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STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Filed:	01/17/03
180th Day:	07/16/03
Staff:	SLG-V
Staff Report:	05/21/03
Hearing Date:	6/13/03
Commission Action:	

RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO. 4-01-032

APPLICANT: Christine Holz and Timothy Ball

PROJECT LOCATION: 5297 Austin Road, Goleta, Santa Barbara County

PROJECT DESCRIPTION: Repair and maintenance of an existing seawall, consisting of the construction of a poured in-place 9 ft long by 12 ft high concrete return wall, reconstruction of approximately 20 feet of the existing 120-foot long seawall by retrieving and restacking displaced "concrete bags," replacement of concrete pillow "voids" in the seawall, and resurfacing of the seawall with a 3- to 6-inch veneer of concrete. The project includes approximately 20 cubic yards of concrete to construct the return wall. The improvements will not exceed the previously approved footprint, height, or seaward extent of the existing seawall.

SUBSTANTIVE FILE DOCUMENTS: Wave Runup and Coastal Hazard Study (Skelly Engineering, December 2002);. Seawall Repairs, Inspection Report and Findings (Skelly Engineering, December 2002); Engineering Geology Discussion (Richard Cousineau, December 2002); Coastal Commission Appeal No. 365-79.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with four special conditions regarding (1) Assumption of Risk / Shoreline Protection, (2) Required Approvals; (3) Operational Responsibilities; and (4) Deed Restriction.

I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-01-032 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent or interpretation of any 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.

III. SPECIAL CONDITIONS

1. Assumption of Risk/Shoreline Protection

A. By acceptance of this permit, the applicants acknowledge and agree to the following:

1. The applicants acknowledge and agree that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, landslide, and flooding.

2. The applicants acknowledge and agree to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.

3. The applicants unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.

4. The applicants agree 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. No future repair or maintenance, enhancement, or reinforcement of the shoreline protective device to protect the development approved pursuant to Coastal Development Permit 4-01-032 shall be undertaken if such activity extends the seaward footprint of the subject shoreline protective device. By acceptance of this permit, the applicants hereby waive, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code section 30235.

2. Approvals

Prior to issuance of the Coastal Development Permit, the applicants shall provide to the Executive Director a copy of all necessary State or Federal permits for the proposed project, including the California State Lands Commission, or letter of permission, or evidence that no permit or permission is required. The applicants shall inform the Executive Director of any changes to the project required by any applicable agency. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Operational Responsibilities

It shall be the applicants' responsibility to assure that the following occurs during project operations:

(a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion.

(b) Any and all debris resulting from construction activities shall be removed from the beach immediately.

(c) Equipment shall not be in contact with coastal waters at any time.

(d) Equipment shall not travel outside of the approved equipment access route.

(e) Equipment on the beach shall be limited to vehicles with rubber tires. Tracked vehicles shall be prohibited.

4. 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 applicants have 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.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Background

The project site is located on an approximately 1.3-acre bluff top parcel in the Goleta community in unincorporated Santa Barbara County at 5297 Austin Road on More Mesa (Exhibit 1). The subject lot is developed with an existing single-family residence built prior to the Coastal Act. The area surrounding the project site is characterized by residential development on half-acre lots. The foundation of the residence is reported to be located approximately six feet from the bluff at the western end and approximately 18 feet from the bluff top at the eastern end.

The applicants propose to repair an existing seawall comprised of approximately 2 ft. high by 10 ft. long by 4 ft. deep waterproof fabric forms filled with concrete (referred to as concrete pillows) stacked five pillows high in a stepped manner toward the bluff face (see Exhibit 2-4). The repair consists of the construction of a poured in-place 9 ft long by 12 ft high concrete return wall, reconstruction of approximately 20 feet of the existing 120-foot long seawall by retrieving and restacking displaced "concrete bags," and resurfacing of the seawall with a 3- to 6-inch veneer of concrete. The project includes approximately 20 cubic yards of concrete to construct the return wall. The applicants propose the additional repair and replacement of concrete pillow "voids" in the seawall, including approximately five areas of the seawall that have been extracted by tidal action. The improvements will not exceed the previously approved footprint, height, or seaward extent of the existing seawall. The proposed repair and resurfacing of the wall are remedial in nature, some of which has previously been constructed pursuant to approved Commission emergency permits (see discussion below).

