

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 10/6/10  
180th Day: 4/4/11  
Staff: K. Brown  
Staff Report: 10/20/10  
Hearing Date: 11/18/10



## **STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-10-061

**APPLICANT:** City of Carpinteria

**PROJECT DESCRIPTION:** Five-year permit for annual construction and removal of an approximately 1,500 ft. long, 10-12 ft. high, winter sand berm on Carpinteria City Beach involving approximately 26,000 cu. yds. of grading, including 13,000 cu. yds. of excavation and 13,000 cu. yds. of fill. The proposed project includes construction of the berm prior to the winter storm season, maintenance of the berm during the winter, and removal of the berm in the spring.

**PROJECT LOCATION:** Carpinteria City Beach, Carpinteria (Santa Barbara County)

**MOTION & RESOLUTION:** Page 2

**REQUIRED APPROVALS:** U.S. Army Corps of Engineers, Ventura Field Office, Permit No. 915072600 expected in November 2010; California Regional Water Quality Control Board, Central Coast Region, Standard Letter of Certification No. 34205WQ02 dated 11/22/06 and valid until 11/1/11.

**SUBSTANTIVE FILE DOCUMENTS:** City of Carpinteria Storm Damage and Shoreline Protection Feasibility Study, Draft F3 Conference Plan dated July 2008 and prepared by the U.S. Army Corps of Engineers; Carpinteria Coastal Processes Study, 2005-2007: Final Report prepared by the U.S. Geological Survey; Letter from Matthew Roberts, City of Carpinteria Director of Parks and Recreation Department dated 8/3/10; Grunion Monitoring Summary; Beach Surveys for Snowy Plovers in Preparation for Sand Berm Work dated 3/31/05, 12/2/05, 3/14/06, 11/20/06, 3/25/07, 11/18/07, 2/21/08, 3/2/09, and 11/18/09, and prepared by Vince Semonsen, Consulting Biologist for the City of Carpinteria; Grunion Monitoring Summary prepared by Matthew Roberts; Mitigated Negative Declaration prepared by the City of Carpinteria; City of Carpinteria's Initial Study Form, Environmental Checklist Form dated 9/1/94; Winter Protection Berm – Feasibility Study dated 7/26/01 and prepared by MNS Engineers, Inc.; Coastal Development Permit Nos. 4-95-207 (City of Carpinteria); 4-00-199 (City of Carpinteria); 4-01-155 (City of Carpinteria); 4-02-074 (BEACON); 4-05-160 (City of Carpinteria).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with six (6) special conditions regarding (1) project monitoring and responsibilities, (2) timing and duration, (3) feasibility study updates, (4) assumption of risk, (5) required approvals, and (6) limitations on construction activities.

The applicant proposes to construct and maintain an approximately 1,500 ft. long, 10-12 ft. high sand berm at Carpinteria City Beach during the winter storm season. The berm is intended to protect existing beachfront development (including private residential development as well as public parking facilities and restroom facilities) on the project site from damage from wave action during the winter storm season. The berm is to be constructed each year prior to the winter storm season, maintained during the winter, and removed each spring.

The City of Carpinteria seeks approval of the project for a period of five years. Staff recommends expiration of the term of approval on Memorial Day 2015. This recommendation is based on the expected completion date of an Army Corps of Engineers (ACOE) feasibility study on long-term solutions to erosion at Carpinteria City Beach. The ACOE feasibility study will assist the Commission in determining a long-term solution to erosion at Carpinteria City Beach that is most protective of coastal resources.

The proposed project is located in an area where the Commission has retained coastal development permit jurisdiction, even though the City of Carpinteria has a certified Local Coastal Program (LCP). The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified City of Carpinteria Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

**TABLE OF CONTENTS**

**I. STAFF RECOMMENDATION..... 3**  
    APPROVAL..... 3

**II. STANDARD CONDITIONS..... 4**

**III. SPECIAL CONDITIONS..... 4**

**IV. FINDINGS AND DECLARATIONS..... 7**  
    A. PROJECT DESCRIPTION ..... 7

B. BACKGROUND..... 8

C. HAZARDS AND SHORELINE PROCESSES ..... 10

D. ENVIRONMENTALLY SENSITIVE HABITAT AND MARINE RESOURCES..... 15

E. PUBLIC ACCESS AND VISUAL RESOURCES ..... 20

F. CEQA..... 22

---

**EXHIBITS**

- Exhibit 1. Vicinity Map
  - Exhibit 2. Aerial Photograph
  - Exhibit 3. Berm Plan
  - Exhibit 4. Berm Cross Section
  - Exhibit 5. Public Access Points
  - Exhibit 6. Adjacent ESHA
  - Exhibit 7. Photos
- 

**I. STAFF RECOMMENDATION**

Staff recommends that the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-10-061 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. Other provisions affecting the permit term are set forth in **Special Condition Two (2)**.
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. **Project Monitoring and Responsibilities**

Prior to the issuance of the coastal development permit, the applicant shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director to survey and monitor the project as detailed below. The monitor shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. All berm construction, maintenance, and demolition activity shall be carried out consistent with the following:

- (a) No overnight stockpiling or storage of dirt, construction materials, or equipment shall occur on the beach seaward of the proposed berm location;
- (b) Any and all debris that results from the construction period shall be immediately removed from the sandy beach;

- (c) The environmental resource specialist shall conduct a survey of the project site (donor site and receiver site) each day prior to commencement of any berm construction, maintenance, or demolition activity to determine whether Western Snowy Plover, California grunion, Pismo Clams, Globose Dune Beetles, or any other sensitive wildlife species are present. In the event that any of the above species or other sensitive wildlife species are present on the project site, the environmental resource specialist shall require the applicant to cease work and immediately notify the Executive Director to determine an appropriate strategy to minimize any potential impacts to wildlife. Work shall not recommence until the Executive Director authorizes further project activity.
- (d) The environmental resource specialist, or monitor, shall be present during the excavation, construction, reconstruction, maintenance, or removal activities, of the sand berm. The monitor shall identify, in the field, the location of the wrack line at the time of any construction in order to assure compliance with the provisions of **Special Condition No. 6**. In the event the environmental monitor concludes that the applicant has violated, or is violating, any special condition of this permit, or if any unforeseen sensitive habitat issues arise, the applicant must cease work. The environmental monitor shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-10-061 occur, or if habitat is removed or impacted beyond the scope of the work indicated herein. If significant impacts or damage occur to sensitive wildlife species, the applicant shall stop all work and be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this permit.
- (e) In the event that construction, maintenance, and/or berm removal activity will occur during the seasonally predicted run period and egg incubation period for California grunion as identified by the California Department of Fish and Game, then the environmental resource specialist shall be present on the project site each night from one hour before the beginning of each predicted grunion run until one hour after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no berm construction/maintenance/removal activities shall be allowed within 100 ft. of any area (measured laterally along the beach and extending from the back of the beach to the water's edge) where grunion were observed. Unless otherwise approved by the Executive Director, work shall not recommence until after the next predicted grunion run in which no adult grunion are observed on the project site and it has been determined by the environmental resource specialist that all previously deposited grunion eggs have successfully incubated (allowing juvenile grunion to return to the ocean) or that the previously deposited eggs are no longer viable. The environmental resource specialist will immediately notify the Executive Director after each monitored run whether grunion were found to be present.

## 2. Timing and Duration

This permit is only for the construction and maintenance of the proposed sand berm during the winter storm season, and the removal of the proposed sand berm in the spring. The applicant shall remove the proposed sand berm and restore the beach to its pre-development condition no later than Memorial Day each spring unless additional time is granted by the Executive Director for good cause. This permit shall remain effective until Memorial Day 2015.

### **3. Feasibility Study Updates**

By acceptance of this permit, the applicant agrees to:

- A. Provide the Executive Director with copies of all reports and documents issued by the Army Corps of Engineers (ACOE) as part of their Storm Damage and Shoreline Protection Feasibility Study. The applicant further agrees to submit these documents within thirty (30) days of their receipt.
- B. Evaluate, as part of any long-term shoreline protection program or project, beach grooming alternatives that minimize the removal of natural wrack to the extent feasible on Carpinteria City Beach.

### **4. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

### **5. Required Approvals**

Prior to commencement of construction of the berm for the 2010-2011 winter season, the applicant shall submit, for the review and approval of the Executive Director, evidence of final required approval from the ACOE. Prior to commencement of construction of the berm for the 2011-2012 winter season, the applicant shall submit, for the review and approval of the Executive Director, evidence of final required approval from the RWQCB. The ACOE and RWQCB approvals shall be valid through Memorial Day 2015.

### **6. Limitations on Construction Activities**

Berm construction activities, including excavation and deposition of sand, and recontouring of sand, shall be implemented in a manner to avoid the removal or disturbance of wrack. All mechanized excavation and deposition activities associated with the proposed project shall be restricted to dry sand area only and shall not occur any closer than 10 ft. landward of the wrack line. Prior to construction, the biological monitor will identify the wrack line or the ordinary high tide line, whichever is further landward. This permit does not allow for the removal of wrack from this area with the exception of debris that is entangled in the wrack, and which poses a clear threat to public safety. Trash and debris entangled in the wrack may be removed by hand, as needed.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description**

The proposed project is for the annual construction and removal of an approximately 1,500 ft. long, 10-12 ft. high winter sand berm on Carpinteria City Beach involving approximately 26,000 cu. yds. of grading, including 13,000 cu. yds. of excavation and 13,000 cu. yds. of fill. The proposed project includes construction of the berm prior to the winter storm season, maintenance of the berm during the winter, and removal of the berm in the spring every year, for a total of five (5) years.

