PETE WILSON, Governor

# CALIFORNIA COASTAL COMMISSION

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

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Hearing Date:3/13/97 Commission Action:

7817A

STAFF REPORT: REGULAR CALENDAR

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APPLICATION NO.: 4-96-111

APPLICANT: City of Carpinteria and The Land Trust of Santa Barbara County

AGENT: Bob Nisbet, Public Works Director

PROJECT LOCATION: Eastern portion of Carpinteria Marsh, west of Ash Avenue, bounded by the end of Third Street and a Mobile Home Park on the north, the City Beach on the Pacific Ocean and Del Mar Avenue on the south, and Franklin Creek Channel, beyond the boundary between the City and Santa Barbara County, on the west.

PROJECT DESCRIPTION: Carpinteria Salt Marsh Restoration Plan - Ash Avenue Properties Implementation Plan; remove about 24,000 cubic yards of fill, enhance tidal circulation, create a range of salt marsh and upland habitat, create new tidal channel, construct two culverts and flap gates, restore coastal dune habitat, construct an interpretative center, amphitheater, overlook area, and about 1600 feet of trails.

Lot area: 14.9 acres
Wetland habitat area 11.4 acres
Upland habitat area 3.1 acres
Trail, etc. coverage: 0.4 acres

Plan designation

City of Carpinteria: Proposed Open Space Santa Barbara County: Other Open Lands

Zone designation

City of Carpinteria: Proposed Recreation Santa Barbara County: Residential 100 acre

Ht abv fin grade:

Interpretative Center: 2 feet Amphitheater: 4 feet

LOCAL APPROVALS RECEIVED: City of Carpinteria Approval in Concept dated 10/23/96; Santa Barbara County Special Use Permit Not Required, dated December 6, and 17, 1996.

SUBSTANTIVE FILE DOCUMENTS: City of Carpinteria Local Coastal Program, Santa Barbara County Local Coastal Program, Carpinteria Salt Marsh Restoration Plan, Phase 1 - Ash Avenue Wetland Area dated July 15, 1991; Coastal Conservancy Project No. CP-3-93, Approved 11/17/93; Carpinteria Salt Marsh Enhancement Project, Ash Avenue Wetlands Area, Implementation Plan dated June 1996; Response to Coastal Commission's concerns, December 9, 1996.

### **SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending APPROVAL with two (2) special conditions for this project. The development consists of restoring and enhancing 15 acres of former and existing wetland that has been filled since the 1960's. The site is located within the Commission's public trust permit jurisdiction. This project is the result of over 15 years of cooperative effort by Carpinteria Salt Marsh Committees carrying out City of Carpinteria and Santa Barbara County Local Coastal Program policies to restore a portion of the 230 acre Carpinteria Salt Marsh. After the removal of fill, a new channel and enhanced tidal circulation is proposed, a range of salt marsh, upland, and coastal dune habitats are then proposed to be created and restored. Public access, education and interpretative facilities are proposed with an interpretative center, amphitheater, overlook area, and trails. The recommended special conditions address disposal of graded materials and mitigation monitoring to bring the project into compliance with the Coastal Act.

It is important to recognize that this project is a unique and voluntary effort to restore and enhance degraded wetlands; the project is not a mitigation or restoration site for other development activities.

The City of Carpinteria has submitted Local Coastal Program Amendment No. 1-97 to facilitate Commission action on this application. The City proposes to change the land use and zoning from Planned Unit Development to Open Space and Recreation, respectively, on the portion of the site located in the City and delete outdated policies. The LCP Amendment is scheduled for action by the Commission prior to action on this application for a coastal permit. The City submitted the Amendment on the basis that it will take effect immediately upon adoption by the Commission.

#### STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

### I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

### II. Standard Conditions.

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

- 2. <u>Expiration</u>. 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.
- Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 7. <u>Terms and Conditions Run with the Land</u>. 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. Disposal of Graded Materials

The applicant may stockpile graded materials on site for the purpose of dewatering the material as needed. The material shall be removed from the site and disposed at an appropriate site(s) located either outside the coastal zone, or if the disposal site is located within the Coastal Zone, the applicant or the property owner of the site where the material is to be disposed of, will obtain any necessary coastal development permit(s) from the appropriate jurisdiction if disposed in the coastal zone.