The applicants are requesting to repair the existing seawall that was approved by the Commission in December 1979 pursuant to Appeal No. 365-79. The Commission approved an approximately 120-foot long by 10-foot high seawall of variable width that tapers to the bluff along the east end, such that the seawall would not extend any farther seaward than the promontory at the west end of the subject property. The existing revetment was cast-in-place using "balsecreto sacks" stepped back from the toe at an approximately 45 degree angle.

The general repair to fill the voids in the seawall would consist of the placement of the broken pillows that can be salvaged into the gaps in the seawall and grout into place with concrete. Where broken pillows are not available to fit the voids, Hydrotex fabric forms (fabric sacks) of the size and shape to match the damaged section will be positioned. Typical sack size would be 2'H x 4'W x 10'L or smaller, as necessary to fit the void. The Hydrotex fabric forms would then be filled with colored concrete by pumping the concrete via a 3-inch hose directly into the fabric forms. The repaired portions would be stepped to match the existing height, slope, and color of the existing revetment. Where pieces of existing seawall are located within this area, they will be incorporated into the pour. The resurfacing would involve the application of a thin layer of high strength concrete to the face of the existing seawall, including the following steps: (1) the use of a pressure washer to remove loose material from the surface; (2) filling the larger voids as described above and lesser voids with concrete grout; and (3) spraying colored concrete, Shot Crete, to the surface of the seawall and troweling the surface to match the existing contours of the seawall and bluff face.

The applicants estimate that the proposed work will take 3 to 5 days, with construction occurring during low tides only. The project requires the use of a rubber tire backhoe to move the salvaged broken pillows and fit them back into place. The backhoe will gain access directly from the east of the site.

The Commission notes that the subject site has been subject to past Commission action. In 1979, the Commission approved a permit (Appeal 365-79, Flynn) to "construct a bluff top, below grade retaining wall [on the bluff top in proximity to the house], a

"balsecreto" concrete bag revetment, and a bluff top drainage system with discharge point approximately 10 feet above the beach at the top of the seawall" subject to seven conditions relating to: lateral access; State Lands Commission review; maintenance of vertical accessway; maintenance of protective structures; sand replenishment; project design, and assumption of risk. These improvements were asserted by the applicant to be necessary to prevent bluff retreat and subsequent damage to an existing single-family residence. Pursuant to this permit, the applicant recorded an offer to dedicate an easement for public access from the toe of the bluff seaward to the mean high tide line. This offer to dedicate was accepted by Santa Barbara County in November 1998.

The Commission subsequently approved two emergency permits at this site, in 2000 and 2002, for construction and repair of the seawall. Emergency Permit 4-00-265-G, dated December 13, 2000, approved construction of a poured in-place 9-foot long by 12-foot high concrete return wall behind and adjacent to the northern (upcoast) side of the existing seawall, requiring approximately 20 cubic yards of concrete to construct. Emergency Permit 4-02-231-G, dated November 14, 2002, approved maintenance and repair work to a limited section of the east end of the existing seawall that was damaged. The work approved included gathering concrete pillow sections of the seawall from the beach and placing them back in the original approved footprint and grouting these sections together with concrete. Concrete was to be pumped via a four-inch flexible hose through the private storm drain on the subject site than runs from the northeast corner of the property to the toe of the bluff. No new concrete pillows were approved. The present application proposes to make these repairs permanent through a coastal development permit.

B. Public Access and Seaward Encroachment

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

Coastal Act Section 30212(a) 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 access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected as a resource of public importance and designed to protect views to and along the ocean and scenic coastal areas.

The proposed project is for the repair and resurfacing of an existing seawall comprised of approximately 2 ft. high by 10 ft. long by 4 ft. deep waterproof fabric forms filled with concrete (i.e., concrete pillows) stacked five pillows high in a stepped manner toward the bluff face. The repair consists of the construction of a poured in-place 9 ft long by 12 ft high concrete return wall, reconstruction of approximately 20 feet of the existing 120-foot long seawall by retrieving and restacking displaced "concrete bags," and resurfacing of the seawall with a 3- to 6-inch veneer of concrete. The project includes approximately 20 cubic yards of concrete to construct the return wall. The applicants propose the additional repair and replacement of concrete pillow "voids" in the seawall, including approximately five areas of the seawall that have been extracted by tidal action.

All beachfront projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. In past permit actions, the Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure in contradiction of Coastal Act policies 30210, 30211, and 30212.