The project site is located at Carpinteria City Beach between Linden Avenue and Ash Avenue. The sand berm will be constructed on the back portion of the sandy beach immediately seaward of the existing residential development. Approximately 13,000 cu. yds. of sand to construct the berm will be excavated (pushed by scraper/bulldozers) from the beach seaward of the proposed berm location. Periodic maintenance of the berm will involve pushing sand from the beach immediately seaward of the berm back onto the berm with bulldozers. In the event that the berm is completely destroyed by wave action during the winter season, the berm would be reconstructed. The City proposes to remove the berm and restore the beach to its pre-development profile each spring prior to Memorial Day. Berm removal/demolition activity would involve using a bulldozer to evenly redistribute the berm sand immediately seaward of the berm's location.

The proposed sand berm is intended to protect existing development adjacent to the project site from damage from wave action during the winter storm season. The subject beach is backed by numerous private residences located on the seaward side of Sandyland Avenue. The City has indicated that in years past, and most notably during the 1995 winter storm season, wave action during the winter storm season has resulted in damage to the existing private residences and public amenities (including public streets, parking lots, and a restroom facility) located on the back portion of Carpinteria City Beach.

Carpinteria City Beach is characterized as a moderately wide public beach approximately 1,500 ft. in length backed by both private residential development and public parking facilities at several street ends. Public access and recreation is available along the entire length of the beach fronting the project site and the beach is a popular visitor destination within the Santa Barbara County area. The sandy beach on the subject site is most heavily used for public recreational use during the summer season but remains a popular visitor destination throughout the entire year. The City proposes to construct ramps in the sand berm at the ends of public streets to allow pedestrian access over the berm and to the beach area.

Although the project site is heavily utilized for public access and recreation, and is not a designated environmentally sensitive habitat area (ESHA), it does contain important biological resources. The City's biologist has indicated that Carpinteria City Beach provides potential habitat for California Grunion and, below the surf zone, Pismo clams. Critical habitat for the endangered Western Snowy Plover is located downcoast from the project site. In addition, the project site is located immediately onshore from the Carpinteria reef and kelp beds that are designated ESHAs.

## **B. Background**

The Commission first approved annual construction of the sand berm in 1995. Coastal Development Permit (CDP) 4-95-207 was issued with special conditions regarding limited duration (not to exceed five years), biological monitoring during berm construction and removal activities, and submittal of an annual sand placement monitoring report. In addition, **Special Condition Five (5)** of CDP 4-95-207 required that the City submit, as part of any future application for construction of a sand berm, a detailed technical report prepared by a qualified engineer to evaluate long-term solutions and alternatives to the sand berm including, but not limited to, dune enhancement, beach nourishment, use of sand from alternative suitable sources, and participation in a regional sand supply mitigation program.

Upon expiration of CDP 4-95-207, the City again applied for a permit for the construction of the winter sand berm in 2000. Although the applicant had not submitted an alternatives analysis, City personnel indicated to staff that they had contacted MNS Engineering to prepare the study, but that it could not be completed prior to the winter storm season. In November 2000, the Commission approved CDP 4-00-199 for construction of the berm for the winter 2000/2001 season only. CDP 4-00-199 was issued with special conditions regarding project monitoring and responsibilities, timing and duration, required approvals, and assumption of risk. In addition, **Special Condition Four (4)** required the applicants to submit a detailed feasibility analysis of alternatives to the proposed berm as part of any subsequent berm construction application.



Upon expiration of CDP 4-00-199, the City again applied for construction of the berm in 2001 (CDP 4-01-155). In its application for CDP 4-01-155, the applicant submitted a document titled, "Winter Protection Berm – Feasibility Study," prepared by MNS Engineers, and dated July 26, 2001. The MNS report concluded that a temporary, seasonal sand berm is the most feasible means to protect beachfront development from wave action. However, the report did not provide a detailed evaluation of all long-term solutions, and did not evaluate the feasibility of a dune system in conjunction with concurrent beach replenishment, as required by **Special Condition Three (3)** of CDP 4-00-199. Also in 2001, the City began collaborating with the ACOE on the Carpinteria Storm Damage and Shoreline Protection Feasibility Study to address long-term solutions to protecting beachfront development in Carpinteria. CDP 4-01-155 was approved with special conditions regarding project monitoring and responsibilities, timing and duration, and assumption of risk, as well as with a fourth condition that required submittal of all reports and documents prepared as part of the feasibility study. CDP 4-01-155 expired on Memorial Day 2005.

In August 2004, the City submitted a Project Management Plan (PMP), prepared by the ACOE, outlining the scope, process, work activities, delegation of responsibilities, schedules, costs, and funding sources for the Carpinteria Storm Damage and Shoreline Protection Feasibility Study. As outlined in the PMP, the feasibility study will address five alternative means of shoreline protection, including two beach nourishment alternatives that include the construction of vegetated sand dunes; two artificial submerged reef alternatives that also include construction of vegetated sand dunes; and a reinforced concrete seawall.