#### 2. Mitigation Monitoring

The applicant shall implement the proposed monitoring plan for the Carpinteria Salt Marsh Enhancement Project, Ash Avenue Wetlands Area in compliance with the Program Objectives, Scientific Framework, Monitoring Approach, Maintenance Related Inspections, and Performance Monitoring Specifications. This monitoring shall commence after the installation of the plant materials for the wetland and upland areas is complete or no later than one year after the planting is completed. The applicant shall submit to the Executive Director, on an annual basis for five years, a written report prepared by the monitoring resource specialist or biologist/botanist with expertise in wetland restoration, indicating the success or failure of the restoration project. At the end of a five year period, a final detailed report shall be submitted for review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved Performance Monitoring Specifications, the applicant shall submit a revised, or supplemental, program to compensate for those portions of the original program which were not successful. The revised, or supplemental

restoration program shall be processed as an amendment to this Coastal Development Permit.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. Project Description and Location

The Carpinteria Salt Marsh Enhancement Project, Ash Avenue Wetlands Area Implementation Plan is designed to restore and enhance the eastern portion of the 230 acre Carpinteria Marsh. This nearly fifteen (15) acre area is located west of Ash Avenue, bounded by the end of Third Street and a Mobile Home Park on the north, the City Beach on the Pacific Ocean and Del Mar Avenue on the south, and Franklin Creek Flood Control Channel on the west. The west half of the site is located within Santa Barbara County, the eastern half is located within the City of Carpinteria. (Exhibits 1, 2, and 3) The subject site includes public trust lands located within the Commission's retained original permit jurisdiction and an area within the City of Carpinteria's coastal permit jurisdiction. (Exhibit 4) A portion of the overall project is located in the Commission's permit appeal area along the sandy beach and the Ash Avenue right of way as identified in Boundary Determination 19-96. (Exhibit 5) The portion of the project located in the City's jurisdiction, which is not part of this subject application, includes restoring a portion of the sand dunes, reconstructing Ash Avenue with new parking spaces and a bus turnout, and constructing an Ocean Recreation Center consisting of restrooms, beach safety and recreation equipment. (City of Carpinteria Coastal Permits 96-794-CDP and 96-793-CDP approved by the City in 1996.)

This Enhancement project consists specifically of 14.9 acres of land previously filled since the 1960's. Specific elements of the project include: remove approximately 24,000 cubic yards of fill, enhance tidal circulation, create a range of salt marsh and upland habitat, create a new tidal channel, construct two channel culverts and flap gates, restore coastal dune habitat, construct an interpretative center, amphitheater, overlook area, and about 1,600 feet of decomposed granite trails. (Exhibits 6 - 13) The applicants prepared a detailed implementation plan to carry out this project entitled, Carpinteria Salt Marsh Enhancement Project Ash Avenue Wetlands Area Implementation Plan, dated June 1996, which is incorporated by reference as amended in Response to Coastal Commission's (staff) Concerns, dated December 9, 1996.

### B. Background and History

The Ash Avenue wetland is located within both the City of Carpinteria and the County of Santa Barbara. Since the certification of the City of Carpinteria and County of Santa Barbara Local Coastal Programs in 1982 by the Coastal Commission, the project site has undergone a series of studies to identify potential restoration and enhancement projects. In 1986, the Carpinteria Salt Marsh Ad Hoc Committee was formed for the purpose of protecting and enhancing This Committee, working with the City, Coastal the Carpinteria Marsh. Conservancy, Coastal Commission staff, state and local public officials, and other interested agencies, requested and received numerous grants and contracts to acquire and restore the Ash Avenue project site. With this funding, the City was able to purchase the portion of the site known as the Chadwick property. Following acquisition of this property, the Marsh Park Restoration / Enhancement Steering Committee was formed. This Committee oversaw the preparation of the report "Carpinteria Salt Marsh Restoration

Plan, Phase 1, Ash Avenue Wetlands Area". After the review of potential designs, the City Council approved the design in concept in June 1990. In 1993, the Commission approved, with conditions, a conceptual project as proposed at that time by the Coastal Conservancy in Conservancy Project CP-3-93.

