The project will not have an impact on the preservation of agriculture lands or land use plan policies relating to agricultural uses.
- (f) Protection of Public and Property from Naturally-Occurring and Human-Induced Hazards: The Public Works Agency has determined that there will be no adverse impacts relative to the proposed project from naturally-occurring and/or human-induced hazards as there are no known faults or landslides on the project site.
- (g) Protection of Property from Beach Erosion: A Wave and Runup Investigation for this proposed single-family residence was prepared in a report by Charles I. Rauw, a registered professional engineer, dated January 15, 2002. This report analyzes the project assuming the existing rock revetment and rock outcrop will provide all the shoreline protection necessary for the proposed structure. The report states that an existing rock outcrop flanks the shoreline along the western half of the parcel. The eastern half of the parcel is protected along the shoreline by an existing rock riprap revetment which appears to be an extension of the rock riprap revetment protecting the adjacent easterly properties. The report goes on to say that "without the protection provided by the existing rock revetment on this parcel of property, storm waves would quickly erode the shoreline. In fact, without the existing rock revetment in place, the rock revetment and shoreline on the adjacent parcel of property immediately to the east would be

subject to damage by storm waves." This project does not propose any improvements to the existing revetment. As such, no impacts from beach erosion are expected as a result of this project. Any improvements or maintenance of the existing revetment would require the appropriate permits by the State California Coastal Commission.

- (h) Consistency with Public Works Policies: The proposed project will be required to meet all Public Works Agency requirements prior to issuance of a building permit. Additionally, no Public Works facilities will be affected by the proposed project.

2. **Proposed Finding:** The project is compatible with the character of surrounding development.

Evidence: The Mussel Shoals Community is a 5.6-acre mixed-density residential area located west of US 101. It is zoned "R-B" (Residential Beach) and "C-C" (Coastal Commercial). The .21 acre project site is surrounded by small lots of similar size, most of which are developed with single-family residences. As the proposed project is also a single-family residence it will be compatible with the surrounding development.

3. **Proposed Finding:** The project will not be obnoxious or harmful, or impair the utility of neighboring property or uses:

Evidence: The proposed single-family residential development will not be obnoxious or harmful, or impair the utility of neighboring property or uses. One additional single-family dwelling will not create any significant traffic, noise, dust, or other such impacts than the surrounding residences.

4. **Proposed Finding:** The project will not be detrimental to the public interest, health, safety, convenience or welfare.

Evidence: The proposed project, a single-family residence, has all necessary public services provided to the project site or has demonstrated to the appropriate agencies that all necessary utility requirements (i.e. water and septic) can be met. The project site also has an established access. Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience or welfare.

F. COUNTY ORDINANCE CODE COMPLIANCE:

Based upon the information and evidence presented above, this application with the attached conditions, meets the requirements of Section 8181-3.2 the County Coastal Zoning Ordinance and County Coastal Plan. The proposed project is consistent with the intent and provisions of the County's Local Coastal Program in that the development will not have an impact upon environmentally sensitive habitats, coastal recreation or access, nor have an impact upon neighboring property or uses. Article 3 of the County Coastal Zoning Ordinance states the purpose of the "R-B" zone is to "provide for the development and preservation of small-lot, beach-oriented residential communities". The design and style of the proposed development is consistent and compatible with surrounding structures and meets the development standards of the "R-B" zone.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE:

The proposed single-family residence and garage was determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) under Sec.15303 Class 3, New Construction or Conversion of Small Structures. A Notice of Exemption will be filed with the Clerk of the Board following action on this permit. Filing of the Notice establishes a 35-day statute of limitations on legal challenges to the decision that this project is exempt from CEQA.

H. JURISDICTIONAL COMMENTS:

The project (1/30/02 revision), was sent to the California Coastal Commission (CCC) by the applicant on February 19, 2002, and again by the County on March 5, 2002. On February 20, 2002, the CCC responded to the applicant's letter stating that the applicant would need to provide evidence that the existing riprap revetment was permitted by either the CCC or the County of Ventura. If not, the applicant would have to obtain a Coastal Development Permit. The applicant is aware that a Coastal Development Permit may be necessary and has chosen to move forward with the Planned Development Permit issued by the County. If it is determined at a later date that the existing revetment is to be removed or modified, this land use entitlement (PD-1819) shall be reviewed for consistency and possible modification as the current permit was evaluated with no changes to the existing revetment structure in accordance with the 1/15/02 Wave and Runup Investigation, prepared by Charles Rauw.

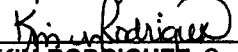
I. PUBLIC COMMENTS:

All property owners within 300' of the proposed project parcel and all residents within 100' of the subject parcel were notified by U.S. Mail of the proposed project. In addition, the notice was published in the local newspaper. The Breakers Way Property Owners Association was also notified of the proposed project. Copies of site plans, floor plans and elevations were sent for POA review. As of the date of this document no comments have been received.

RECOMMENDED ACTION:

1. **FIND** that the project is categorically exempt from CEQA, and **DIRECT** that a Notice of Exemption be prepared and filed in accordance with CEQA and the Guidelines issued thereunder;
2. **ADOPT** the proposed findings and **APPROVE** Planned Development Permit No.1819, subject to the conditions in Exhibit "2".
3. **DESIGNATE** the Planning Director and the Resource Management Agency (Hall of Administration, 800 South Victoria Avenue, Ventura, CA) as the custodian and location of the records or proceedings.


Prepared by:


KIM RODRIGUEZ, Senior Planner

Attachments:

Exhibit "2" - Conditions of Approval
Exhibit "3" - Site Plan
Exhibit "4" - Elevations
Exhibit "5" - Floor Plans
Exhibit "6" - Location Map

PROJECT AND CONDITIONS APPROVED ON MAY 16, 2002.


NANCY BUTLER FRANCIS, Manager
Land Use Permit Section
Coastal Administrative Officer

C:

Mr. & Mrs. Dennis Longwill (Property Owner) - 402 Galvin Circle, Ventura, CA 93004
Mr. Steven Perlman (Applicant's Representative) - 7811 Marin Lane, Ventura, CA 93004
Mr. Kenneth Soudani (Architect) - 145 LaCrescenta Drive, Camarillo, CA 93010

APPEALS: As stated in Section 8181-9.2, within 10 calendar days after the permit has been approved, conditionally approved or denied (or on the following workday if the 10th day falls on a weekend or holiday), any aggrieved person may file an appeal of the decision with the Planning Division. The Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date. At the conclusion of the local appeal period, or following a final decision on an appeal, the County shall send a Notice of Final Decision to the Coastal Commission, who shall set another appeal period. Following the expiration of the Coastal Commission's appeal period, if no appeals are filed, the decision will be considered "effective."

ZONING CLEARANCE AND BUILDING PERMIT: Once the decision is "effective" and upon completion of the "prior to Zoning Clearance" conditions, a Zoning Clearance may be obtained from the Planning Division and a Building Permit may be applied for from the Division of Building and Safety.

TO THE PERMITTEE:

Conditions to be completed within 10 days of effective date of permit are as follow:

- 4. (a) Condition Compliance Fee
- 7. Acceptance of Conditions

Conditions to be completed prior to issuance of a Zoning Clearance are as follows:

- 4. (b) Permit Processing Fee
- 10. Recorded Deed Restriction for Coastal Hazards
- 11. Grading Plan/Permit

HISTORY

On September 30, 1991, Planned Development Permit PD-1458 was approved for the construction of a 3,570 square foot single-family dwelling with an attached 3-car garage to be located on a .21-acre vacant parcel zoned "R-B" (Residential Beach). The parcel is located at 6628 Pacific Coast Highway in the Community of Mussel Shoals. The permit automatically expired as a Zoning Clearance was not issued within 2 years of project approval. On March 19, 2000 (as revised January 30, 2002), an application was filed with the County (which is this proposed project) by the new property owners requesting the construction of a two story 3,638 S.F. single-family dwelling (SFD) with an attached 857 S.F. Garage and 1368 S.F. deck & stair area. This land use entitlement request requires an approved Planned Development Permit (PD) by the Planning Director prior to development.

PLANNING DIVISION CONDITIONS

NOTICE TO PERMIT HOLDER: Failure to abide by and faithfully comply with any conditions for the granting of this Permit shall constitute grounds for one or more of the following actions in accordance with the County's adopted Schedule of Enforcement Responses:

- Public reporting of violations to the Planning Commission;
- Suspension of permit operations;
- Modification of permit conditions; and/or
- Revocation of the permit.

It is the permittee's or his successors in interest, responsibility to be aware of and to comply with the permit conditions described below and the rules and regulations of all jurisdictions having authority over the use described herein.

1. Permitted Land Uses

The permit is granted for the construction of a new two story 3,638 S.F. Single Family Dwelling (SFD) with an attached 857 S.F. Garage and 1368 S.F. deck & stair area to be located on an .21-acre vacant parcel zoned "R-B" (Residential Beach). This project does not propose any improvements to the existing revetment. Any improvements or maintenance of the existing revetment would require the appropriate permits by the State California Coastal Commission.

The SDU shall be constructed in substantial conformance with the following exhibits or described herein in these conditions of approval.

EXHIBIT NUMBER	EXHIBIT TITLE
EXHIBIT "3"	SITE PLAN
EXHIBIT "4"	ELEVATIONS
EXHIBIT "5"	FLOOR PLANS

2. Permit Expiration/Renewal/Modification

a. This permit shall automatically expire if any of the following circumstances occur:

- 1) A Zoning Clearance has not been issued within one (1) year of permit approval. The Planning Director may grant a one-year extension during the initial year period based on a written request by the applicant.
- 2) A Building Permit (if one is required) has not been issued within six (6) months of issuance of the Zoning Clearance.

PD-1819 (COASTAL)
CONDITIONS OF APPROVAL
EXHIBIT "2"

7

CONDITIONS FOR: PD-1819
HEARING DATE: April 25, 2002
APPROVAL DATE: May 16, 2002

APPLICANT: Dennis Longwell
LOCATION: 6628 PCH, Mussel Shoals, CA
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- 3) The Building Permit (if one is required) expires prior to completion of construction.
- 4) If the use for which it was granted is discontinued for a period of 365 days or more.

b. Land uses, facilities, or structures other than those specifically approved by this Permit shall require the filing and approval of an appropriate modification application.