The City subsequently applied for construction of the berm in 2005 (CDP 4-05-160). In its application for CDP 4-05-160, the applicant noted that due to federal funding cuts, progress on the feasibility study had fallen behind schedule. The State of California proposed, with the approval of the ACOE, that the City use the \$380,000 provided for the feasibility study by the State to hire the United States Geologic Survey (USGS) to conduct baseline studies and computer modeling analyses for the feasibility study. The USGS offered \$100,000 in matching funds to complete the study, titled "Carpinteria Coastal Processes Study, 2005-2007: Final Report." CDP 4-05-160 was approved with special conditions regarding project monitoring and responsibilities, timing and duration, feasibility study updates, assumption of risk, and required approvals. CDP 4-05-160 expired on Memorial Day 2010.

Despite federal funding setbacks, work on the feasibility study has been ongoing. The baseline studies and computer modeling analyses for the feasibility study prepared by the USGS were submitted with the current application. In a letter accompanying the current application, the City notes that, due to funding cuts, progress on the feasibility study has again fallen behind schedule. An interim report titled, "The Storm Damage and Shoreline Protection Feasibility Study, Draft F3 Conference Report Without Project Conditions Analysis, July 28," was submitted. The report presents an analysis of existing conditions and future "without project" conditions that examine the feasibility of reducing storm damage and long-term erosion. The report identifies and presents a

preliminary evaluation of potential alternatives including temporary winter berm construction, beach fill, revetment, seawall, dual-purposes recreational pier, multi-purposes artificial reef, managed retreat, and no action. Further analysis is necessary to investigate alternatives to restore beach conditions along the impacted public shore. Based on its Feasibility Study Milestone Schedule, the environmental analysis phase of the study is currently underway and the City estimates that the final report will be completed by February 2012.

In addition, the City participates in BEACON (Beach Erosion Authority for Clean Oceans and Nourishment), a local task force comprised of representatives from local, state, and federal government agencies whose goal is to develop a regional beach replenishment program. The Commission approved CDP 4-02-074 (BEACON), for implementation of a five-year opportunistic beach replenishment project at Carpinteria City Beach and four other sites in Santa Barbara and Ventura Counties. The approved project included annual deposition of up to 50,000 cu. yds. of sand from flood control basins, Carpinteria Marsh, Caltrans landslide material, and miscellaneous construction sites at Carpinteria City Beach. The material was placed below the Mean High Tide Line (MHTL), as a sand dike on the back beach, or as a level, approximately 175 ft. wide berm located seaward of the proposed seasonal sand berm. Although the BEACON beach replenishment project has augmented sand supply, and therefore lessened the potential for catastrophic erosion and storm damage at the subject site, it does not serve the same protective purpose as the seasonal sand berm proposed in this application. In addition, source material for the BEACON project was obtained on an opportunistic basis, and included material that contained a higher percentage of fines (up to 25% of the total) than was suitable for a beach berm; the availability of suitable materials for construction of the berm was not assured under the BEACON program.

### **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 annual construction and removal of an approximately 1,500 ft. long, 10-12 ft. high winter sand berm on Carpinteria City Beach involving approximately 26,000 cu. yds. of grading, including 13,000 cu. yds. of excavation and 13,000 cu. yds. of fill. The proposed project includes construction of the berm prior to the winter storm season, maintenance of the berm during the winter, and removal of the berm in the spring. The berm will be constructed on the back portion of the sandy beach immediately seaward of the existing residential development as shown in Exhibit 3. Approximately 13,000 cu. yds. of sand to construct the berm will be excavated (pushed by scraper/bulldozers) from the beach seaward of the proposed berm location. Periodic maintenance of the berm will involve pushing sand from the beach immediately seaward of the berm back onto the berm with bulldozers. In the event that the berm is completely destroyed by wave action during the winter storm season, the berm would be reconstructed. The City proposes to remove the berm and restore the beach to its pre-development profile each spring prior to Memorial Day. Berm removal/demolition activity would involve using a bulldozer to evenly redistribute the berm sand immediately seaward of the berm's location.

Carpinteria City Beach is backed by numerous private residences (single family residences, condominiums, and apartments) located on the seaward side of Sandyland Avenue, public parking facilities (located at several street ends), and a public restroom facility. The City has indicated that in years past, during the winter storm season, wave action has resulted in damage to the existing private residences and public amenities (including public streets, parking lots, and a restroom facility) located on the back portion of Carpinteria City Beach. The proposed sand berm is intended to protect existing development adjacent to the project site from damage from wave action during the winter storm season. In a letter dated August 3, 2010, the City states that:

***The winter storms of 1983, 1987, 1993, 1994, 1997, 1998, 2003, 2005, 2006, 2008, 2009 all produced threatening storms that the City believes had the potential to cause damage to public improvements and to residential structures. Most recently, the winter 2010 saw wide spread ocean wave flooding and property damage along the Southern California coast. Many beach front managers and coastal engineers believe the 2010 beach erosion event was the most significant in 20 years. In Carpinteria, the berm, placed in the backshore area, prevented the run of the waves from flooding public and private property. No significant property damage was inflicted to the Carpinteria City Beach or the residential housing front. A local emergency response was required to maintain the berm until ocean conditions settled. Adjacent communities were not as fortunate.***