The Committee continued its efforts to obtain funding for the final design and restoration of the site. In 1994, the Land Trust for Santa Barbara County was awarded a Coastal Conservancy grant to prepare final engineering plans for restoring Ash Avenue properties as wetland habitat. These plans were adopted by the Committee in April 1996, and approved by the City of Carpinteria Planning Commission in October 1996. The County of Santa Barbara determined in December 1996 that no County permits were required. The applicants have obtained permits from the California Department of Fish and Game, U. S. Army Corps of Engineers, and a waiver of water quality certification from the California Regional Water Quality Control Board. The State Lands Commission has determined that no permit is required.

### C. Site Management

Once the project is completed, the restored area will be managed in cooperation by the City of Carpinteria, The Land Trust of Santa Barbara County, and the University of California Natural Land and Water Reserve System.

### D. Coastal Issues

The proposed project site is located on State Tidelands, and therefore is within the Coastal Commission's area of retained original permit jurisdiction. (Exhibit 5) The standard of review for such projects are the applicable policies of Chapter 3 of the Coastal Act.

# 1. Wetland Resources and Environmentally Sensitive Habitats

The Carpinteria Salt Marsh, Ash Avenue Wetland Area includes estuarine emergent wetlands, palustrine emergent wetlands, salt flats, transitional wetland habitat, upland habitat, and sandy beach which would be affected by the proposed project.

Section 30230 of the Coastal Act provides that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act provides 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 30233 of the Coastal Act provides, in part, that:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

Section 30240 of the Coastal Act provides 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 City of Carpinteria Coastal Land Use Plan, policy 2-18 provides that:

The City shall pursue available funding sources (including Coastal Conservancy) to determine the extent to which the area bounded by Ash Avenue, Third Street, and the City's western boundary may be reasonably restored as a fully functioning tidal marsh and to what extent this area lies within the public trust. Pending the results of these determinations, the city shall pursue funds for public acquisition of the area, if necessary, by no later than January 1, 1985. If the City is unable to make the above determinations and/or acquire the area by January 1, 1985, Policies 2-19 through 2-25 shall apply. (Note: this policy is provided as guidance in this report. The City of Carpinteria LCP Amendment No. 1-97 proposes to delete this policy, as it is no longer applicable.)

The Santa Barbara County Coastal Land Use Plan policy 9-16 (b) provides that:

The County shall request the Department of Fish and Game to identify the extent of degradation which has occurred in the Carpinteria Estero and Goleta Slough pursuant to Section 30411 of the Coastal Act. As part of the study, the Department, working jointly with the Santa Barbara Flood Control Department and Soil Conservation Service, will also identify the most feasible means of restoration and the area of wetlands to be restored.

Coastal Act Section 30411 provides that the Department of Fish and Game (DFG) is the principal state agency responsible for wildlife and fishery management programs and the commission shall not establish or impose controls that duplicate or exceed DFG regulatory controls.

The proposed project will restore a portion of the 230 acre Carpinteria Marsh (El Estero del la Carpinteria) on the South Coast of Santa Barbara County and City of Carpinteria. The Marsh is now a relatively small series of tidal channels and emergent wetlands that occur at the mouths of Franklin and Santa Monica Creeks. The Ash Avenue Wetland was filled in the 1960's and 1970's, converting most of the wetland habitat to upland. This wetland once extended eastward beyond Linden Avenue. (Exhibit 4)

The Carpinteria Marsh, including the Ash Avenue Wetland, is one of the 19 wetlands identified by the Department of Fish and Game in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California". As one of these 19 wetlands (Section 30233), the Coastal Act limits the uses of Carpinteria Marsh to restoration projects, nature study, and very minor incidental public services.

More specifically, the 14.88 acre site includes six types of habitat: 4.46 acres of estuarine emergent wetlands; 0.66 acres of sand flats; 0.89 acres of palustrine emergent wetlands; 2.53 acres of transitional wetland habitat; 5.9 acres of upland habitat; and 0.44 acres of sandy beach (only about one quarter of the beach area is located within the Commission's jurisdiction and subject to this application. A variety of wetland and upland vegetation and a number of marine invertebrate and vertebrate species, birds, and mammals inhabit the site, including the Belding's Savannah Sparrow (a state endangered species and federal species of special concern) and Salt Marsh Bird's Beak (a federal and state endangered species plant).

## a. Proposed Project

The purpose of the project for the Ash Avenue Wetland area is to meet five goals.