Past Commission review of shoreline residential projects has shown that individual and cumulative adverse effects to public access from such projects can include encroachment on lands subject to the public trust (thus physically excluding the public); interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use public tideland areas. The State Lands Commission lease for the existing seawall has expired; therefore, to ensure that there are no adverse effects to the public trust, **Special Condition Two (2)** requires the applicants to provide copies of all necessary State and federal permits for the proposed project, including evidence of State Lands Commission approval, prior to issuance of the coastal development permit.

In 1979, the Commission approved the construction of the concrete pillow seawall with two pertinent special conditions regarding the project design and lateral access. Prior to issuance of the permit, the applicant was required to reduce the size of the seawall so that it would not extend "any farther seaward than the promontory at the west end of the subject property" in order to "minimize the extent of the revetment's encroachment onto the beach and into view lines from beach areas to the east and west." Furthermore, the seawall was required to be designed to "provide steps at each end and a walking surface along the length of the revetment at least 3 feet wide." Pursuant to this permit, the applicant recorded an offer to dedicate an easement for lateral public access from the toe of the bluff seaward to the mean high tide line. This offer to dedicate was accepted by Santa Barbara County in November 1998.

The proposed project allows access up and down the seawall face as a result of the "stepped" design of the concrete pillows. The width of the top of the seawall varies from 3 to 6 feet. The proposed improvements include the restacking and concrete surfacing of broken pillows along approximately 20 feet of the eastern end of the seawall. This 20-foot stretch of the seawall is similar to a revetment and would require scrambling up the irregular rock formation to access the flatter surface along the top. However, the east end improvements are only approximately 20 feet in length and tapered to the bluff and there is ample access along the remainder of the seawall. Furthermore, the improvements will not exceed the previously approved footprint, height, or seaward extent of the existing seawall. The veneer will be textured in a manner that allows continued access up and along the seawall. Therefore, the proposed improvements will not have any new impacts on the shoreline processes.

Further, in review of past permit actions, the Commission has found that shoreline protective devices, such as seawalls, result in adverse effects to shoreline processes and beach profile due to increased scour and erosional end effects. However, in this case, the applicant is proposing to repair and reface the seaward surface of an existing seawall. The proposed refacing will be three to six inches thick to allow texturing that provides a more "natural" appearance and blends more closely to the texture of the bluff face. The refacing will be contoured starting from the second lowest layer of pillows, to ensure that the seaward extent of the footprint will not be extended. The improvements will not result in any intensification of the interaction between the existing shoreline protective device, the seawall, and wave uprush. Therefore, the Commission notes that

the proposed repair project will not result in any new adverse effects to shoreline processes, the beach profile, or public access along the beach.

And lastly, pursuant to Section 30251 of the Coastal Act, the Commission reviews the publicly accessible locations along adjacent public roads and the sandy beach where the proposed development is visible to assess visual impacts to the public. The Commission examines the proposed construction site and the size of the proposed project. The seawall is located at the base of a bluff that is not visible from public roads, and is only minimally visible from public viewing locations because of its isolated orientation. Although the repair will be visible from the public sandy beach, the visibility of the repair is limited particularly when sand covers the beach and the base of the seawall during a portion of the year and as a result of the colored concrete chosen to blend with the native bluff soil. Thus, the proposed repair of the seawall will not adversely affect existing public views.

The project will not preclude public access to any presently existing vertical or lateral public access easements or rights or adversely affect public coastal views. For these reasons, the Commission finds that the proposed project, as conditioned, will have no individual or cumulative adverse effects on public access. Therefore, the Commission finds that the project, as conditioned, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30251.

C. Hazards and Shoreline Processes

Section 30235 of the Coastal Act states:

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

Section 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 allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. In addition, Section 30253 of the Coastal Act mandates that new

development provide for geologic stability and integrity and minimize risks to life and property.