3. **Responsibilities Prior to Construction**

Prior to inaugurating the use for which this permit is granted, a Zoning Clearance for Construction shall be obtained from the Planning Division. **PRIOR TO THE ISSUANCE OF THIS ZONING CLEARANCE**, the permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following time bound conditions of this permit:

- a. **Requirements Within Ten (10) Calendar Days of the Effective Date of this Permit**
WITHIN TEN (10) CALENDAR DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this permit:

4. (a) **Condition Compliance Fee**
7. **Acceptance of Conditions**

- b. **Requirements Prior to the Issuance of a Zoning Clearance for Construction**
PRIOR TO ISSUANCE OF A ZONING CLEARANCE FOR CONSTRUCTION, the permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this permit:

4. (b) **Permit Processing Fee**
10. **Recorded Deed Restriction for Coastal Hazards**
11. **Grading Plan/Permit**

4. **Condition Compliance/Financial Requirements/Limitations**

- a. **WITHIN TEN (10) CALENDAR DAYS OF THE EFFECTIVE DATE OF THIS PERMIT**, the permittee, or successors in interest, shall submit to the Planning Division a \$250.00 fee as a deposit to cover costs incurred by the County for Condition Compliance review.
- b. **PRIOR TO THE ISSUANCE OF THE ZONING CLEARANCE FOR CONSTRUCTION**, all permit processing and County Enforcement fees owed to that date must be paid. After issuance of the Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date.
- c. The permittee shall fund all necessary costs incurred by the County or its contractors for inspections permit compliance, monitoring, and/or review activities as they pertain to this permit. The permittee shall also fund all necessary costs incurred by the County or its contractors for enforcement activities related to resolution of confirmed violations. Costs will be billed at the contract rates in effect at the time enforcement actions are required.
- d. The permittee shall reimburse the County within 30 days of invoicing by the County. Failure to pay the required bill or maintain the required deposit fee balance shall be grounds for suspension or revocation of this Permit.
- e. As a condition of issuance and use of this Permit, including adjustment, modification or renewal of the Permit, the permittee agrees to:

CONDITIONS FOR: PD-1819
HEARING DATE: April 25, 2002
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- 1) Defend, at the permittee's sole expense, any Action brought against the County by a third party challenging either its decision to issue this permit or the manner in which the County is interpreting or enforcing the conditions of the permit; and
- 2) Indemnify the County against any settlements, awards, or judgements, including attorney's fees, arising out of or resulting from any such action.

Upon demand from the County, the permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this condition. If any of the conditions or limitations of this Permit are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors, in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by Code of Civil Procedures Section 1094.6 or other applicable law, this Permit shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the permittee has, in the interim, fully complied with the fee, exaction, dedication or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this permit, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then the Permit may be revoked.

- f. Neither the issuance of a permit hereunder nor compliance with the conditions thereof shall relieve the permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any use permit hereunder serve to impose any liability upon the County of Ventura, its officers or employees for injury or damage to persons or property.
- g. Except with respect to the County's sole negligence or intentional misconduct, the permittee shall indemnify, defend and hold harmless the County, its officers, agents, and employees, from any and all claims, demands, costs, expenses, including attorney's fees, judgements or liabilities arising out of the construction, maintenance,

CONDITIONS FOR: PD-1819
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or operations described herein under Condition 1 (Permitted Use), as it may be subsequently modified pursuant to the conditions of this permit.

5. **Enforcement Costs**

The permittee, or the permittee's successors-in-interest, is liable for all costs related to enforcement necessary to abate any confirmed violations resulting from noncompliance with this permit. Costs will be billed at the contract rates in effect at the time such enforcement actions are required.

6. **Requirements of Other Agencies**

This Permit shall not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, or State or Federal laws. No condition of this permit for uses allowed by County Ordinance shall be interpreted as permitting or requiring any violation of law, or any lawful rules, regulations, or orders of an authorized governmental agency. In instances when more than one set of rules apply, the stricter ones shall take precedence. Facility design and operations shall comply with all applicable requirements of Federal, State, and Local authorities, and all such requirements shall, by reference, become conditions of this Permit. Any permit, license, certificate or the like issued by any Federal, State or Local authority shall remain in full force and effect for the life of this permit. The applicant shall not allow any lapse regarding said Permit, License, Certificate or the like.

7. **Acceptance of Conditions**

WITHIN TEN (10) CALENDAR DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permittee shall sign a statement indicating awareness and understanding of all permit conditions, and shall agree to abide by these conditions.

8. **Change of Ownership**

No later than ten days after a change in property ownership or change of lessee of this property, the Planning Director shall be notified, in writing, of the new name and address of the new owner or lessee. The same letter shall state that the new owner or lessee has read all conditions pertaining to this permit and agrees with said conditions.

9. **Permit Requirements**

That the permittee shall comply with all applicable Federal, State, and County permit requirements, rules, and regulations.

10. **Recorded Deed Restriction for Coastal Hazards**

PRIOR TO THE ISSUANCE OF A ZONING CLEARANCE FOR CONSTRUCTION, the applicant shall record in a form and manner approved by the Planning Director, a *Deed Restriction* on subject property containing a statement the applicant fully understands and agrees to the following:

- a. The site presents potential hazards from wave action and tsunamis, and;
- b. The applicant unconditionally waives and releases, indemnifies, and holds the County harmless from any claim of liability on the part of the County or any other public agency for any damage or maintenance to the site or the structures herein approved from such hazards.

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HEARING DATE: April 25, 2002
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PUBLIC WORKS AGENCY CONDITIONS

Development & Inspection Services Conditions

11. PRIOR TO THE ISSUANCE OF A ZONING CLEARANCE FOR CONSTRUCTION, unless determined by the Public Works Agency that a Grading Permit is not necessary, the permittee shall submit to the Public Works Agency for review and approval, a grading plan; and shall obtain a Grading Permit. If the amount of grading is greater than 1,000 cubic yards, the grading plan shall be prepared by a Registered Civil Engineer. Grading involving less than 1000 cubic yards shall not require a Registered Civil Engineer to prepare, unless the permittee chooses to have the grading performed by a Civil Engineer, or, the building official determines that special conditions or unusual hazards exist.

The Ventura Coastal Zoning Ordinance does not permit the commencement of grading from November 15 through April 15. A Grading Permit may be issued but grading is prohibited during this time.

12. If it is determined that a Grading Permit is required, the Public Works Agency may request a Geology Report, the permittee shall, upon our request, submit to the Public Works Agency for review and approval, a Geology Report with the submittal of the Grading Plans.

The grading plan shall incorporate the recommendations of the approved report.

13. If it is determined that a Grading Permit is required, the Public Works Agency may request a Soils Engineering Report, the permittee shall, upon our request, submit to the Public Works Agency for review and approval, a Soils Engineering Report with the submittal of the Grading Plans. *The grading plan shall incorporate the recommendations of the approved report.*

Flood Control Department Conditions

14. All surface runoff and drainage from any activities shall be controlled by berms, revegetation, and/or other approved methods to ensure that surrounding land and water resources are protected from erosion, gully, sedimentation, and contamination.
15. The project is in an area of probable flooding. Development of this project will require a Floodplain Permit from the Ventura County Flood Control District.

Solid Waste Management Department

16. PRIOR TO ISSUANCE OF THE FIRST ZONING CLEARANCE, the permittee shall submit Form B (*Construction & Demolition Debris Waste Diversion Plan*) to the Director of the Solid Waste Management Department for approval. The plan shall outline how all recyclables on the Director's List of Commercial Recyclables (as per Ventura County Ordinance #4155) generated in volumes large enough to warrant separate collection will be recycled. For this project this includes, at a minimum, the recyclable wood generated during the project's construction.
17. At the conclusion of construction, and prior to issuance of a Zoning Clearance for Use Inauguration and/or Occupancy, the permittee shall submit Form C (*Construction & Demolition Debris Waste Diversion Reporting Form*) to the Director of the Solid Waste Management Department for approval. This form must be accompanied by legible weight receipts or documentation that includes the type(s) of materials recycled, and tons or cubic yards that were recycled or reused.

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APPLICANT: Dennis Longwell
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Transportation Division

18. Traffic Impact Mitigation Fee

PRIOR TO ISSUANCE OF THE ZONING CLEARANCE to obtain building permits for new construction or a zoning clearance to initiate a new use or to increase an existing use, and, pursuant to the Traffic Impact Mitigation Fee Ordinance, the developer/permittee shall deposit with the Transportation Department a Traffic Impact Mitigation Fee. Based on the developer/permittee's traffic information, the estimated Traffic Impact Mitigation Fee due the County would be:

1 DU (Single Family Dwelling Unit) X \$72.57 per DU = \$72.57

The above fee may be subject to adjustment at the time of deposit, due to provisions in the Traffic Impact Mitigation Ordinance allowing the Fee to be adjusted for inflation based on the Caltrans District 7 Construction Cost Index.

19. Encroachment Permit

Before any work is conducted within the County or Caltrans right-of-way, the developer/permittee shall obtain an encroachment permit from appropriate agency.

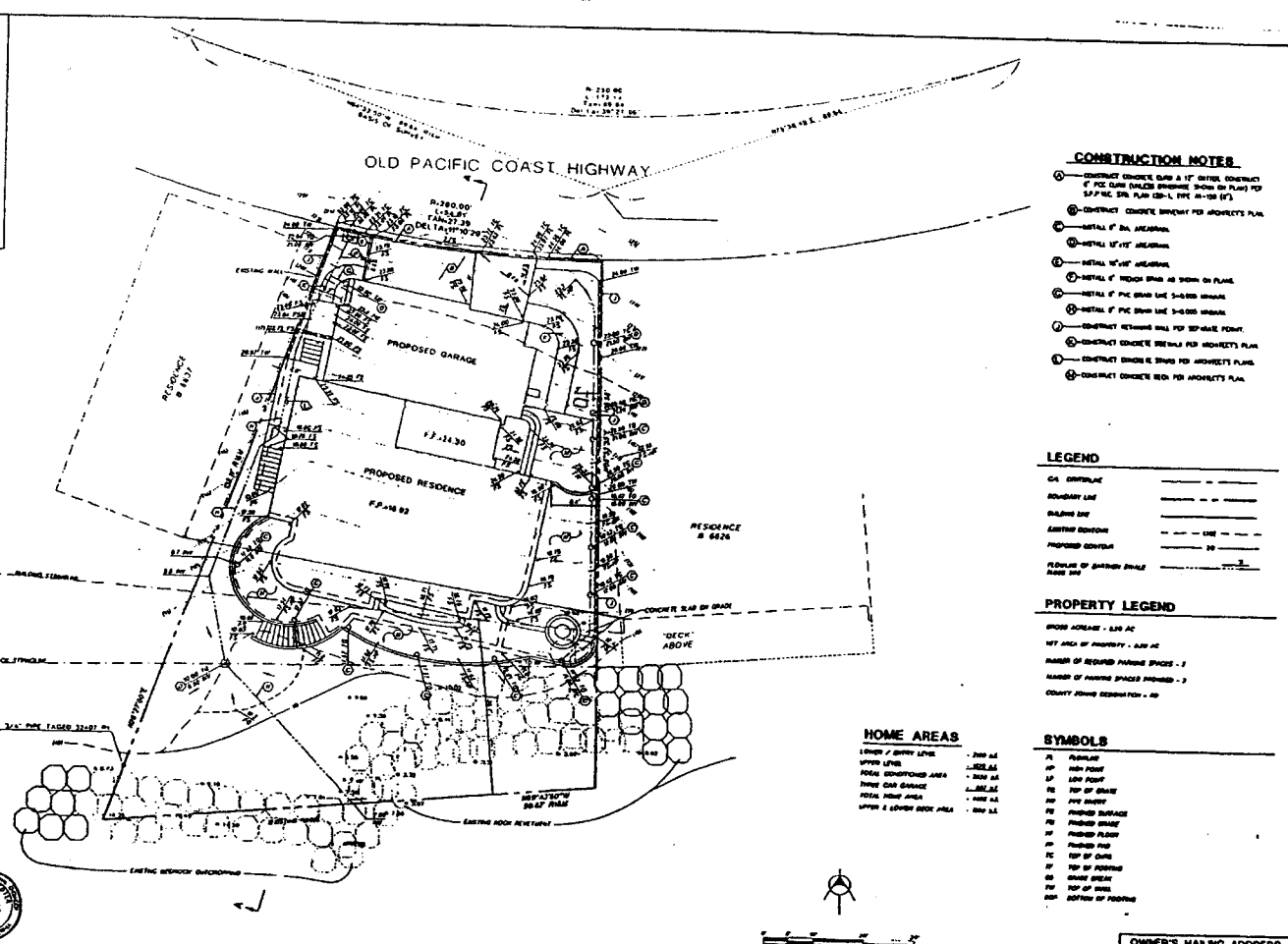
VENTURA COUNTY FIRE PROTECTION DISTRICT CONDITIONS

20. The applicant shall complete the VCFD Form 126B, "Fire Department Requirements for Construction", **prior to obtaining a building permit** for any new structures or additions to existing structures. Requirements for fire flow, water and fire department access will be addressed after Form 126B has been submitted.