*It was in the December of 1995 when the winter protection berm had not yet been built when a severe ocean wave event occurred. This event illustrated the risk of not constructing the berm. Hurricane force winds off of the Oregon and Northern California Coast generated twenty foot surf off of the Carpinteria Beach. This resulted in approximately \$369,000 in damages to residential properties and public beach access improvements.*

The Commission has approved construction of a seasonal sand berm (as proposed by this application) on Carpinteria City Beach since 1995 (CDP Nos. 4-95-207, 4-00-199, 4-01-155, 4-05-160). The Commission has found that where existing beachfront development is in danger from erosion, soft solutions such as beach berms generally have fewer significant environmental impacts than revetments, seawalls, or other similar structures. In its approval of these permits, the Commission did find that the proposed sand berm was an environmentally preferable alternative to provide for protection of existing development in comparison to the construction of “hard” solutions such as the construction of a rock revetment or seawall. However, the Commission also found that disturbance from construction, maintenance, and demolition of the berm on an annual basis would still result in some potential adverse effects to the habitat resources on site.

In its application for CDP 4-01-155, the City submitted a document titled, “Winter Protection Berm – Feasibility Study,” prepared by MNS Engineers and dated July 26, 2001. The four-page report examines five alternatives, as follows:

- 1) *A permanent winter berm created from imported sand and vegetated with native plants;*
- 2) *A seasonal berm constructed with imported sand;*
- 3) *A permanent berm constructed with native sand and vegetated with native plants;*
- 4) *A seasonal berm constructed with native sand;*
- 5) *No protection berm.*

In evaluating these alternatives, the report considers several factors, including monetary cost, environmental cost and impact, public convenience, public acceptance, and overall feasibility. The report makes the following conclusion:

*Taking into consideration all of the different concerns and factors contributing to the construction of any protective sand berm, which include cost, public sentiment, environmental, monetary, budgetary; it is our determination that the construction of a temporary, seasonal sand berm is the most effective and feasible means, at this time, to provide an adequate level of protection from the winter wave action.*

As detailed above, the MNS report concludes that a temporary, seasonal sand berm is the most feasible means to protect beachfront development from wave action. The Commission notes, however, that the MNS report does not provide a detailed evaluation of all long-term solutions, and does not evaluate the feasibility of a dune system in conjunction with concurrent beach replenishment, as required by **Special Condition**

**Three (3)** of CDP 4-00-199. The Commission further notes that two documents submitted with the City's application for CDP 4-00-199 (Beach Erosion and Pier Study by Bailard/Jenkins Consultants dated April 1982, and a letter from James Bailard, Ph.D. of BEACON, dated 8/22/00) indicate that a dune system may be feasible in conjunction with a beach nourishment program. As such, the Commission finds that the report submitted by the City regarding potential alternatives to the proposed project is not adequate to determine the feasibility of all long-term alternatives.

The City participates in BEACON, a local task force comprised of representatives from local, state, and federal government agencies whose goal is to develop a regional beach replenishment program. The Commission approved CDP No. 4-02-074 (BEACON), for implementation of a five-year opportunistic beach replenishment project at Carpinteria City Beach and four other sites in Santa Barbara and Ventura Counties. The approved project included annual deposition of up to 50,000 cu. yds. of sand from flood control basins, Carpinteria Marsh, Caltrans landslide material, and miscellaneous construction sites at Carpinteria City Beach. The material was placed below the Mean High Tide Line (MHTL), as a sand dike on the back beach, or as a level, approximately 175 ft. wide berm located seaward of the proposed seasonal sand berm. Although the BEACON beach replenishment project augmented sand supply, and therefore lessened the potential for catastrophic erosion and storm damage at the subject site, it does not serve the same protective purpose as the seasonal sand berm proposed in this application. In addition, source material for the BEACON project was obtained on an opportunistic basis, and included material that contains a higher percentage of fines (up to 25% of the total) than is suitable for a beach berm; the availability of suitable materials for construction of the berm could not be assured under the BEACON program.

In addition, the City is actively collaborating with the ACOE on the Carpinteria Storm Damage and Shoreline Feasibility Study addressing long-term solutions to protecting beachfront development in Carpinteria. As outlined in the Project Management Plan, prepared by the ACOE, the study will address five alternative means of shoreline protection, including two beach nourishment alternatives that include construction of vegetated sand dunes; two artificial submerged reef alternatives that also include construction of vegetated sand dunes; and a reinforced concrete seawall. In a letter accompanying the current application, the City notes that, due to funding cuts, progress on the feasibility study has again fallen behind schedule. An interim report titled, "The Storm Damage and Shoreline Protection Feasibility Study, Draft F3 Conference Report Without Project Conditions Analysis, July 28," was submitted. The report presents an analysis of existing conditions and future without project conditions that examine the feasibility of reducing storm damage and long-term erosion. The report identifies and presents a preliminary evaluation of potential alternatives including temporary winter berm construction, beach fill, revetment, seawall, dual-purposes recreational pier, multi-purposes artificial reef, managed retreat, and no action. Further analysis is necessary to investigate alternatives to restore beach conditions along the impacted public shores. Based on its Feasibility Study Milestone Schedule, the environmental analysis phase of

the study is currently underway and the City estimates that the final report will be completed by February 2012.