The proposed project is for the repair and resurfacing of an existing seawall comprised of approximately 2 ft. high by 10 ft. long by 4 ft. deep waterproof fabric forms filled with concrete (i.e., concrete pillows) stacked five pillows high in a stepped manner toward the bluff face (see Exhibits 2-4). The repair consists of the construction of a poured in-place 9 ft long by 12 ft high concrete return wall, reconstruction of approximately 20 feet of the existing 120-foot long seawall by retrieving and restacking displaced "concrete bags," and resurfacing of the seawall with a 3- to 6-inch veneer of concrete. The project includes approximately 20 cubic yards of concrete to construct the return wall. The applicants propose the additional repair and replacement of concrete pillow "voids" in the seawall, including approximately five areas of the seawall that have been extracted by tidal action.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The Santa Barbara County coast has been subject to substantial damage as a result of storm and flood occurrences, and geological failures. The project site is located on a beachfront parcel in Santa Barbara County, an area that is generally considered to be subject to an unusually high amount of natural hazards. Therefore, it is necessary to review the proposed project and project site against the area's known hazards. The proposed project involves the repair of an existing seawall, on a lot developed with a single-family residence.

The applicant has submitted project plans prepared by Skelly Engineering as well as a Wave Runup Analysis and an as-built seawall report. As provided in the Wave Runup and Coastal Hazard Study (Skelly Engineering, December 2002) prepared for this project:

> ***The analysis was performed on the sloping concrete bag seawall and the unprotected bluff. The height of the seawall is about +11.5' MSL. The runup analysis shows that the seawall, under the design storm conditions, can be overtopped at a rate of about 6.2 ft^3/sec-ft. This overtopping rate can be interpreted to be about 1.0 foot of water per foot of seawall per wave. The damage to the east end of the wall has been exacerbated by wave overtopping. Overtopping of the wall occurs during times of moderate swell and spring high tides. While the wall is often overtopped, based on our inspection it appears that the overtopping waters do not have enough energy to significantly erode the exposed bluff material above the seawall. The unprotected bluff is about 85 feet high and the ACES wave runup analysis revealed that design wave will runup to about elevation +22' MSL.***

The Wave Runup report further concluded the following:

> * ***Geologic studies indicate that the marine bluff at this location, if unprotected would erode in an episodic manner on average at about 1.5 to 2 feet per year.***

* ***The permitted seawall and retaining wall currently provide protection for the residence against the high rate of bluff retreat which would otherwise occur.***

* ***The seawall has required repairs at both the east and west end. These repairs were necessary to protect the residence and to maintain the functionality of the structure.***

The applicant's consulting engineer has further concluded that the improvements to the existing wall are necessary to mitigate further failure and "increase the structural integrity of the structure." Therefore, the Commission notes that the proposed development, as submitted, is consistent with the requirements of Coastal Act Section 30253 that require the assurance of the structural integrity of proposed development.

The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges and high tides. Past occurrences have damaged the subject seawall. Ample evidence exists that beachfront development in the area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The existing development on site, even after the completion of the remedial repair work, will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future, as will the existing single family residence that the seawall helps to protect. The Coastal Act recognizes that development, such as the proposed repairs, even as designed and constructed to incorporate all recommendations of the consulting coastal engineer, 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 Commission finds that due to the possibility of liquefaction, storm waves, surges, erosion, and flooding, 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, Waiver of Liability and Indemnity, as required by **Special Condition One (1)**, when executed and recorded on the property deed, will show that the applicants are aware of and appreciate the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the proposed development.

In addition, the proposed project will involve the use of construction equipment on a sandy beach. As such, the proposed project has the potential to generate debris and or presence of equipment and materials that could be subject to tidal action on the beach. 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 could result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse effects to public access and recreation and public trust resources are minimized, **Special Condition Two (2)**, requires the applicants to ensure that no

construction materials or debris be placed where it may be subject to wave action; any and all debris shall be immediately removed from the sandy beach; and equipment shall be present during low tides to avoid contact with coastal waters and equipment shall adhere to the approved access route.

Section 30235 of the Coastal Act allows for the construction of a shoreline protective device only when necessary to protect existing development or to protect a coastal dependent use and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In this case, the house was constructed prior to the Coastal Act and Coastal Development Permit 365-79 was previously approved by the Commission in 1979 to construct the 120-foot long seawall.

Adverse effects to shoreline processes from shoreline protective devices are greater the more frequently that they are subject to wave action. As such, in past permit actions, the Commission has required that all new development on a beach, including shoreline protection devices, be located as landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. To ensure that future modifications to the approved seawall do not result in seaward extension of the shoreline protective device, **Special Condition One (1)** prohibits any future repair or maintenance, enhancement, or reinforcement of the shoreline protective device to protect the development approved pursuant to this permit, if such activity extends the seaward footprint of the subject shoreline protective device. This will prevent adverse impacts to shoreline processes from seaward extensions of the bulkhead.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30235 and 30253.