AIR POLLUTION CONTROL DISTRICT CONDITIONS

21. All clearing, grading, earthmoving, or excavation activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour) to prevent excessive amounts of fugitive dust.
22. The permittee shall ensure that all trucks leaving the site comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
23. All unpaved on-site roads and active portions of the site shall be periodically water or treated with environmentally-safe dust suppressants to prevent excessive amount of dust.
24. The area disturbed by clearing, grading, earth moving, or excavation operations at any given time shall be minimized to prevent excessive amount of fugitive dust.
25. On site vehicle speeds shall not exceed 15 miles per hour.
26. Equipment engines shall be maintained in good condition and in proper tune as per manufactures' specifications.

END OF CONDITIONS FOR PD-1819



CONSTRUCTION NOTES

- ③ - CONSTRUCT CONCRETE DAM & 1/2 OTHER CONSTRUCT IF POC FOR FAILURE OCCURS BEFORE DAM IN PLACE FOR 50% OF DAM PLACED (30-1, PPE 4-100) (3)
- ④ - CONSTRUCT CONCRETE RETAINMENT FOR ADJACENT'S PLAN
- ⑤ - INSTALL 1/2 IN. WEAPONS
- ⑥ - INSTALL 1/2 IN. WEAPONS
- ⑦ - INSTALL 1/2 IN. WEAPONS
- ⑧ - INSTALL IF WEAPONS ARE SHOWN ON PLAN
- ⑨ - INSTALL IF POC SHOWS 1/2 IN. WEAPONS
- ⑩ - INSTALL IF POC SHOWS 3/4 IN. WEAPONS
- ⑪ - CONSTRUCT RETAINMENT WALL FOR SEPARATE POINT
- ⑫ - CONSTRUCT CONCRETE RETAINMENT FOR ADJACENT'S PLAN
- ⑬ - CONSTRUCT CONCRETE DAM & 1/2 OTHER CONSTRUCT IF POC FOR FAILURE OCCURS BEFORE DAM IN PLACE FOR 50% OF DAM PLACED (30-1, PPE 4-100) (3)
- ⑭ - CONSTRUCT CONCRETE RETAINMENT FOR ADJACENT'S PLAN

LEGEND

CA CENTERLINE _____
 BOUNDARY LINE _____
 BUILDING LINE _____
 EXISTING CONTOUR _____
 PROPOSED CONTOUR _____
 PROFILE OF BARRIAGE WALL _____

PROPERTY LEGEND

GROSS ACREAGE - 0.20 AC
NET AREA OF PROPERTY - 0.20 AC
NUMBER OF REQUIRED PARKING SPACES - 3
NUMBER OF PARKING SPACES PROVIDED - 3
COUNTY JUDICIAL DEPARTMENT - 40

SYMBOLS

71 FLOORLINE
69 HIGH POINT
67 LOW POINT
65 TOP OF CHAIR
63 JIVE CHAIR
61 FINISHED SURFACE
59 FINISHED IMAGE
57 FINISHED FLOOR
55 FINISHED POB
53 TC OF CURT
51 TOP OF FLOORING
49 GROUND BREAK
47 TOP OF WALL
45 BOTTOM OF FLOORING

HOME AREAS

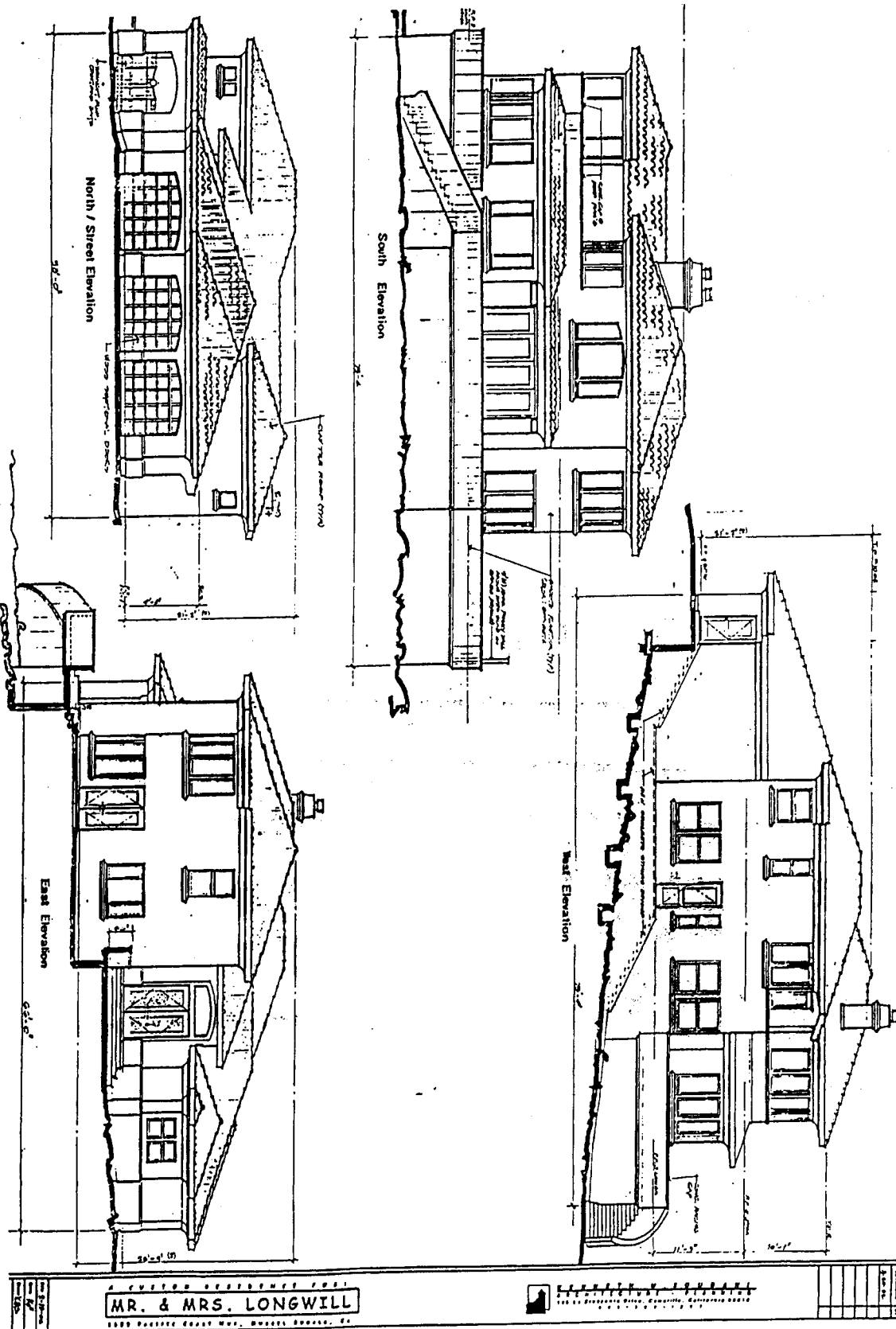
LOWER / ENTRY LEVEL	• TWO SL
UPPER LEVEL	• ONE SL
IDEAL CONDITIONED AREA	• ZERO SL
THREE CAR GARAGE	• ONE SL
TOTAL HOME AREA	• ONE SL
UPPER & LOWER DECK AREA	• ONE SL

- NOTES
1. EXISTING TOPOGRAPHY DONE BY SURVEY IN 1880.
 2. THE BENCHMARK USED FOR VERTICAL CONTROL WAS A BLEVELI BENCHMARK



PROJECT NO. _____ SHEET NO. _____		PREPARED BY RAMSEYER AND ASSOCIATES, INC. 1601 AVENUE L, SUITE 100 VENTURA, CALIF. 93003 TEL. (805) 665-5104	W.C. 1254 B DESIGNED BY RAMSEYER CHECKED BY RAMSEYER	APPROVED BY COUNTY OF VENTURA LAND DEVELOPMENT ENGINEER DATE _____	COUNTY OF VENTURA PUBLIC WORKS AGENCY	SPEC. NO. _____ DRAWING NO. _____ DATE _____	AP NO. - 060-0-080-170 GRADING PLAN - LONGWILL RESIDENCE MR. & MRS. DENNIS LONGWILL 6628 PACIFIC COAST HIGHWAY	SHEET NO. _____ OF _____ TOTAL SHEETS _____
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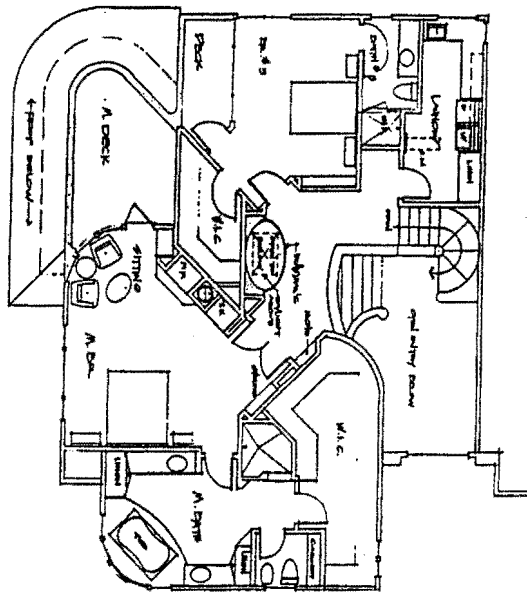
PD-1819 (COASTAL)
LONGWELL RESIDENCE
6628 PCH IN THE COMMUNITY OF
MUSSEL SHOALS
SITE PLAN
EXHIBIT "3"



PD-1819 (COASTAL)
 LONGWELL RESIDENCE
 6628 PCH IN THE COMMUNITY OF
 MUSSEL SHOALS
 ELEVATIONS
 EXHIBIT "4"