Given that the MNS report does not provide a conclusive analysis of all feasible alternatives, and given that a detailed study of alternatives is underway and expected to be completed by 2012, **Special Condition Two (2)** requires the final berm approved under this permit to be removed no later than Memorial Day 2015. In addition, Special Condition Three (3) requires the City to provide the Executive Director with copies of all reports and documents issued by the ACOE as part of the feasibility study within thirty (30) days of their receipt. By 2015, the feasibility study will be complete and will allow the Commission to consider all additional information relevant to the ultimate consideration of the long-term solution to Carpinteria Beach erosion most protective of coastal resources. Therefore, the Commission finds that **Special Conditions Two (2) and Three (3)** are necessary to ensure the Commission's ability to receive and consider all relevant information before authorizing permanent annual berm construction.

In addition, the Commission notes that the proposed project will involve approximately 26,000 cu. yds. of grading and the use of construction equipment on the sandy beach. As such, the Commission finds that the proposed project will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately/unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse effects to the marine environment are minimized, **Special Condition One (1)** requires the applicant to ensure that no stockpiling or storage of dirt, construction materials, or equipment shall occur on the beach seaward of the proposed berm location and that any and all debris that results from the construction period shall be immediately removed from the sandy beach.

The Commission notes, based on the information submitted by the City of Carpinteria, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from wave action during the winter storm season. As discussed above, the existing private residences and public facilities located along Carpinteria City Beach have previously been subject to substantial damage as the result of storm and flood occurrences--most recently, and perhaps most dramatically, during the 1995 winter storm season. As such, the Commission finds that evidence exists that the project site is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

The Commission further finds that although the proposed project will provide some level of protection for the developed portions of the subject site from wave-caused erosion, there remains some inherent risk to development on such sites. The Coastal Act recognizes that certain types of development, such as the proposed project to protect

existing structures from storm waves, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. As such, the Commission finds that due to the unforeseen possibility of liquefaction, storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Four (4)** requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Lastly, the Commission notes that approvals from the ACOE and RWQCB are necessary and serve to further reduce the potential for hazards associated with the proposed project. The City currently has approval from the RWQCB that extends to November 2011; however, the ACOE permit has yet to be approved. To ensure that approvals are in place for the construction of the berm for this year and in the subsequent years permitted herein, **Special Condition Five (5)** requires the City to submit, prior to commencement of construction of the berm, evidence of final required approval from the ACOE and the RWQCB. The ACOE and RWQCB approvals shall be valid through Memorial Day 2015.

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

#### **D. Environmentally Sensitive Habitat and Marine Resources**

Section **30230** of the Coastal Act states:

*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 states:

*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 **30240** of the Coastal Acts states:

- (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.***

Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Section 30240 requires that environmentally sensitive habitat areas (ESHAs), as well as areas adjacent to ESHAs and parks and recreation areas, be protected from significant disruption of habitat values.

The proposed sand berm will involve approximately 26,000 cu. yds. of grading on the sandy beach between the backbeach area and the surfzone along Carpinteria City Beach. Although the project site is not designated ESHA in the Carpinteria LCP, it does contain important biological resources. The City's certified Land Use Plan (LUP) classifies "beaches, tidelands, and subtidal reefs" as an important biological resource area and states:

***Beaches, tidelands, and subtidal reefs have habitat and recreational value, and are used by both residents and tourists. Human activity in these areas increases stress on the habitats and can inhibit species reproduction and stability.***

In addition, Policy OSC-1c of the LUP states:

***Establish and support preservation and restoration programs for ESHA, including but not limited to Carpinteria Creek, Carpinteria Bluffs, Carpinteria Salt Marsh, seal rookery, Carpinteria reef, Pismo clam beds and the intertidal zones along the shoreline.***

The project site is located immediately onshore from the Carpinteria reef and kelp beds that are designated ESHAs. In addition, the City's biologist has noted that the project site contains habitat for Pismo clams, as discussed below.

In its application for CDP 4-00-199, the City submitted a Biological Analysis by Vince Semonsen, consulting biologist for the City of Carpinteria, dated October 25, 2000. The analysis indicates that the subject beach is known to provide potential habitat for several endangered species and species of concern including: Western Snowy Plover, California grunion, Pismo Clams, and possibly the Globose Dune Beetle. The analysis also indicates that disturbance of the beach habitat from construction, maintenance, and



demolition of the proposed berm on an annual basis may result in several potential impacts to biological resources on site and that such impacts may be minimized through proper mitigation measures and monitoring. The report states:

***This letter identifies several potential impacts to the fauna known to utilize the Carpinteria City Beach (1,500 lineal feet of beach) during the construction and smoothing of a winter sand berm...Western Snowy Plovers are known to utilize the City Beach. To prevent any possible impacts to the birds a qualified biologist is hired to survey the beach prior to both the winter berm construction and the spring smoothing work...California grunion come on to the City Beach to breed during periods of high tides. This activity is monitored and if a "run" has occurred there is no moving of beach sand for at least a two week period...Pismo clams are found along the beach and appear to be increasing in numbers. During the construction of the sand berm a biologist is onsite watching for any impacts to the clams. The clams generally reside in the surf zone below where the bulldozers will be working and are not expected to be impacted...An evaluation for the presence of the globose dune beetle is recommended and will be conducted just prior to this year's winter work.***

The City submitted a second letter from Mr. Semonsen, dated February 28, 2001, reporting the results of biological monitoring before, during, and after the construction of the Winter 2000-2001 berm. The letter states that no Western Snowy Plovers or Pismo Clams were seen, and that construction of the berm avoided grunion runs. The letter also addresses the presence of globose dune beetles:

***Prior to the berm work I looked for the endangered globose dune beetle (Coelus globosus), a small, fossorial insect that inhabits coastal dunes of California and Northern Baja California. Several dune beetles were found in the vegetated portions of the beach near the homes and the beach access routes; they were identified as the more common Coelus ciliatus. Dune beetles are found primarily within vegetated dune systems, with the C. ciliatus occupying more disturbed dune systems. The vegetated portions of the City beach were not affected by the berm work.***

A letter dated March 31, 2005 from Mr. Semonsen noted that no Western Snowy Plover were seen prior to demolition of the 2004-2005 winter berm, and that

***Snowy plovers tend to utilize the back beach hiding in the beach rack and the rocks. Carpinteria beach generally has very little back beach, rack, or rock, and is considered marginal habitat for snowy plovers.***

Letters from Mr. Semonsen dated 12/2/05, 3/14/06, 11/20/06, 3/25/07, 11/18/07, 2/21/08, 3/2/09, and 11/18/09 came to similar conclusions regarding Western Snowy Plover. Nonetheless, critical habitat for the Western Snowy Plover is located downcoast from the project site and some potential exists for the plover to be found at the site.

As previously discussed, construction of a seasonal sand berm on Carpinteria City Beach has been approved by the Commission in previous years. In its approval of CDP 4-95-207, CDP 4-00-199, CDP 4-01-155, and CDP 4-05-160 the Commission found that the proposed sand berm was an environmentally preferable alternative to provide for protection of existing development in comparison to the construction of "hard" solutions such as the construction of a rock revetment or seawall.

However, the Commission also found that disturbance from construction, maintenance, and demolition of the berm on an annual basis would still result in some potential adverse effects to the habitat resources on site. Prior permits authorizing the sand berm contained special conditions that required the City to evaluate long term solutions and alternatives to the proposed berm as part of any subsequent berm construction application. As described above, **Special Conditions Two (2)** and **Three (3)** limit the duration of this permit to no more than five years and require the City to provide information regarding their study of other project alternatives.

The Commission notes that the proposed project has been previously implemented in a manner to minimize adverse effects to the sensitive beach and marine resources on the subject site. However, the Commission also notes that the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and grading activity. Therefore, to ensure that all recommendations of the environmental consultant are properly implemented, and to ensure that any potential adverse effects to beach and marine environment are minimized, **Special Condition One (1)** requires that a qualified biologist or environmental resource specialist shall conduct a survey of the project site (donor site and receiver site) each day prior to commencement of any berm construction, maintenance, or demolition activity to determine whether any Western Snowy Plovers, Grunion, Pismo Clams, Globose Dune Beetles, or any other sensitive wildlife species are present. In the event that any of the above species or other sensitive wildlife species are present on the project site, the environmental resource specialist shall require the applicant to cease work and immediately notify the Executive Director to determine an appropriate strategy to minimize any potential impacts to wildlife. The monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

In addition, the sandy beach on the subject site has been identified as a potential grunion spawning location. Included with the current application, the Grunion Monitoring Summary reports that no grunion were seen and/or no grunion monitoring was needed from 2006-2009. In 2010, the first predicted grunion run of the spring was monitored by Matt Roberts:

*Over the four night monitoring effort it was only the second night, Tuesday March 16, that several individual grunion were observed. As many as 20 grunion over the four hour monitoring period were counted. Spawning activity was not observed. The winter berm had been eroded to less than 20% of its original mass. The grunion were spotted in the Holly to Ash Avenue section of the beach where the berm mass was minimal. The berm was removed following the predicted run but no material was deposited below the high tide line or within 100 ft. of where grunion were observed. Material was pushed laterally away from the observed locations and then out. For much of the Ash Avenue area, so little berm remained that removal [was] almost unnecessary.*

Construction of the proposed berm is expected to occur outside the seasonally predicted run period and egg incubation period of the California Grunion and will not result in any adverse effects to grunion spawning activities. However, maintenance

activities and removal of the berm the following spring may result in potential adverse effects to grunion spawning activities on site.