D. Local Coastal Program

The proposed project area lies within the unincorporated area of County of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on state tidelands or is below the mean high-tide. The Commission has certified the Local Coastal Program for the County of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

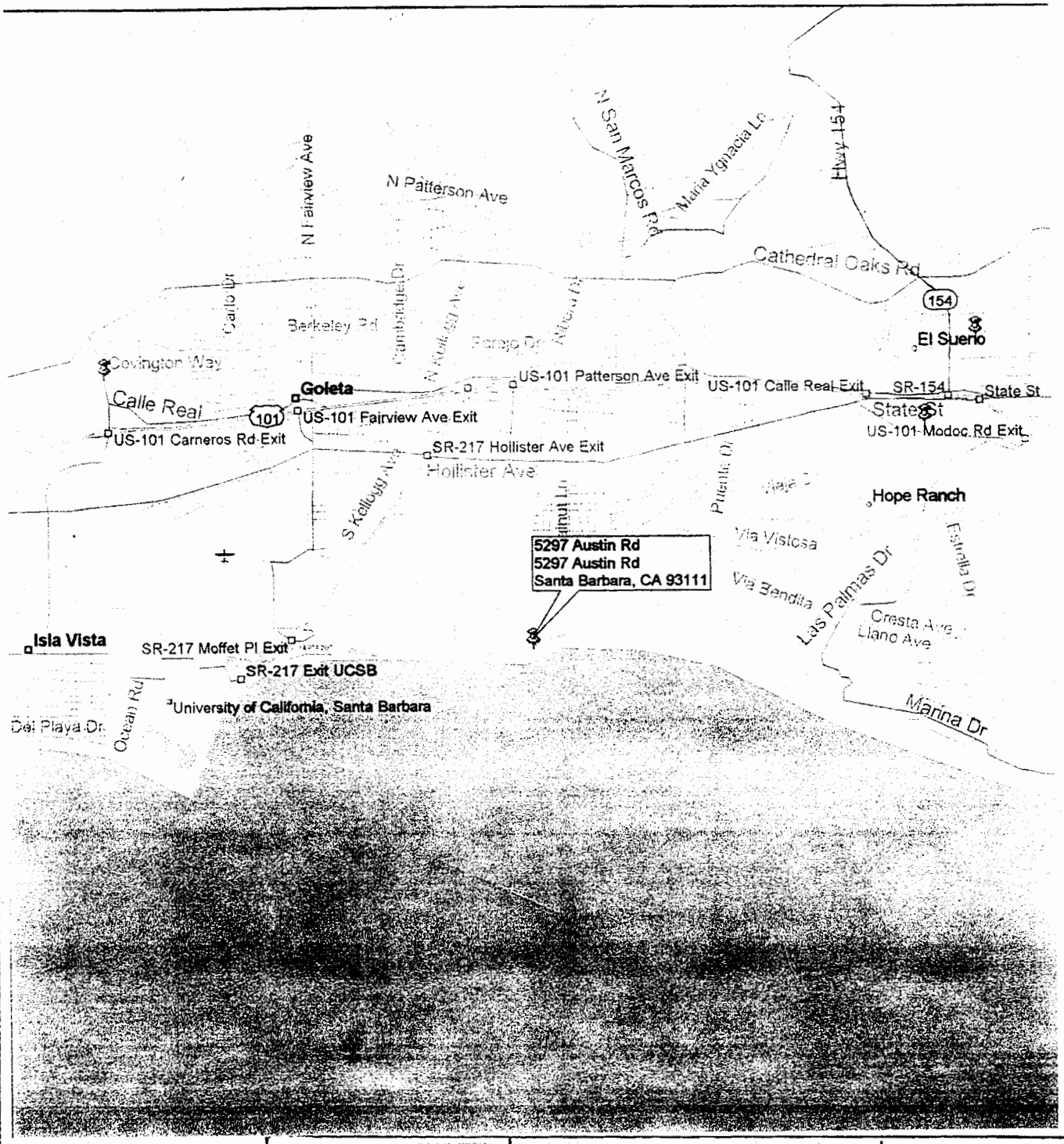
E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would