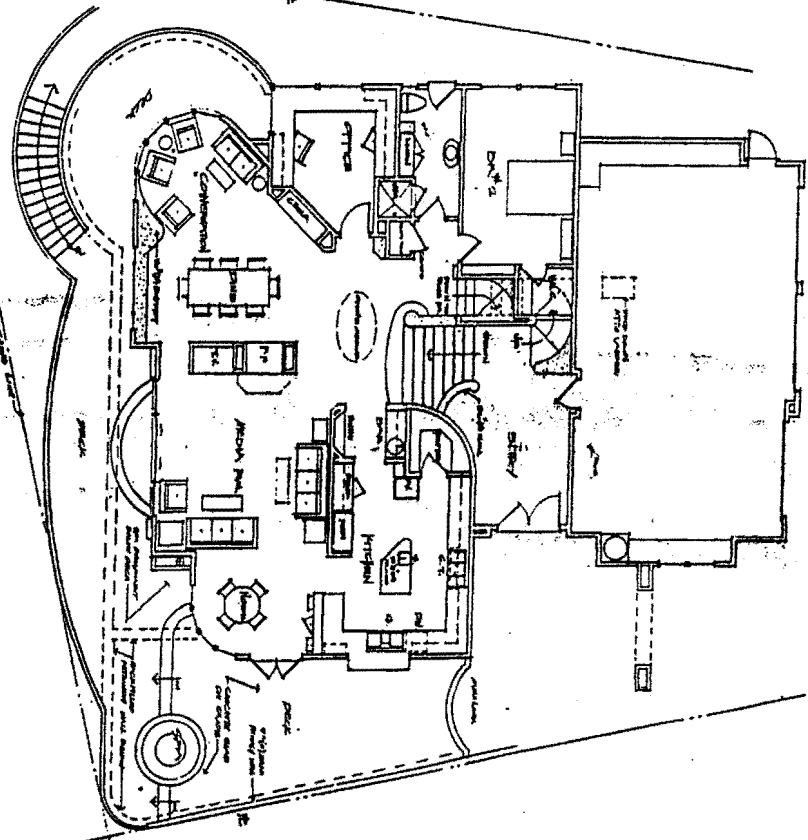
UPPER LEVEL FLOOR PLAN

1997 & 1998
2000 & 2001



LOWER LEVEL FLOOR PLAN

1997 & 1998
1999 & 2000
2001 & 2002

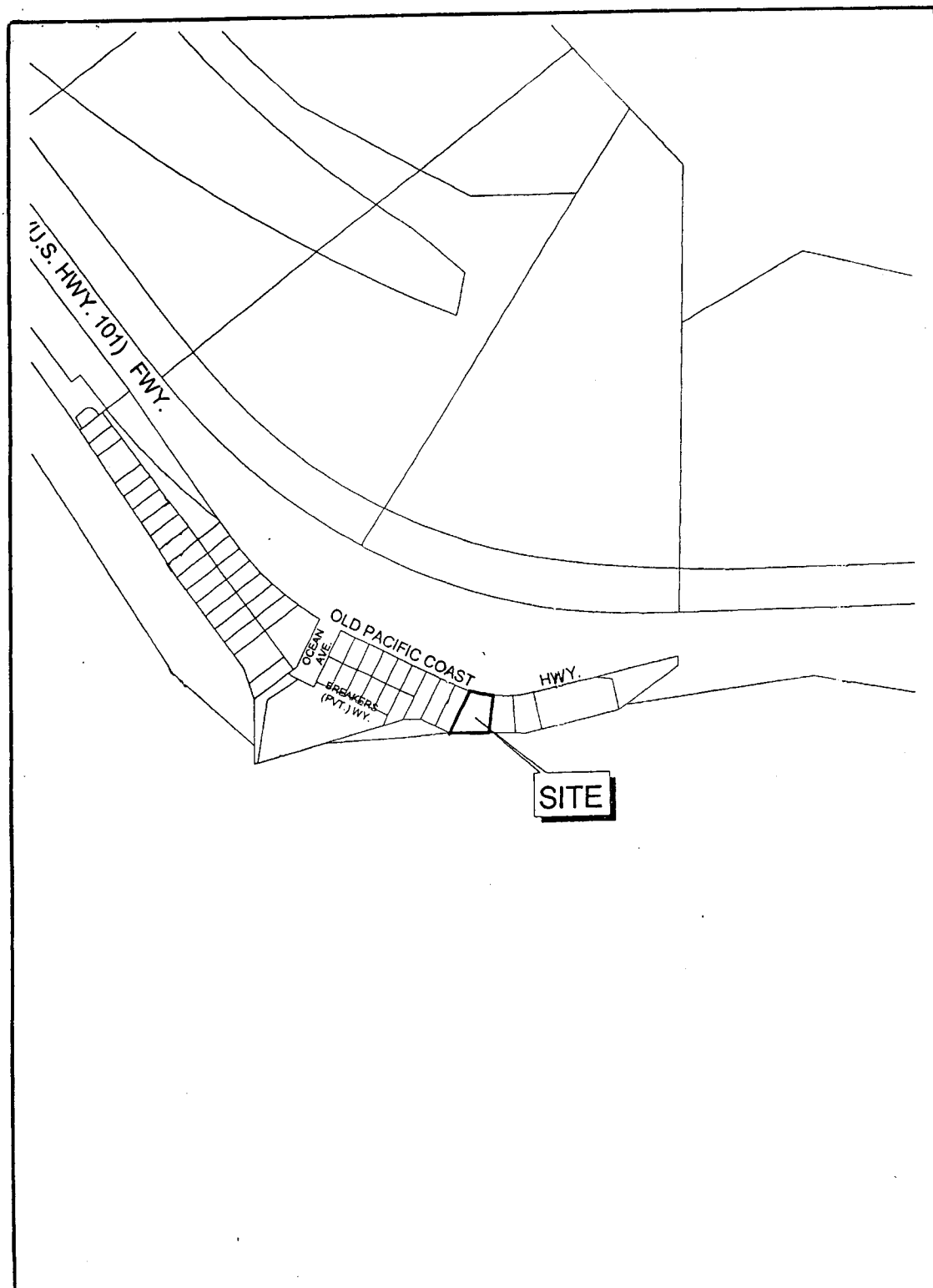


MR. & MRS. LONGWILL

6628 PCH IN THE COMMUNITY OF MUSSEL SHOALS, MUSSEL SHOALS, FL

1/4" = 1'-0" SCALE

PD-1819 (COASTAL)
LONGWELL RESIDENCE
6628 PCH IN THE COMMUNITY OF
MUSSEL SHOALS
FLOOR PLANS
EXHIBIT "5"



CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Chair Sara Wan and Commissioner Pedro Nava
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105
(415) 904-5200

SECTION II. Decision being appealed.

1. Name of local government/port: County of Ventura
2. Brief Description of development being appealed: Construction of a new two-story, 3,638 sq. ft. single-family residence with attached 857 sq. ft. garage and 1,368 sq. ft. deck and stair area on a .21 acre vacant beachfront parcel.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 6628 W. Pacific Coast Highway, Mussel Shoals (Ventura County) [APN No 188-110-405]
4. Description of decision being appealed:
 - a. Approval with no special conditions: _____
 - b. Approval with special conditions: X
 - c. Denial: _____

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

EXHIBIT NO. 5
APPLICATION NO. A-4-VNT-02-1
Appeal
page 1 of 9

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

5. Decision being appealed was made by:

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

6. Date of Local Government's decision: 5/16/02

7. Local Government's file number (if any): PD 1819

SECTION III. Identification of Other Interested Persons

Give the names and address of the following parties (Use additional paper if necessary):

a. Name and mailing address of permit applicant:

Mr. and Mrs. Dennis Longwill
402 Galvin Circle
Ventura, CA 93004

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

- (1) _____
- (2) _____
- (3) _____

SECTION IV. Reasons supporting this appeal

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

Section IV. Reasons Supporting this Appeal:

Coastal Development Permit PD 1819 does not conform to policies and standards set forth in the City's certified Local Coastal Program. Following is a discussion of the non-conforming aspects of the development.

Ventura County General Area Plan (North Coast):

1. Environmentally Sensitive Habitats, Tide pools and Beaches

Policy 3 states that:

Shoreline protection structures, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal dependent land uses, and public beaches. Any structures built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore habitat losses and impacts on local shoreline sand supply.

The project proposes construction of a residence on a vacant previously undeveloped shorefront parcel. The County's findings include the presence of an existing, unpermitted, rip rap revetment in its analyses of the site, and do not evaluate alternatives to the design and siting of the residence without prejudice to the retention of the revetment in its present form. As such, the County's findings neglect to adequately address the issue of the development's structural and geotechnical reliance on the existing, unpermitted rock revetment. This is inconsistent with Policy 3, in that the proposed residence is not an existing development, a coastal-dependent land use, or a public beach. Furthermore, the wave uprush study performed for the project finds that the proposed residence, as designed, will require the protection of the existing, unpermitted revetment. The study finds that the maintenance of the revetment, in its present configuration, is required in order to provide the level of shoreline protection analyzed within the report as being adequate to protect the proposed development from natural shoreline processes. Finally, the County's findings and permit approval fail to analyze the impacts of the revetment on environmentally sensitive intertidal habitat, and do not incorporate any mitigation measures to reduce intertidal or nearshore habitat losses and impacts on local shoreline sand supply, which will occur as a result of the retention of this structure, as required by Policy 3.

Policy 5 states:

Any applicant for any coastal project, including shoreline protective devices, will show that their proposal will not cause long-term adverse impacts on beach or intertidal areas. Impacts include, but are not limited to; destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater or oil, and runoff from streets and parking areas. Findings to be made will include, but not be limited to proper waste disposal.

The County's approval and findings do not make any specific findings for the project's consistency with this policy. Neither the retention of the unpermitted revetment, nor the design of the residence (which relies on the presence of the revetment to supply

adequate shoreline protection), are addressed and provided for in this regard within the County's CDP findings and approval of the project. As the County has analyzed the project while relying on the presence of the unpermitted revetment, they have neglected to address the issues of bluff and beach erosion, appropriate building setbacks from the edge of the bluff/sand, and the effects sand transport that may be affected by the development.

2. Lateral Access

The County LUP's stated objective regarding access in the North Coast sub-area is to maximize public access consistent with property rights, natural resources and processes, and the Coastal Act. Policy 2 (Lateral Access) of this section states that:

For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory unless subsection (a), below, is found. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal area where the bluffs are less than five feet, the area to be dedicated shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.

(a) Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected.

The County's approval of the project does not require the granting of lateral access, and additionally involves the retention of an unpermitted revetment, which obstructs lateral public access along the beach. The County's approval cites the presence of nearby tide pools as the basis for not requiring a lateral access easement as a condition of approval. This is not a qualifying basis under subsection (a), above. The County permit does not provide a basis or evidence that supports the conclusion that public access in this location will adversely impact sensitive marine resources. Additionally, the revetment acts as an obstruction that "may limit public lateral access", which is not proposed to be removed as condition of development approval. As such, the approved project does not conform to the lateral access requirements of the general area plan.

3. Beach Erosion

The County's objective regarding beach erosion is to protect public safety and property from beach erosion as provided in existing ordinances, and within the constraints of natural coastal processes.

Policy 1 states that:

"Proposed shoreline protective structures will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253."

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 30253 of the Coastal Act states (in relevant part) that 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.

The findings and conditions for the County's CDP approval states that no impacts from beach erosion are expected because the applicant does not propose improvements to the existing revetment. However, the County's approval of the design and siting of the residence, and its ability to withstand wave uprush is predicated upon the existence of the unpermitted, existing revetment as cited in the applicants' Wave and Runup Investigation, dated 1/15/02. The County's failure to address the design of the structure without relying on the existence and potential protection of the revetment is not consistent with Policy 1, or with Sections 30235 and 30253 of the Coastal Act. The County additionally makes no findings that the proposed development will be stable, and not require the construction of a protective device, or additional protective works as required for consistency with Section 30253.

Furthermore, the Wave and Runup Investigation, dated 1/15/02, states that:

"...the facing slope of the revetment appears to be approximately 1 horizontal to 1 vertical, which is considered too steep for a stable rock revetment structure."