- 1. Restoration/Creation: Restore the areas of historic wetland within the Ash Avenue Wetland site which has been destroyed by previous filling activities through the removal of fill, regrading and replanting. Additionally, create new deepwater and mudflat habitat. The intent is to create a high quality habitat that will have long term viability.
- Enhancement: Enhance existing degraded wetland areas by improving and increasing tidal circulation and eliminating unnatural features which have fragmented and isolated remaining wetland areas.

- 3. Protection: The existing wetland areas will be protected and will serve as important nursery sources of wetland species for colonization of adjacent restored areas.
- 4. Access: Once restored and with a system of trails installed, the project will allow the public to directly access and enjoy the aesthetics of a coastal salt marsh and the ocean.
- 5. Education: The location of this wetland immediately adjacent to the residential and commercial core of Carpinteria, makes it an ideal educational tool to inform the public of the value and importance of the wetlands habitat. The project will include an interpretative area and a system of trails and overlooks to allow direct observation of marsh plants and animals. Public access will be controlled to minimize damage to sensitive species.

Coastal Act Section 30233 (b) requires that dredging and spoils disposal be planned and carried out to avoid significant disruption to habitat. The proposed grading and fill removal plan will involve the removal of some native plant materials. The applicant proposes to salvage these plants by collecting seeds or place live plants in containers. These plant materials will be stockpiled offsite and retained for revegetation efforts.

Further, the Coastal Act requires that dredge spoils suitable for beach replenishment should be placed on the beach. About 24,000 cubic yards of material will be graded from the site. Most of this material will be trucked from the site directly from Ash Avenue. The remainder that is wet will be stockpiled along the western boundary of the project site along the top of the banks of Franklin Creek. This area has been used by vehicles and heavy equipment for flood control maintenance purposes. Stockpiled material will be removed from the site after it is de-watered and will be disposed of offsite at locations to be determined later. Condition number one (1) requires that the applicant, and/or property owner where the material is disposed of, to obtain any necessary coastal permit(s) from the appropriate government agency, if the disposal site(s) is located in the coastal zone.

An analysis of the materials to be graded and removed from the site was provide by the applicant in a report entitled: "Limited Soil Assessment, Ash Avenue Wetlands Restoration Project Chadwick and Cadwell Properties Carpinteria, California" by Interface-Dudek, dated January 6, 1997. This report concluded that the fill material is not suitable for beach replenishment because of the high percentage of silts and clays in the material. Further, the report concluded that the material is not considered hazardous or contaminated. Therefore, the Commission finds that the graded materials are not suitable for beach replenishment, and therefore the project is consistent with Section 30233 (b) of the Coastal Act.

As noted above, the grading and replanting proposals are the result of extensive study and review. The proposed project will result in creating about 2.7 acres of new wetland habitat, restore about 8.7 acres of wetland and about 3.1 acres of native grassland, upland vegetation, and dune habitat. To complete the project, a total of about 0.6 acres of existing salt marsh will be removed or disturbed.

The Plan identifies five wetland fragments within the Ash Avenue wetland area (Exhibit 14). Specifically, up to 0.27 acres of existing tidal channel and adjoining wetland transition habitat located along the northern half of Ash Avenue will be filled within Wetland Fragment 5. Another 0.72 acres of degraded Palustrine wetland habitat located in Wetland Fragments 4 and 5 will be excavated to create estuarine wetland habitat. Within Wetland Fragment 3, 0.2 acres of existing wetland habitat will be disturbed to create new estuarine wetland habitat. Overall, a total of about 2.7 acres of new wetland habitat will be created, at about a 2.2 to 1 replacement ratio.

The above Coastal Act Sections generally provide that marine resources and biological productivity be enhanced and restored and that the grading (filling and dredging) of wetlands be permitted for restoration purposes. As described above, the proposed project will restore wetland resources to the area by removing fill, enhancing degraded areas, improving tidal circulation, and replanting the site. Therefore, the Commission finds that the proposed project is consistent with Section 30233 (a) (7) as an allowed use, for restoration purposes.