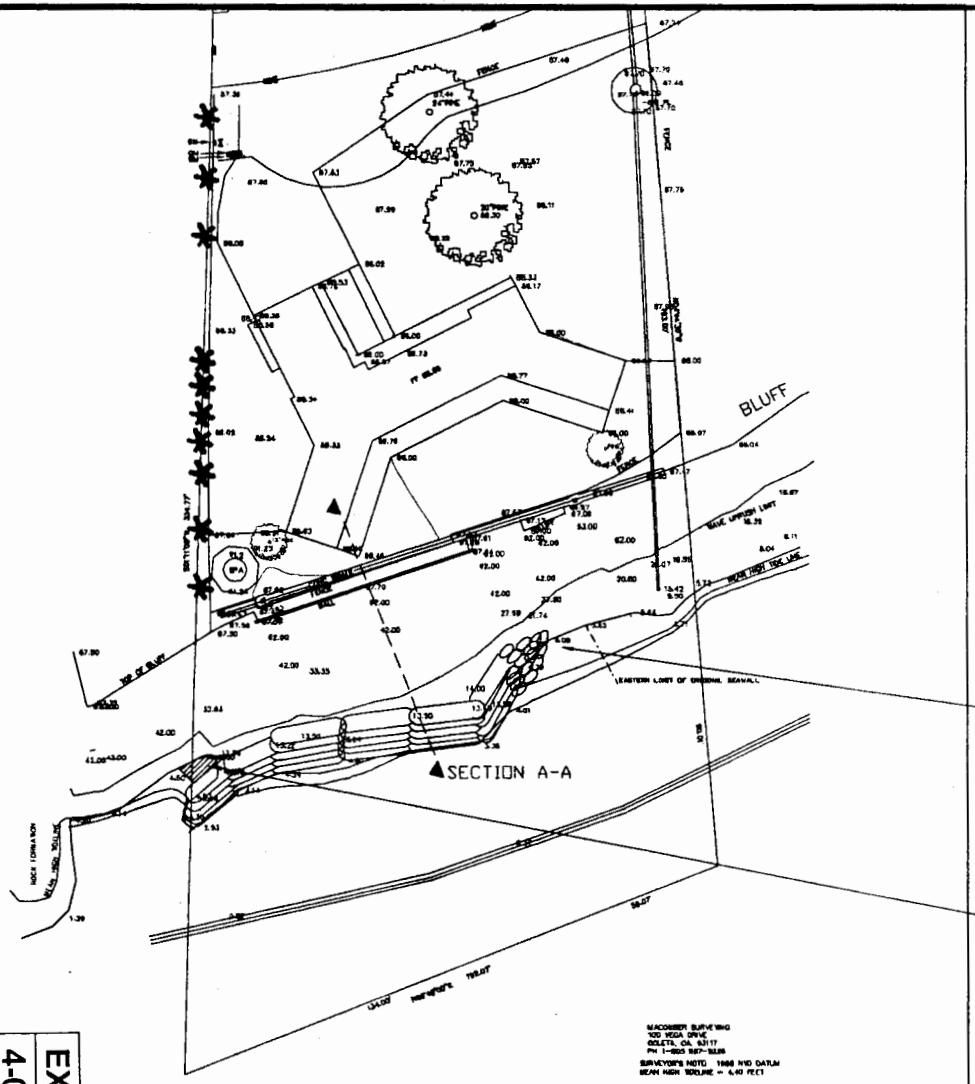
substantially lessen any significant adverse effect which the activity would have on the environment.

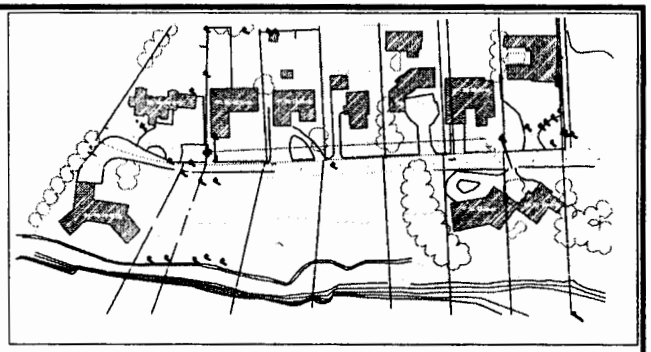
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

TIM BALL PROPERTY-5297 AUSTIN ROAD, SANTA BARBARA,CALIFORNIA



Scale 1' = 5000'±	LOCAL VICINITY MAP	
	TIMOTHY BALL PROJECT	
BY:RICHARD PAUL COUSINEAU	PROJ. 21	EXHIBIT 1 4-02-032 Vicinity Map





VICINITY MAP

REPAIR COMPLETED UNDER PERMIT 4-02-231-G; GATHERED BROKEN OFF SECTIONS OF SEAWALL FROM BEACH AND STACKED THEM ONTOP OF EXISTING SEAWALL FOUNDATION IN DAMAGED AREA USING COLOR CONCRETE GROUT TO BIND THEM IN PLACE.