"Maximum wave runup was calculated to reach elevations ranging from approximately +19.3 to +24.6 ft. MLLW. These runup elevations exceed the top elevation of the existing rock rip-rap and natural rock outcrop by several feet."

As stated in this report, the revetment is not considered adequately designed or stable from a coastal engineering standpoint. The report recommends the installation of a scour apron landward of the revetment and rock outcrop, and the placement of additional "erosion resistant materials" behind the top of the revetment and outcrop to "resist erosion by overtopping waves." Therefore, the County's approval of this project is

clearly not consistent with the intent of Policy 1, or with the County's stated objective regarding beach erosion.

Policies 2-6 state:

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. A building permit will be required for any construction and maintenance of protective shoreline structures, such as seawalls jetties, revetment, groins, breakwaters, and related arrangements.
4. The County's Building and Safety Department will routinely refer all permits for seawalls, revetments, groins, retaining walls pipelines and outfalls to the Flood Control and Water Resources Division of the Public Works Agency to be evaluated not only of structural soundness, but environmental soundness as well, whenever necessary. This includes a survey of potential environmental impacts, including (but not limited to) the project's effects on adjacent and downstream structures, net 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.

The County's approval of the project is inconsistent with Policies 2-6, which address the appropriate design of shoreline protective devices, their impacts on sand supply, public access, and potential environmental impacts. The County does not analyze the appropriateness of the design and placement of the revetment for its impacts on local shoreline sand supply, environmentally sensitive marine resources, net littoral drift, and downcoast beach profiles. In addressing the impacts of the development, the County has not reviewed the structural and environmental soundness of the revetment or conducted a survey of the potential environmental impacts of the development. The County's approval also does not analyze the effect of the revetment on public rights of access to the shoreline.

Coastal Zoning Regulations

1. Mitigation of Potential Hazards.

Section 8178-4.1 of the Coastal Zoning Ordinance states that:

All new development shall be evaluated for potential impacts to, and from geologic hazards (including seismic hazards, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. New development shall be sited and designed to minimize risks to life and property in areas such as floodplains, bluff tops, 20% or greater slopes, or shorelines, where such hazards

may exist. New development shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works. Feasible mitigation measures shall be required where necessary.

The County's CDP findings and approval do not adequately address the potential impacts of developing a residence on the shoreline. The findings cite that there will be no adverse impacts based on the lack of known faults or landslides being found on the project site. This does not address the issues of shoreline hazards such as wave action and uprush, storm surges, bluff erosion, and flooding. Additionally, the County's findings incorporate, and rely upon, the existence of an unpermitted, non-engineered revetment, and do not address potential alternatives in site design and location may negate the necessity of any shoreline protective device to protect the development, or the expenditure of public funds for flood control works.

Section 8178-4.2 of the Coastal Zoning Ordinance states (in part):

"If the available data indicates that a new development as proposed will not assure stability and structural integrity and minimize risks to life and property in areas of potential hazards, or will create or contribute significantly to erosion or geologic instability, then the County shall require the preparation of an engineering geology report at the applicant's expense. Such report shall be in accordance with all applicable provisions of this ordinance and of the LCP Land Use Plan policies, and shall include feasible mitigation measures which will be used in the proposed development, as well as the following applicable information to satisfy the standards of Section 8178-4.1:"

The data derived from the Wave and Runup Investigation, dated 1/15/02, (cited in the preceding sections) clearly indicates that the existing unpermitted revetment is not of a design which is considered stable, and that the proposed development of a single family residence will be subject to wave uprush and erosion effects. The report does not include feasible mitigation measures which are consistent with the applicable provisions of the above ordinance as the only measures included in the report's analysis involve the installation of additional drainage devices and "erosion resistant materials" in order to augment the unpermitted revetment. The report does not address siting and design alternatives for the residence that are independent of the revetment as it concludes:

"It is concluded that it would not be economically justified or aesthetically appealing to design a single-family residence that would be risk-free from wave runup and overtopping damage during an extreme storm event."

The County's approval of the project, and their analysis of the applicant's report is, therefore, not in accordance the intent of Policy 8178 -4.2. The applicant's *Updated Geotechnical Report*, by VillaFana Engineering, dated 1/22/00, also fails to address the applicable provisions of Section 8178-4.1 that are referenced in Section 8178-4.2. As such, the information provided within these reports does not adequately address the characteristics and hazards of the site, consistent with the intent of Section 8178-4.2, and the County's review of the project is insufficient; their approval and findings not in conformance with Sections 8178-4.1 and 4.2.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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

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

SECTION V. Certification

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

Signed: *Leo A. Van*
Appellant or Agent

Date: 6/17/02

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

Signed: _____

Date: _____

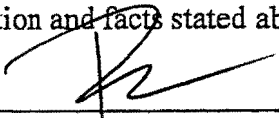
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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

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SECTION V. Certification

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

Signed: 
Appellant or Agent

Date: 6/17/02

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

Signed: _____

Date: _____

PACIFIC COAST HIGHWAY

R=250.00
L=172.14
Tan=80.64
Del 1=38°27'06"

N64°33'00"W 88.84' R18M
BASIS OF SURVEY

N13°22'43"E 33.64'

NOTHING FD OR SET

R=280.00'
L=84.87'
TAN=27.36
DELTA=11°10'29"

FD. 1" PIPE R1
SEALEVEL DATUM ELEV 25.69

NOTHING FD OR SET

RESIDENCE
5540

RESIDENCE
5537

RESIDENCE
5526

"DECK"
ABOVE

FD. 3/4" PIPE TAGED 32407 R1
SEALEVEL DATUM ELEV 10.42

N69°43'50"W
93.62' R18M

existing unpermitted
rock revetment

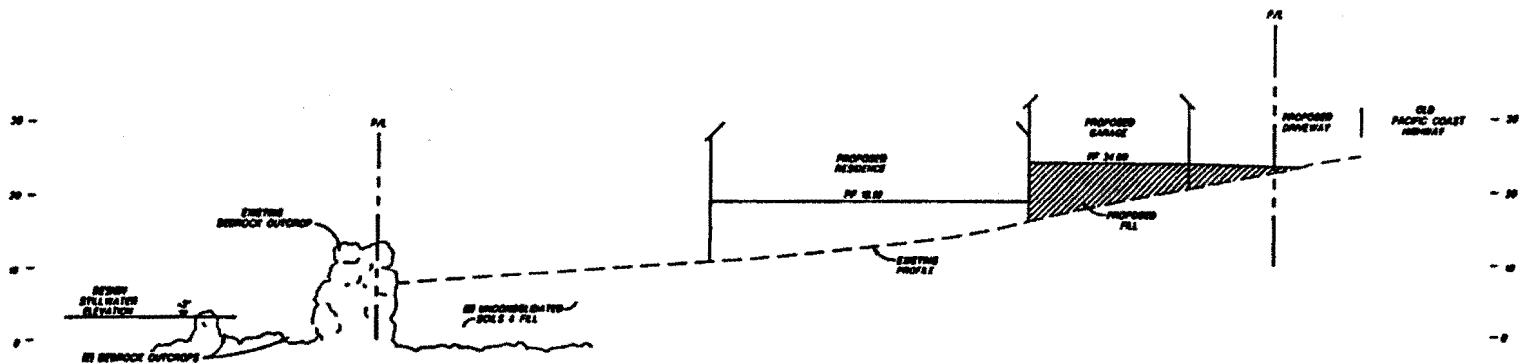
Natural Rock Outcrop

EXHIBIT NO. 6

APPLICATION NO. 02-151

Site Plan of

Revetment



CROSS SECTION "A-A"