## b. Coastal Conservancy Project No. CP-3-93

The Commission reviewed the conceptual project at a public hearing on November 17, 1993. The Commission acted on the Carpinteria Wetland Restoration Plan / Ash Avenue Wetland Area, as required by Section 31251 - 31265 of the Coastal Conservancy Act of 1976. Under Section 31258, the Conservancy completes a coastal resource enhancement plan, and forwards the plan to the Commission. The Commission evaluates the priority of the plan in terms of accomplishing the policies and objectives of the Coastal Act, and in terms of conformity with the policies and objectives of the Coastal Act. The Commission found that the coastal resource enhancement plan, as conditioned, would restore wetland resources in a manner consistent with the Coastal Act, and is an allowable use.

As approved with three conditions, the Commission found that the enhancement plan would be either the least damaging feasible alternative or would be modified to implement the least damaging feasible alternative. Since this time the City of Carpinteria and The Land Trust for Santa Barbara County have assumed the lead as applicants in this proposed project.

The first condition required additional analysis of alternatives to filling the existing tidal channel adjacent to Ash Avenue. The applicant was asked to either avoid the filling of the channel or demonstrate that it is either more environmentally damaging or not feasible to do otherwise. According to the applicant, an analysis of the various alternatives was done when the conceptual plan was prepared and developed into the final document for Commission review of the plan in 1993. As required by the Commission, further analysis was performed by the Marsh Park Technical Committee. The following summary of that analysis was provided.

Quite simply, the project is not feasible if that channel is saved. First, the channel is too close to Ash Avenue and will be in the way of the proposed improvements to Ash Avenue ... Second, the channel was originally intended to serve as a drainage channel for run-off from Ash Avenue. Run-off from Ash Avenue will be controlled to a point source discharge following the installation of curb and gutter. Therefore, the channel will no longer serve its intended purpose and in fact will only

attract polluted urban run-off if it is left in its present state. Third, the Channel is not being deleted. It is being relocated. The new channel will run perpendicular to Ash Avenue adjacent to the Silver Sands Mobil Home Park. This channel will pick up the urban run-off at a single controlled point. This point will include a very sophisticated oil-water separator to filter pollutants prior to entrance to the marsh (see design plans for this feature (Exhibits 15 and 16)). Finally, as indicated in the Response to Coastal Commission Concerns, December 9, 1996, for the Implementation Plan, this channel constitutes 0.27 acre or less of wetland area. By proceeding with this project, the net increase in wetland area is 2.7 acres.

The second condition required additional analysis of the project's impact on public parking and its consistency with the access policies of the Coastal Act. This issue will be discussed below in the section on public access.

The third condition required additional analysis of the impact of the proposed fence or wall on visual resources. This issue will be discussed below in the section on visual resources. Therefore, the Commission finds that the proposed filling of the tidal channel and creating a new relocated tidal channel is the least environmentally damaging alternative, and that the proposal meets condition number one of Coastal Conservancy Project CP-3-93.

### c. Monitoring

The proposed project, the Carpinteria Salt Marsh Restoration Plan - Ash Avenue Area Implementation Plan includes a detailed monitoring plan. This plan will determine the need for additional maintenance or remedial action, to document the successful achievement of the initial program objectives, to test the scientific hypotheses concerning the restoration including its long-term overall success, and to increase scientific understanding of the processes involved in salt marsh restoration.

Program Objectives are proposed to restore tidal flushing to a previously filled and otherwise degraded portion of Carpinteria Marsh and to re-establish self-sustaining wetland, transitional, and upland plant communities in these areas. It is expected that within the restored area, a full complement of wetland functions and attributes will develop that are characteristic of existing portions of Carpinteria Marsh with similar tidal regimes and plant communities.

A scientific framework is proposed to test the hypothesis that native salt marsh and transitional plant communities and appropriate salt marsh hydrology can be created by grading to restore tidal flushing and a variety of restoration methods. These methods are outlined in the plans and specifications to re-establish native vegetation and to discourage non-native, weedy species. A second hypothesis to test is that by creating a "natural" hydrologic regime and marsh plant communities, that other functions and values of natural Carpinteria Marsh wetlands would develop. These functions and values would develop, either concurrently, or with a time lag so that the created communities would eventually (1) exhibit physical and biological attributes that occur within the natural variability of monitored wetlands and uplands within the adjacent functioning Carpinteria Marsh ecosystem; (2) provide observed functions and values of these natural habitats; and (3) result in a self-sustaining ecosystem, at the end of a 10 - 20 year monitoring period, taking into consideration the natural decline that has been observed within natural habitats.