REPAIR COMPLETED UNDER PERMIT 4-00256-G; FILL VOID BEHIND SEAWALL WITH A POURED 9' x 12' CONCRETE RETURN.

NORTH

DOCUMENTATION OF COMPLETED REPAIRS
5297 AUSTIN ROAD - SANTA BARBARA

SE SKELLY ENGINEERING
David W. Skelly MS, PE
Coastal Engineer
(760) 942-8379 PHONE/FAX

TITLE: **SITE PLAN**

REVISED 11/27/02	DRAWN
REV.	
REV.	
REV.	
REV.	
SIZE: B	SCALE: 1"=40'

SHEET 1 OF 2

EXHIBIT 2
4-02-032
Site Plan

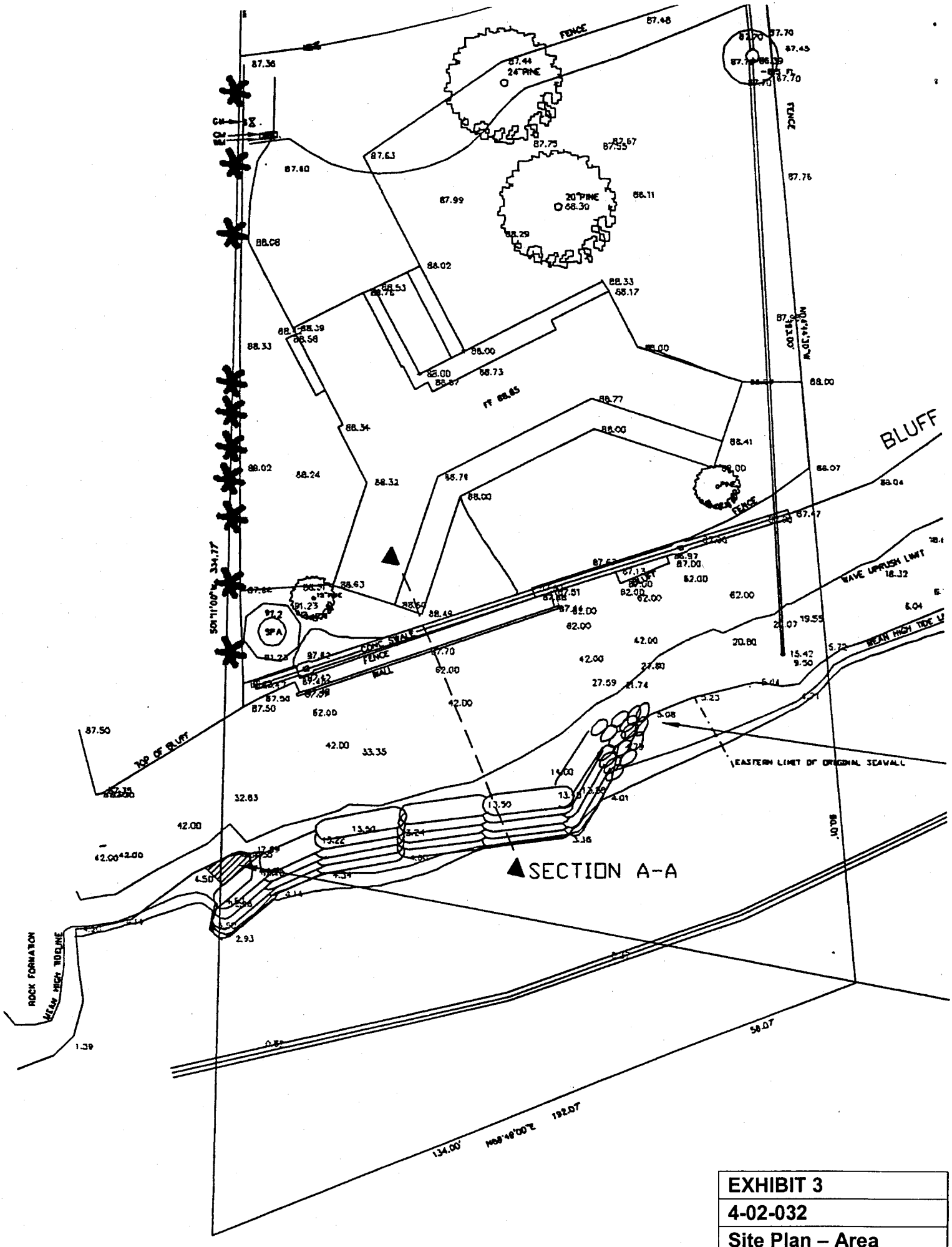