Plan	EXHIBIT NO. 7
	APPLICATION - 82-157
	Grading

W TO
OREA
& NW

PREPARED BY: RAMSEYER AND ASSOCIATES, INC. CIVIL ENGINEERS LAND PLANNERS SURVEYORS 1651 CHOLL DRIVE VENTURA, CA 93002 PHONE (805) 574-1000 FAX (805) 561-5012 <i>Randy W. DeDote</i> RANDY W. DE DOTE 31310 DATE 2-12-02	W.D. 1254 0	DESIGNED: R.W.T. DRAWN: F.E.B. CHECKED: R.W.T.	APPROVED BY: COUNTY OF VENTURA LAND DEVELOPMENT ENGINEER DATE	COUNTY OF VENTURA PUBLIC WORKS AGENCY	SPEC NO. WORK ORDER NO. W.O. NO.	GRADING PLAN LONGWILL RESIDENCE	SHEET 3 OF 3 DRAWING NO.
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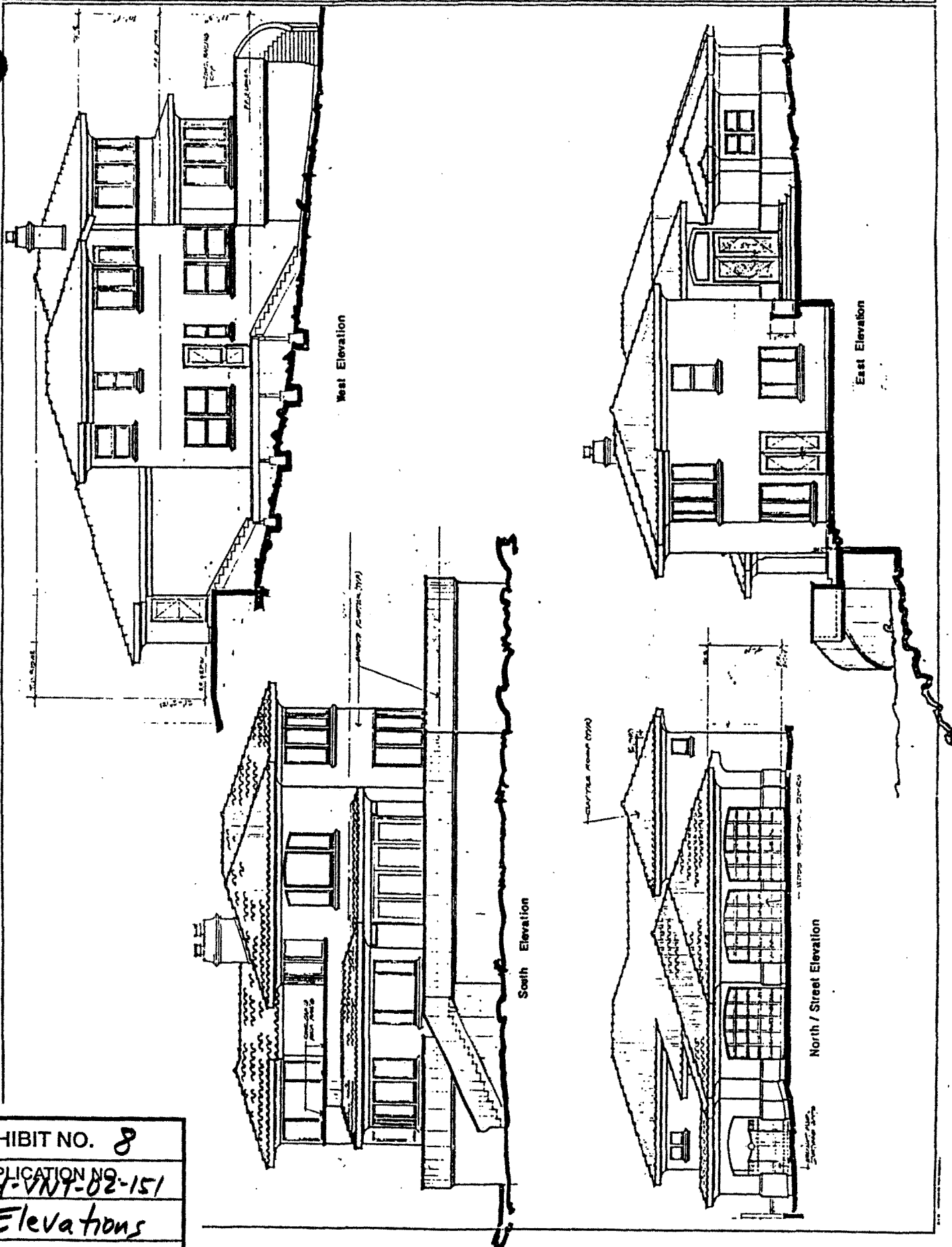
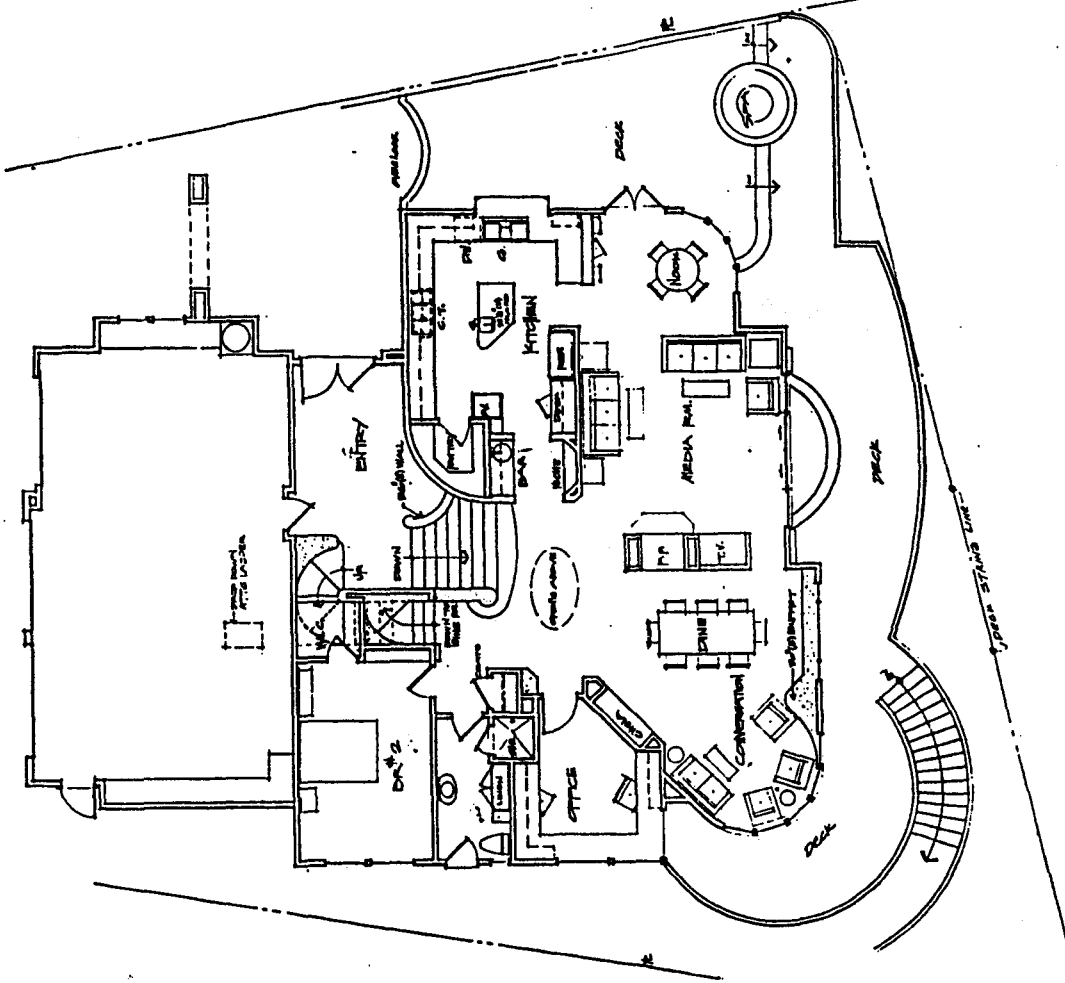
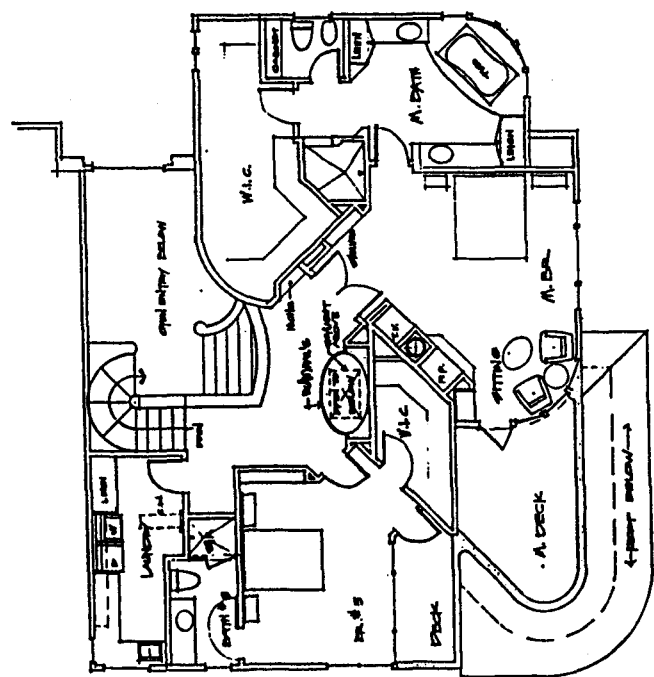


EXHIBIT NO. 8
APPLICATION NO. A-4-VNY-82-151
Elevations



LOWER LEVEL FLOOR PLAN

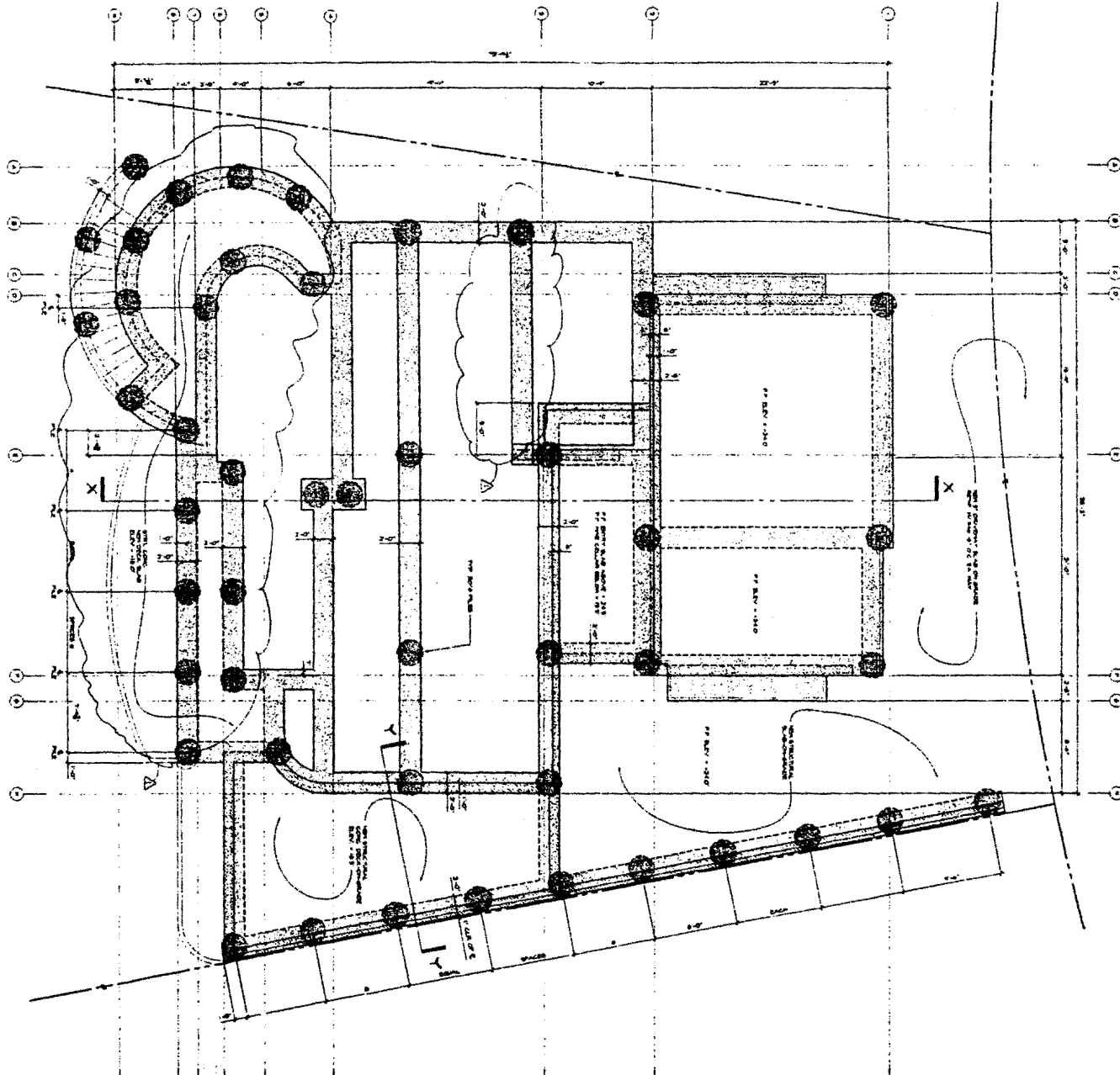


UPPER LEVEL FLOOR PLAN

EXHIBIT NO.	9
APPLICATION NO.	A-4-VNT-02-151
Upper & Lower Floor Plans	

PRELIMINARY FOUNDATION PLAN

SCALE 1/8" = 1'-0"



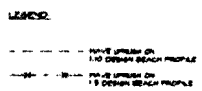
DAVID C. WEISS
David C. Weiss
 FOP 3/31/01
 STATE OF CALIFORNIA

EXHIBIT NO. 10
 APPLICATION NO.
 A-9-VNT-02-157
 Revised Prelim
 Foundation Plan

[Handwritten mark]

PSI	SHEET TITLE: PRELIMINARY FOUNDATION PLAN	PROJECT: CUSTOM RESIDENCE 8428 PACIFIC COAST HIGHWAY MUSSEL SHOALS, CA	CLIENT: DR. & MRS. DENNIS LONGMILL 403 GALVIN CIRCLE VENTURA, CA 93004	DESIGNER: DAVID C. WEISS STRUCTURAL ENGINEER & ASSOCIATES, INC. 24872 VANDERBILT STREET, SUITE 104 WEST HILLS, CALIFORNIA 91307 PHONE: (818) 237-8040 FAX: (818) 237-8041	DATE: 3/31/01
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DAVID C. WEISS
STRUCTURAL ENGINEER & ASSOCIATES, INC.
34872 VANOVEN STREET, SUITE 104
PESST HILLS, CALIFORNIA 91307
PHONE (818) 257-8040 FAX (818) 257-8041



DL 0045
DR. & MRS. DENNIS LONGWELL
402 SALVIN CIRCLE
VENTURA, CA 93004

1000 E.C.F.
CUSTOM RESIDENCE
16028 PACIFIC COAST HIGHWAY
WHEEL SHOALS, CA

PRELIMINARY FOUNDATION SECTIONS

PS2

EXHIBIT NO. 12

APPLICATION NO.
#4-VNT-82-151

April 3, 2000

letter

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA BL., SUITE 200
VENTURA, CA 93001
(805) 841-0142

April 3, 2000

page 1 of 2

Kim Rodriquez
Planning Division
800 South Victoria Ave.
Ventura, CA 93009

NATURE SAVER™ FAX MEMO 01616		Date	5/15/01	# of pages	2
To	Bonnie	From	N. Francis		
Co./Dept.	PD-1819	Co.			
Phone #	Longwell	Phone #	654-2461		
Fax #	641-1732	Fax #			

Dear Ms. Rodriquez:

Thank you for the opportunity to comment on what we think should be the material necessary for project review of Planned Development Permit PD-1819. The proposed development is a new 3784 sq. ft. single family residence on a vacant beachfront lot (APN 060-090-17) with a detached garage and 275 ft. of grading (75 cu. yds. cut and 200 cu. yds. fill) in the Mussel Shoals Community, North Coast Area of Ventura County.

