

Staff Report 56

APPLICANT:

Kenneth M. Walker and Tami L. Walker, Trustees of the Kenneth M. and Tami L. Walker Family Trust dated October 14, 2003

PROPOSED ACTION:

Issuance of a General Lease – Protective Structure Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to 3398 Pacific Coast Highway, San Buenaventura, Ventura County (as shown on Figure 1).

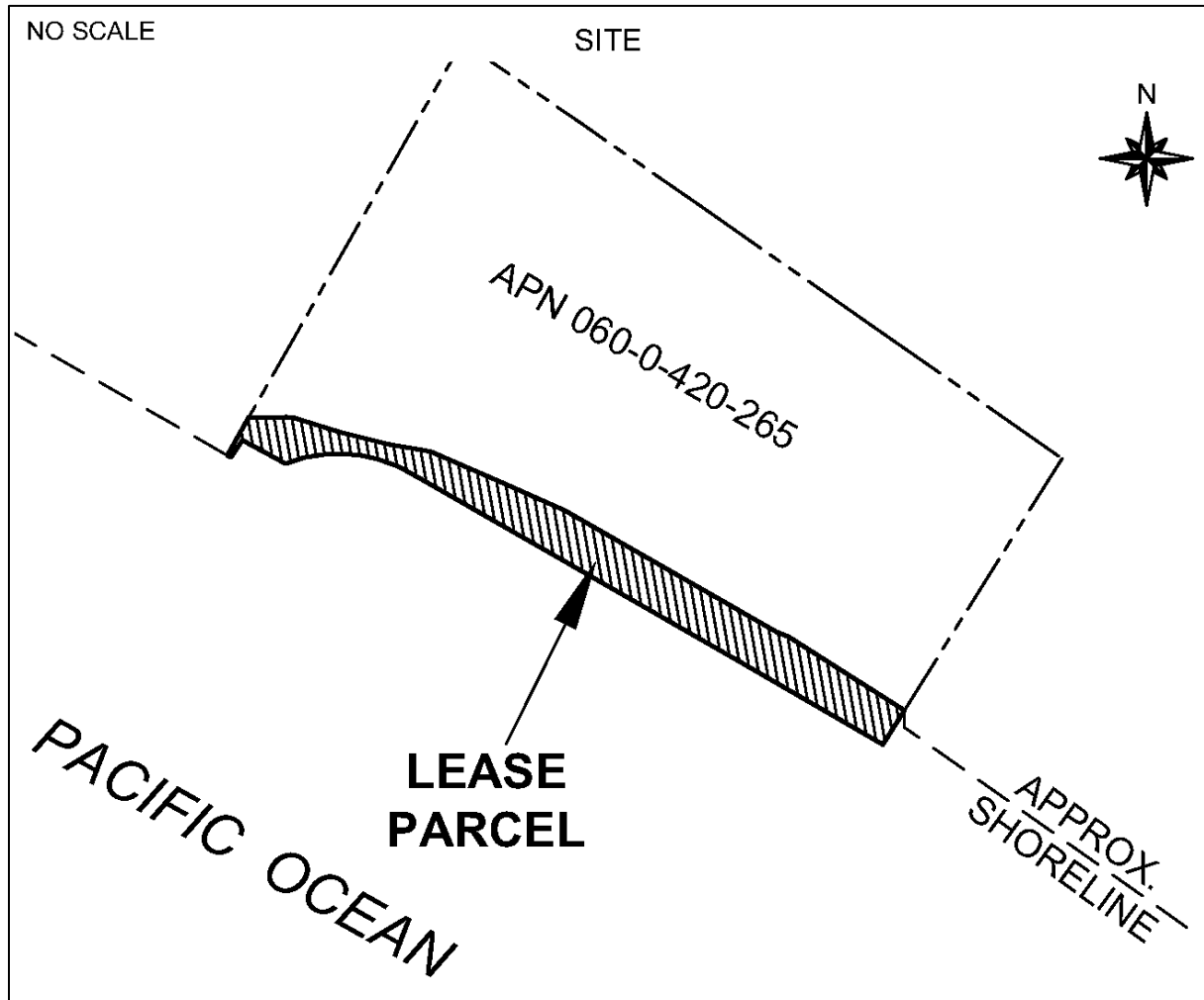
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of a concrete seawall with a wave deflection cap.

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

10 years, beginning May 15, 2023.

CONSIDERATION:

\$4,549 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 23, 2014, the Commission authorized a General Lease – Protective Structure Use to Ronald J. and Melissa P. Sanders, for the use and maintenance of a concrete seawall with a wave deflection cap ([Item 57, April 23, 2014](#)). That lease will expire on May 14, 2023.