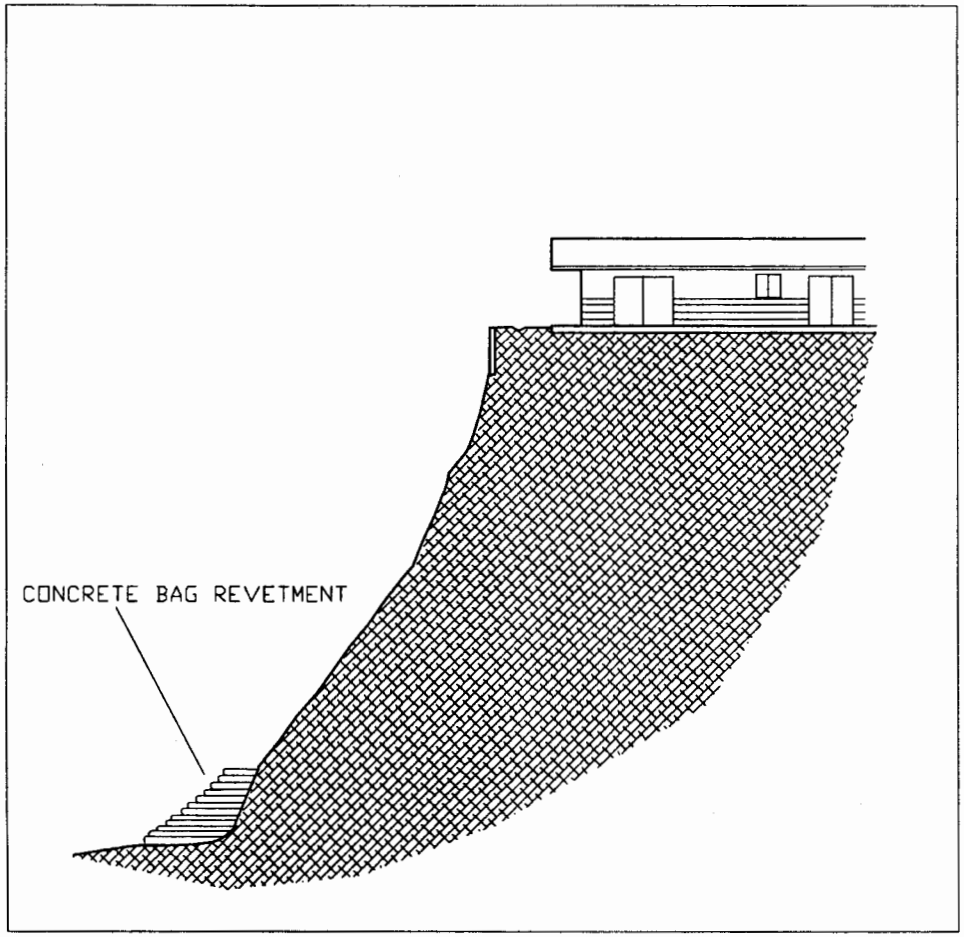


EXHIBIT 3
4-02-032
Site Plan – Area Enlargement



SECTION A-A SCALE 1"=20'

EXHIBIT 4
4-02-032
Section

DOCUMENTATION OF COMPLETED REPAIRS
5297 AUSTIN ROAD - SANTA BARBARA

SE SKELLY ENGINEERING
David W. Skelly MS, PE
Coastal Engineer
(760) 942-8379 PHONE/FAX

TITLE: **SECTION**

DRAWN 11/27/02 SIGNED
REV.
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SIZE B | SCALE: 1"=20' | SHEET 2 OF 2