We recommend that the application materials include the following information:

1. Verification of permits or permission from the State Lands Commission is a preliminary step. All projects on a beach require State Lands Commission determination of project location relative to the most landward recorded mean high tide line. For more information, contact Barbara Dugall at the Commission at 916-574-1833.
2. The applicant should submit proof of a coastal development permit for the existing rip rap seawall. A review of our records does not show that a coastal development permit was issued. Our review of aerial photos establishes that the seawall did not exist on March 14, 1973. The Commission does not permit shoreline protective devices to protect vacant land as this would be contrary to the Coastal Act. PRC Section 30238 requires that seawalls and similar devices be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. The seawall appears to be located in the area of coastal waters (i.e. wave uprush and wave attack) which is within Coastal Commission jurisdiction. A coastal development permit application is necessary to be submitted to this office, if the seawall is to be retained or be removed.
3. The Commission uses a stringline connecting the corners of adjacent decks and buildings along the ocean frontage to evaluate the project's impact on public access, sand supply and wave and flood hazard. Consequently, the application should include a stringline map showing the proposed development and deck in relation to existing adjacent structures and decks. The stringline is used to determine the maximum possible seaward extension of the proposed development. In review of similar projects, the Commission has required that all

Application PD 1458 (Longwill)
Page two

new buildings be located landward of the stringline in consideration of public access, protection of public views, and coastal hazards.

4. The submittal should include a geotechnical report and wave uprush study. This should include review of the project plans by registered professional engineer with expertise in shoreline processes. The site specific need for the proposed development (supports for the deck, development of the house on at grade, and retention of the existing seawall) and alternatives to the present proposed should be discussed. The location of all mean high tide lines should be indicated. The report and study should also evaluate the ability of the project to be safely from hazard for the life of the structure (75 year minimum).
5. Inclusion of plans and cross-sections for the proposed deck pile support system, including depth into bedrock.
6. Review by a County public health official of the proposed septic system is necessary to ensure that the system complies with minimum plumbing code requirements and is sited to prevent damage from wave uprush, and not contribute to contamination of coastal waters. Relocation to the maximum practicable location inland is recommended.
7. Location of all cut and fill in a plan view and elevations is necessary.

Please contact us if you have any questions or concerns regarding the above matter.

Sincerely,



Merle Betz
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 585-1800



February 20, 2002

Steven Perlman
7811 Marin Lane
Ventura, CA 93004

Re: PD 1819, Longwill Residence, Mussel Shoals, Ventura County

Dear Mr. Perlman,

EXHIBIT NO. 13
APPLICATION NO. A-4-VNT-02-157
Letter February 20, 2002
pg 1 of 2

This letter is in response to our previous telephone conversation of October 16, 2001, and the information you submitted to our office on February 19, 2002. We understand that this information a copy of the application materials pending review by the County of Ventura for a planned development permit for the construction of a single family residence at 6628 Pacific Coast Highway, in Ventura County (Mussel Shoals).

To summarize the information concerning the proposed project as I understand it:

- (a) ***You are proposing to construct a new, 2-story, 3,750 sq. ft. single-family residence and 3-car garage on a vacant, beachfront lot at 6628 Pacific Coast Highway in the Mussel Shoals area of Ventura County.***
- (b) ***There is an existing bedrock outcropping which extends from the adjoining western property along the western portion of the subject site -- a length of approximately 50 linear feet.***
- (c) ***There is also an existing rock/riprap revetment (as evidenced by the photographs and survey map you sent to our office) located on the eastern portion of the site and extending approximately 45 ft along the shoreline between a revetment on the neighboring property and the bedrock outcropping to the west.***
- (d) ***As currently proposed, you are seeking to retain the existing, unpermitted riprap revetment located on the subject site.***

You have, as yet, submitted no evidence that the existing riprap revetment/seawall was permitted on the subject property by either the California Coastal Commission or the County of Ventura (after the certification of their Local Coastal Plan in 1983). Additionally, in Commission staff's April 3, 2000, letter to the County, staff notes that the revetment/seawall does not appear in aerial photographs of the area taken on March 14, 1973. Aerial photographs taken in 1978 also do not indicate the presence of a revetment or seawall across the property. As the revetment/seawall does not appear to have existed prior to the Coastal Act, and its construction/emplacement constitutes a form of development under Section 30106 of the Coastal Act, it requires a Coastal Development Permit.

Upon review of the photographs and information that you have submitted to our office, it is apparent that you are proposing to retain this shoreline protective device as part of your development proposal. As such, both the proposed retention of the wall, and any improvements to the revetment need to be addressed through a permit from the California Coastal Commission and added to the project description.

Therefore, I am enclosing the following information for you:

- (a) a memo, dated December 1993, which outlines the basic information needed in an application for a shoreline protective structure,
- (b) a memo regarding guidelines describing the scope of work normally covered in engineering geologic reports
- (c) a coastal development permit application

The following (which can also be found in the above listed documents) is a summary of additional information normally required when a shoreline protective device is proposed:

- ___1. All projects on a beach require State Lands Commission determination of location of most landward property line. (State Lands Commission, 100 Howe Street, Suite 100, Sacramento, CA 95825-8202, phone (916) 574-1800.
- ___2. For projects on a coastal bluff or shoreline - a stringline map showing the existing, adjacent structures, decks and bulkheads in relation to the proposed development. The stringline is to be prepared in accordance with the Coastal Commission's Interpretive Guidelines. *Stringlines are drawn between the **nearest adjacent corners** of the existing structures, decks, and (permitted!) bulkheads located on both sides (adjacent) of the subject site. Your recent submittal does not correctly demonstrate the stringlines for the subject property.*
- ___3. For shoreline development and/or protective devices (seawalls, bulkheads, groins & rock blankets) - project plans with cross-sections prepared by a registered engineer. The project plans must show the project foot-print in relation to the applicant's property boundaries (include surveyed benchmarks), septic system, Mean High Tide Line (winter and summer), and the Wave Uprush Limit Line.
- ___4. For shoreline protective devices a geotechnical report and wave uprush study prepared in accordance with the Commission guidelines. Copies of guidelines are available from the District Office.

I hope that this information is of assistance to you in your endeavors. Please contact me if you have further questions regarding our process.

Sincerely,

Bonnie Luke
Coastal Program Analyst
California Coastal Commission

Cc: Kim Rodriquez, Senior Planner, Resource Management Agency Ventura County

FD. NAIL AND TAG
LS 50M RI

FD. NAIL AND TAG
LS 50M RI

PACIFIC COAST HIGHWAY

R=250.00
L=172.14
Tan=68.64
Del=9.35727°06"

N68°33'00"W 58.64' RIAM
BASIS OF SURVEY

N10°50'S 121.99'

R=280.00
L=54.81
Tan=27.39
Del=14°11'10.29"

FD. T. PIPE RI
SEALEVEL DATUM ELEV
25.58

NOTHING FD OR SET

RESIDENCE
@ 6637

Proposed
Residence
LOT 12 (12 MR 29)

LOT 11 (12 MR 29)

RESIDENCE
@ 6626

"DECK"
ABOVE

FIGURE 3

13 (12 MR 29)

SET 1/2" STAKE AT
PROPOSED BUILDING CORNER
PER CIVIL PLANS PROVIDED

PROPOSED
DECK

FIGURE 5

FIGURE 6

1 3/4" PIPE TAGED 32497 RI
ALEVEL DATUM ELEV 10.42

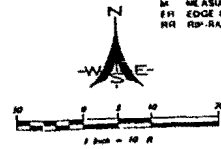
APPROXIMATE LOCATION
OF MEAN HIGH TIDE LINE

TOPOGRAPHIC MAPPING
LOT 12 MUSSEL SHOALS
VENTURA, CA.

BENCHMARK
CONDA 3 RIAM
ELEVATION 18.41

LEGEND

RI 48 RI5 HOD
R RECORD
M MEASURED
EH EDGE REP. RIAM
RR REP. RIAM



Greg C. Wardley & Assoc.
Professional Land Surveyors in the State of California
7042 La Puente Court, Ventura, CA 93003
(805) 644-6242 FAX (805) 644-1189
W.O. 00 2801
DWG. 00 2801

EXHIBIT NO. 14
APPLICATION NO.
A-4-VNT-02-151
Approx Mean
High Tideline

Offer to Dedicate
Lateral Accessway

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2922

from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1900

Contact FAX: (916) 574-1925

May 15, 2001

File Ref: W25751

Kenneth Soudani
124 La Crescenta Drive
Carmarillo, CA 93010-8409

Dear Mr. Soudani:

Subject: Proposed Rock Riprap Located at Lot 12, Tract 1, Mussel Shoals

Thank you for your submission of the additional information our staff requested to determine if the application was complete as provided by law and the California State Land Commission's (CSLC) application requirements. Staff has reviewed your responses to our questions with regard to the construction methodology of the proposed riprap seawall project and the status of your application with the California Coastal Commission (CCC). After review of the information supplied by Damar Construction, additional written explanation is requested as follows:

Fueling of Equipment - A small basin will be dug and lined with plastic to ensure that no pollutants are able to infiltrate the soils when fueling equipment on site and that the basin will be removed at the completion of work or will be left for the following trades. Where will this basin be dug? If left for use by the following trades, what is meant by the "following trades"? If this references the construction of the dwelling, when will construction be expected to start? How long will this basin remain in place? Where will fueling and staging take place while the building is under construction?

Staff has been in contact with the CCC and Ventura County Planning Division concerning the proposed project. According to Ms. Bonnie Luke at the CCC, an application for the proposed riprap project has not been submitted to them. CSLC strongly encourages you to contact the CCC and submit an application for review of the proposed project as soon as possible. Attached is a copy of a correspondence between the CCC and the Ventura County Planning Division concerning materials necessary for review of the Longwill's proposed development project. Not all of the materials relate to the proposed riprap project per say, however those issues and possible additional issues that may exist after review by the CCC concerning the riprap project should be resolved prior to approval by the CSLC.

I am available at your convenience to discuss any of the above matter. Please feel free to contact me at (916) 574-1812.