monitoring approach proposed is to verify that tidal flows and self-sustaining native plant communities are re-established with remedial action, if necessary, to ensure the establishment of self-sustaining native plant communities. The monitoring proposed consists of maintenance-related performance monitoring, and hypothesis-testing monitoring. Maintenance related inspections will be conducted to determine that systems are progressing and to identify maintenance or remedial action such as weeding, adjusting levels, plant replacement, etc.. Performance Monitoring includes the quantification of attributes such as tidal flux and vegetation and comparing them to predetermined standards that may include comparison to reference areas in the Carpinteria Marsh. Performance monitoring is conducted to ensure that the project is achieving the goals set forth during the regulatory process. And lastly, hypothesis testing, functional, monitoring is designed to test the second part of the hypothesis outlined above in the scientific framework and will focus on readily observable properties of the system that provide an indication of system health and serve as an integrator of other functional properties that may be less observable or more difficult to measure or quantify. These indicators of system health include growth, species composition, and cover of plants; seasonal avian use of the created habitats compared to their counterparts in reference areas established elsewhere in the marsh; and distribution and abundance of fish and vertebrates.

Condition number two (2) requires that the applicant implement the proposed monitoring plan for the Carpinteria Salt Marsh Enhancement Project, Ash Avenue Wetlands Area in compliance with the Program Objectives, Scientific Framework, Approach, Maintenance Related Inspections, and Monitoring Specifications. This monitoring will commence after installation of the plant materials for the wetland and upland areas is complete, or no later than one year after the planting is completed. applicant will submit to the Executive Director, on an annual basis for five years, a written report prepared by the monitoring resource specialist or biologist/botanist with expertise in wetland restoration, indicating the success or failure of the restoration project. At the end of a five year period, a final detailed report will be submitted for review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved Performance Monitoring Specifications, the applicant will be required to submit a revised, or supplemental, program to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration program will be processed as an amendment to this Coastal Development Permit.

In conclusion, the proposed project will disturb about 0.92 acres of wetland, and fill about 0.27 acres of wetland to create about 2.7 acres of new wetlands. The remainder of the site will be restored to wetland, native grassland and dune habitat, as described above. Thus, the Commission finds that the project, as conditioned, is consistent with the resource protection policies, Sections 30230, 30231, 30233, 30240, and 30411 of Coastal Act noted above.

### 2. Public Access

Section 30210 of the Coastal Act provides 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.

Section 30212 of the Coastal Act provides that:

- (a) 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,

Section 30212.5 of the Coastal Act provides that:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30214 of the Coastal Act provides, in part, that:

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
  - (1) Topographic and geologic site characteristics.
  - (2) The capacity of the site to sustain use and at what level of intensity.

Section 30252 of the Coastal Act provides, in part, that:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation ...

The proposed restoration project raises three public access issues: access to the site; restrictions on public access to the site to protect fragile coastal resources; and parking spaces. The project includes an interpretive center, amphitheater, overlook area, and a public trail system to allow the public to access the area, appreciate the marsh resources, and learn about the ecosystem. In addition, an elevated viewing platform or overlook, small turnouts along the trails and benches are proposed. These access improvements will allow the public to see and learn more about the wetland resources of the area. Therefore, adequate access to the site is proposed.

Public access to the site, however, will be controlled to minimize adverse effects to wetland resources and sensitive species. The restoration plan describes the public access controls with fencing to limit the entrance through the Interpretative Center during daylight hours only. Further, the proposed trail system is located on the eastern and northern periphery of the marsh to minimize human disturbance. These limits will minimize the impacts on habitat as a result of human activities. Controlling public access to the site and limiting access to the trail system will minimize potential impacts to wildlife, wetland plants and soils. Public access directly to the sandy beach is and will continue to be available at the south end of Ash Avenue. Therefore, the Commission finds that the proposed project will provide adequate public access with access controls necessary to minimize conflicts between providing public access and protecting fragile coastal resources.

The third access issue is public parking. The Conservancy plan, reviewed in CP-3-93, proposed to eliminate all parking on the west side of Ash Avenue resulting in the loss of about 53 spaces. (The City does not believe these spaces to be legal as they are informally located along the dirt right-of-way of Ash Avenue.) To mitigate this loss, the City proposed to replace the formal and existing parallel parking on the east side of Ash with diagonal parking. The net loss was 41 parking spaces.