On October 17, 2019, the ownership of the upland property was deeded to Kenneth M. Walker and Tami L. Walker, Trustees of the Kenneth M. and Tami L. Walker Family Trust dated October 14, 2003. On February 28, 2020, the Commission authorized an assignment of the lease to the Applicant. The Applicant is now applying for a General Lease – Protective Structure Use, for the use and maintenance of a concrete seawall with a wave deflection cap.

On October 12, 1999, the California Coastal Commission (Coastal Commission) authorized Coastal Development Permit No. 4-99-117 for the construction of the vertical concrete seawall and wave deflection cap. No modifications or repairs have been required since the original construction, and all improvements are in good condition.

The Applicant owns the upland adjoining the lease premises, and the concrete seawall with a wave deflection cap has existed here for many years. The seawall is privately owned and maintained by the Applicant. The seawall protects the upland residential property from severe storm damage. The vertical seawall is approximately 107 feet in length and has a height of approximately 15.5 feet. The seawall also incorporates a stairway from the beach to the upland residence.

In September 1999, the previous homeowner and Coastal Commission staff met to discuss the need for the seawall protection. Coastal Commission staff raised a concern that the proposed seawall location should be located as far landward as possible to preserve public beach and lateral access. However, if the seawall location was too landward, it could cause wave uprush, wave splash, and vibration. Therefore, through consultation with Coastal Commission staff, the homeowner, and the homeowner's engineers, the revised seawall plan was configured and moved back 21 feet from the residence, rather than the previously proposed 32 feet. This additional area provides lateral public access.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and protects public access to the Pacific Ocean. Upon termination of the lease, the Lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. The proposed lease requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in the Pacific Ocean, adjacent to 3398 Pacific Coast Highway.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Santa Barbara tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea Level Rise for Santa Barbara

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas

by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

The vertical concrete seawall with a wave deflection cap is approximately 107 feet in length and has a height of approximately 15.5 feet. The seawall also incorporates a stairway from the beach to the residence. The seawall within the lease area will be vulnerable to the impacts from sea level rise and more frequent and intense storms that are the result of climate change. The seawall is likely to degrade over the lease term due to increased time of exposure to wave action, storm surge, and higher total water levels. Bluff erosion as a result of precipitation, groundwater drainage, wind force, and slumping may also exert pressure on the stem wall from the landward side. Therefore, it may require more frequent maintenance to ensure continued function during and after storm seasons and reduce the risk it poses to public safety in the event the stem wall becomes a source of marine debris or a coastal hazard as a result of dislodgement or structural failure.

The seawall also has the potential to exacerbate the impacts of sea level rise and increased storm and wave activity on sovereign land adjacent to the lease area. The beach area seaward of the stem wall is subject to width reduction and loss from erosion, scour, and coastal squeeze (the reduction of beach width due to the inability of the beach to naturally migrate landward as a result of hard armoring infrastructure). In addition to the stem wall exerting an artificial influence on the natural landward migration of the beach, it is also a barrier between the naturally eroding bluffs and the beach, and effectually prevents beach replenishment via natural passive erosion. In general, seawalls increase beach scour at the toes and sides of the walls by reflecting and refracting wave energy back on to the beach with higher force due to their placement and composition. Beach loss is anticipated to increase over the term of the lease because of the combined factors of climate change impacts, natural dynamic coastal processes, and the presence of this seawall.

Before the seawall's construction, these impacts were considered and partially addressed by a redesign of the seawall, which moved its location further landward to minimize beach loss and blockage of lateral beach access. Special conditions of the coastal development permit also sought to minimize the impacts by requiring the dedication of a lateral public easement, limitations on future repairs or modifications that will extend the seawall further seaward, and termination of the permit if the primary residence must be relocated or rebuilt.

Regular maintenance, as referenced in the lease, may help reduce the likelihood of severe structural degradation. Further climate change impact analyses on the

leased facilities will be assessed at the time the lease is up for renewal in 10 years and would be based on projected sea level rise scenarios at that time.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application for a new lease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State’s Public Trust lands as authorized by law. If the Commission denies the application, the applicant may be required to remove the seawall protection and restore the premises to their original condition. The lessee has no right to a new lease or a renewal of any previous lease.
2. This action is consistent with the “Leading Climate Activism” and “Meeting Evolving Public Trust Needs” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

APPROVAL OBTAINED:

California Coastal Commission

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the Activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to the Applicant beginning May 15, 2023, for a term of 10 years, for the use and maintenance of an existing concrete seawall with a wave deflection cap; annual rent in the amount of \$4,549, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.