Sincerely,

Mary C. Hays
Public Land Management Specialist

Enclosure

EXHIBIT NO. 16
APPLICATION NO. A-4-VNT-02-151
SLC Review
Revetment

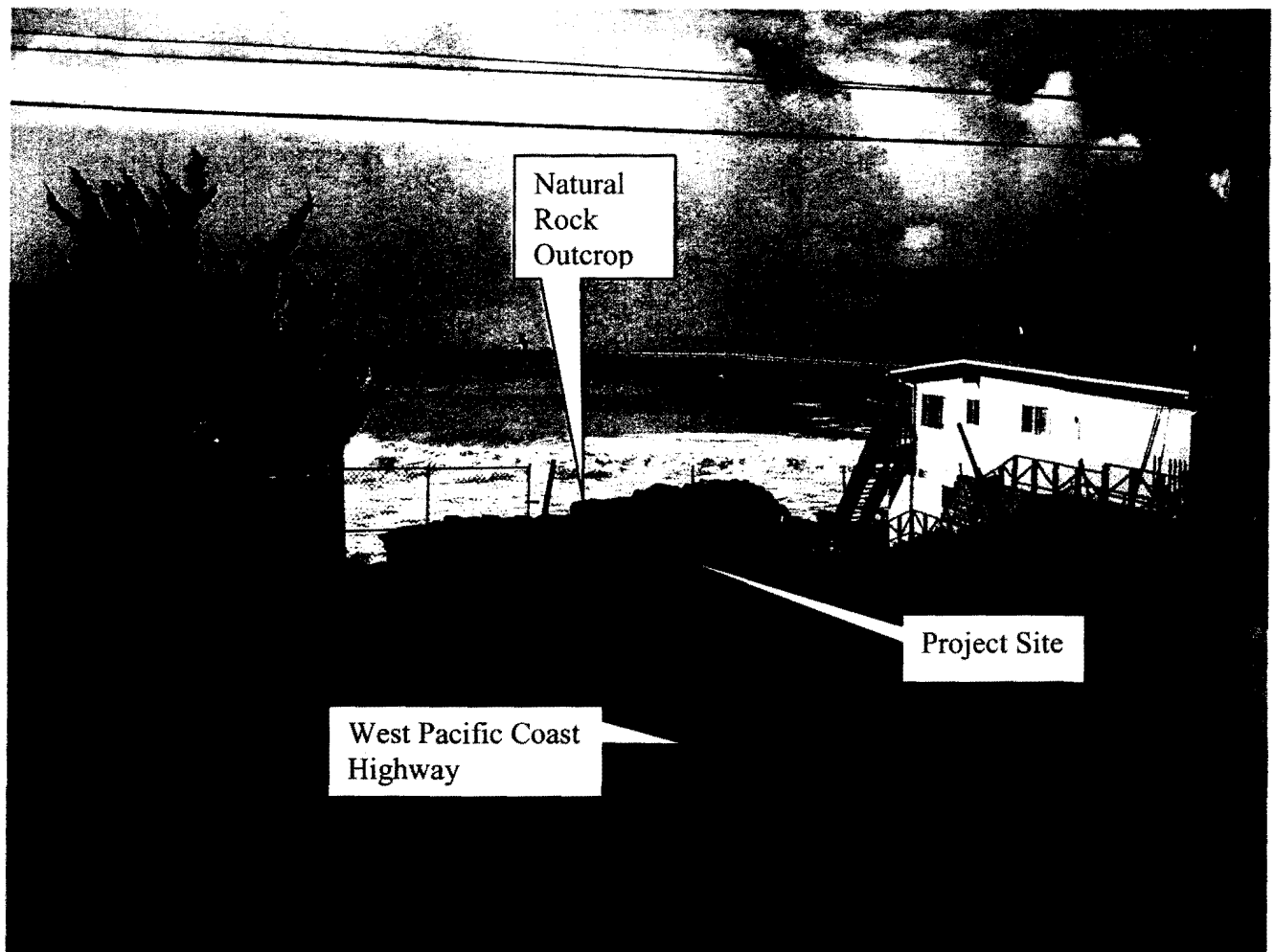
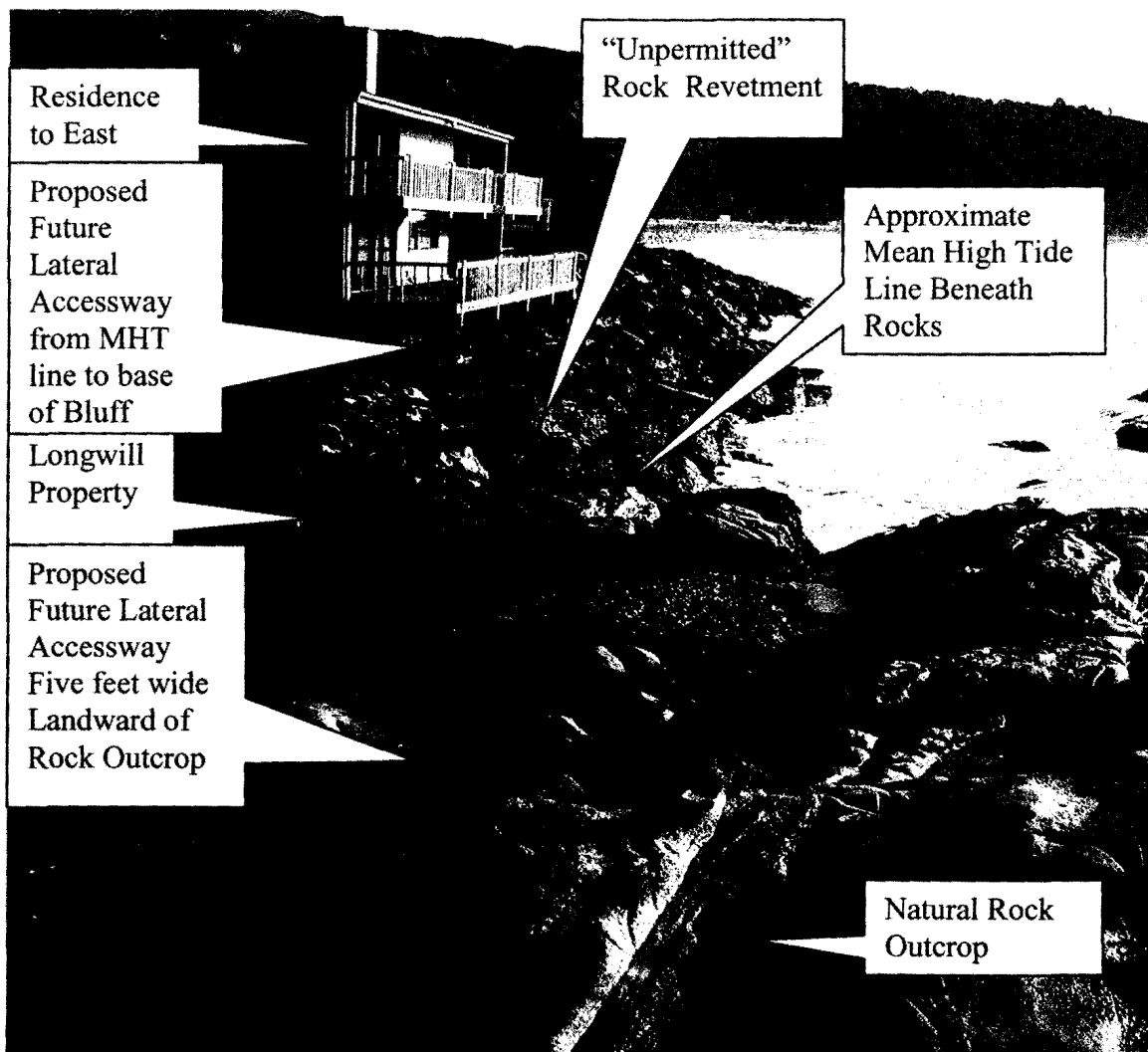


Exhibit 17
Appeal No.
A-4-VNT-02-151
Project Site



Residence
to East

Proposed
Future
Lateral
Accessway
from MHT
line to base
of Bluff

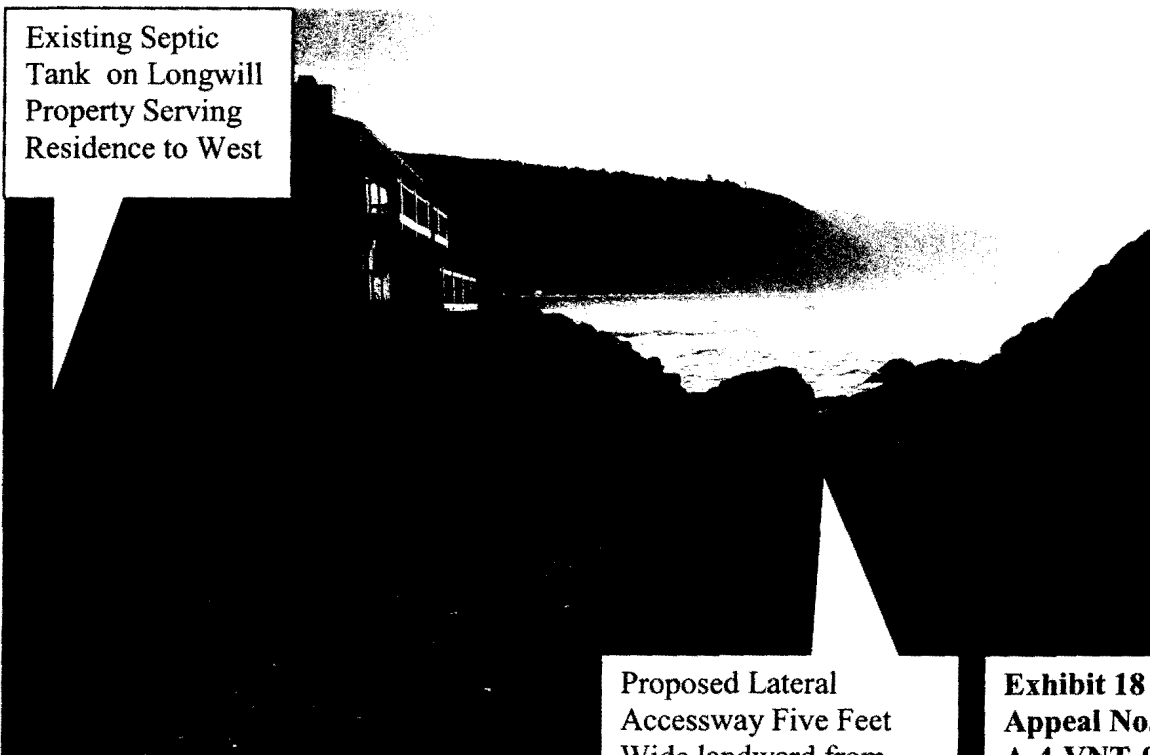
Longwill
Property

Proposed
Future Lateral
Accessway
Five feet wide
Landward of
Rock Outcrop

"Unpermitted"
Rock Revetment

Approximate
Mean High Tide
Line Beneath
Rocks

Natural Rock
Outcrop



Existing Septic
Tank on Longwill
Property Serving
Residence to West

Proposed Lateral
Accessway Five Feet
Wide landward from
Base Rock Outcrop

Exhibit 18
Appeal No.
A-4-VNT-02-151
Project Site at about
+4.5 tide level (MHT)