In the Commission's action on the Conservancy Project No. CP-3-93, one of the conditions addressed public parking. The Commission requested additional analysis of the project's impact on public parking and its consistency with the access policies of the Coastal Act. The applicant has responded by adding parallel parking on the west side of Ash Avenue to provide for 28 additional spaces, resulting in a net loss of 13 spaces. In addition, the City has provided a bus parking space and will install bike racks to encourage the use of transportation alternatives (non-automobile) for the public to visit the site. Further, the City has created a new entrance to the Carpinteria State Beach day use lot at Linden Avenue, a few blocks to the east of the site. The City expects that such direct beach access and parking at the east side of the City's beach will decrease the demand for beach parking at the west end adjacent to the project site.

Parking location and design is not directly considered in this application because this portion of the project is located in the City's coastal permit jurisdiction and the Commission's appealable jurisdiction. The portion of the overall Carpinteria Marsh Restoration Plan within the Ash Avenue right-of-way is located in the City of Carpinteria coastal permit jurisdiction. (Exhibit 5) City coastal permit number 96-794-CDP was approved, October 15, 1996, by the City Planning Commission to allow for improvements to Ash Avenue which would provide for a total of about 74 automobile and one bus parking space along both sides of Ash Avenue.

In conclusion, the Commission finds that the proposed project will provide for public access and recreational use of the wetland area in a manner that manages access to protect fragile coastal resources with the proposed redesign of the access improvements along Ash Avenue, the Commission finds that the overall proposal meets condition number two of Coastal Conservancy Project number CP-3-93 such that replacement parking will maintain public access to and along the coast. The Commission also finds that the project will not interfere with public access to and along the shoreline and that the project is consistent with the public access and recreation policies, Sections 30210, 30212, 30212.5, and 30252, of the Coastal Act noted above.

# 3. Visual Resources

Section 30251 of the Coastal Act provides 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.

The scenic and visual resources of the site are unique due to its location adjacent to the ocean and the 230 acre Carpinteria Salt Marsh within the context of the Carpinteria Valley. From the project site, there are spectacular unobstructed views west across the Marsh and north to the Santa Ynez mountains. The proposed trails are located at the 7 - 8 foot elevation above mean sea level. With the removal of fill and the creation of lower elevation salt marsh and open water areas, the quality of the views across the Marsh would be improved. Furthermore, public viewing areas will be created along Ash Avenue at the interpretative center, amphitheater, overlook and other view points. These viewing improvements are proposed to be only two to four feet high, and therefore will not create any visual impacts of their own.

The Commission did have a concern with the proposed fence or wall along Ash Avenue. In the Commission's action on the Conservancy Project No. CP-3-93, the third condition provided for additional analysis of the impact of the proposed fence or wall on visual impacts. This analysis should consider alternative methods of controlling unauthorized access (i.e., the construction of a tidal channel along the perimeter of the site) and identify design methods that can minimize the visual impact.

In response, the applicant states:

The plan submitted by the Conservancy included a 5' high solid wall adjacent to Ash Avenue. This visual barrier has been modified to address the Commission's concern. The final design plans submitted with this application include a 3' high wooden split rail fence along Ash Avenue. The split rail fence is backed by a (black) vinyl coated chain link to prevent urban predators. Consideration was given to the construction of a tidal channel along the perimeter to control unauthorized access, however, it was not adopted as a feasible alternative, nor a desirable one (see discussion under condition A (condition one, tidal channel)). Deleting the solid 5' wall and replacing it with a 3' split rail fence should adequately address the Commission's concern regarding visual impacts.

The alternative fence design, a wooden split rail with black vinyl coated chain link, is adequate to control access while protecting public views across the property and the scenic and visual quality of the area. The applicant has adequately addressed the Commission's concern by modifying the design of the proposed fence to minimize visual impacts in a manner that meets condition number three of the Coastal Conservancy Project number CP-3-93. Thus, the

Commission finds that the proposed project is consistent with the scenic and visual quality policy, Section 30251, of the Coastal Act.

# E. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

In addition, the City of Carpinteria certified a Mitigated Negative Declaration in 1992 and updated and revised the document on October 15, 1996, finding the proposed project consistent with CEQA. As discussed above, the proposed project has been mitigated to incorporate the special conditions. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

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