In order to ensure that reconstruction, maintenance, or removal of the proposed sand berm does not adversely affect grunion spawning events, **Special Condition One (1)** also requires that in the event that construction, maintenance, and/or berm removal activity will occur during the seasonally predicted run period and egg incubation period for California grunion, as identified by the California Department of Fish and Game, then the environmental resource specialist shall be present on the project site each night from one hour before the beginning of each predicted grunion run until one hour after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no berm construction/removal activities shall be allowed within 100 ft. of any area (measured laterally along the beach and extending from the back of the beach to the water's edge) where grunion were observed until after the next predicted grunion run in which no adult grunion have been observed on the project site and it has been determined by the environmental resource specialist that all previously deposited grunion eggs have successfully incubated (allowing juvenile grunion to return to the ocean) or that the previously deposited eggs are no longer viable, or unless otherwise approved by the Executive Director. The environmental resource specialist will immediately notify the Executive Director after each monitored run whether grunion were found to be present.

In addition, the Commission notes that the proposed project will involve approximately 26,000 cu. yds. of grading and the use of construction equipment on the sandy beach. As such, the Commission further notes that the proposed project will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately/unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse effects to the marine environment are minimized, **Special Condition One (1)** requires the applicant to ensure that no stockpiling or storage of dirt, construction materials, or equipment shall occur on the beach seaward of the proposed berm location and that any and all debris that results from the construction period shall be immediately removed from the sandy beach.

Also, beach grooming, which involves mechanically raking and, in some cases, sifting, beach sand in order to remove wrack and debris, has significant impacts on the natural ecology of sandy beaches, including on invertebrates and foraging seabirds. The City currently rakes the subject beach in the summer months, and deposits the wrack in the tidal zone, where it is transported downcoast in the direction of the ungroomed State Beach. The proposed project has the potential to affect beach wrack through the use of heavy equipment on the beach. While the proposed berm construction project does not specifically include any beach grooming activities, the proposed project does include

excavation of dry sand for construction and maintenance of the berms, recontouring or “smoothing” of excavated areas, and recontouring of the deposition sites following berm removal in the spring. While much of the berm construction activities take place well landward of the typical wrack line, given the importance of wrack in beach habitats, it is necessary to ensure that impacts to wrack are avoided. Therefore, in order to avoid potential adverse impacts to sensitive habitat, **Special Condition No. 6** requires that any excavation, deposition, and recontouring associated with the proposed project shall be restricted to dry sand area only and shall not occur any closer than ten feet landward of the wrack line or the ordinary high tide line, whichever is further landward. **Special Condition No. 6** further requires that wrack shall not be removed from the beaches during berm construction activities with the exception that debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed.

As noted above, the Carpinteria City beach is the subject of a feasibility study evaluating five long-term shoreline protection solutions, including construction of vegetated sand dunes, construction of an artificial reef, and construction of a concrete seawall. In order to ensure that the impacts of beach grooming practices are adequately considered as part of any long-term shoreline protection effort, **Special Condition Three (3)** requires that the City evaluate, as part of any long-term shoreline protection program or project, beach grooming alternatives that minimize the removal of natural wrack to the extent feasible on the subject beach.

Lastly, the Commission notes that approvals from the ACOE and RWQCB are necessary and serve to further reduce potential impacts to sensitive habitat and marine resources. The City currently has approval from the RWQCB that extends to November 2011, so approval is in place for this winter season. To ensure that approvals are in place for the construction of the berm in the subsequent years permitted herein, **Special Condition Five (5)** requires the City to submit, prior to commencement of construction of the berm for the 2011-2012 winter season, evidence of final required approval from the ACOE and RWQCB. The ACOE and RWQCB approvals shall be valid through Memorial Day 2015.

As conditioned to monitor the project site for the presence of sensitive species, to cease work or avoid working in areas where sensitive species are identified, to avoid the removal of beach wrack during construction, to control construction materials and equipment, and to obtain all other required permits, the Commission finds that the proposed project will minimize impacts to the beach and marine environment. Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

#### **E. Public Access and Visual Resources**

Coastal Act Section **30210** states:

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

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.***

In addition, Coastal Act Section **30251** states:

***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated 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. In addition, Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The project site is located on the back portion of the City of Carpinteria Beach. Public access is available along the entire approximately 1,500 ft. length of the project area. The proposed project involves the construction of a sand berm immediately seaward of the existing residential development and public street ends located on site. The crest of the proposed berm will not extend above 18 ft. in elevation above mean sea level (approximately 10-12 ft. above the typical ground elevation of the sandy beach area).

The proposed berm will result in some limited temporary adverse effects to public access and views. Beachgoers will be required to traverse the sand berm, approximately 10-12 ft. higher than the elevation of the backbeach, in order to access the beach. However, the Commission notes that access over the proposed berm will not be blocked or result in an impassable barrier for the average beachgoer, and that the berm will not fully occupy the sandy beach. Beach area will be available for pass/repass and recreation, with the possible exception of winter periods when storm wave attack steepens the beach profile and erodes the face of the berm. These conditions would be of a temporary nature only. In addition, the City will construct "ramped" areas to the top of the berm at several of the public street ends and parking lots in order to facilitate public access.

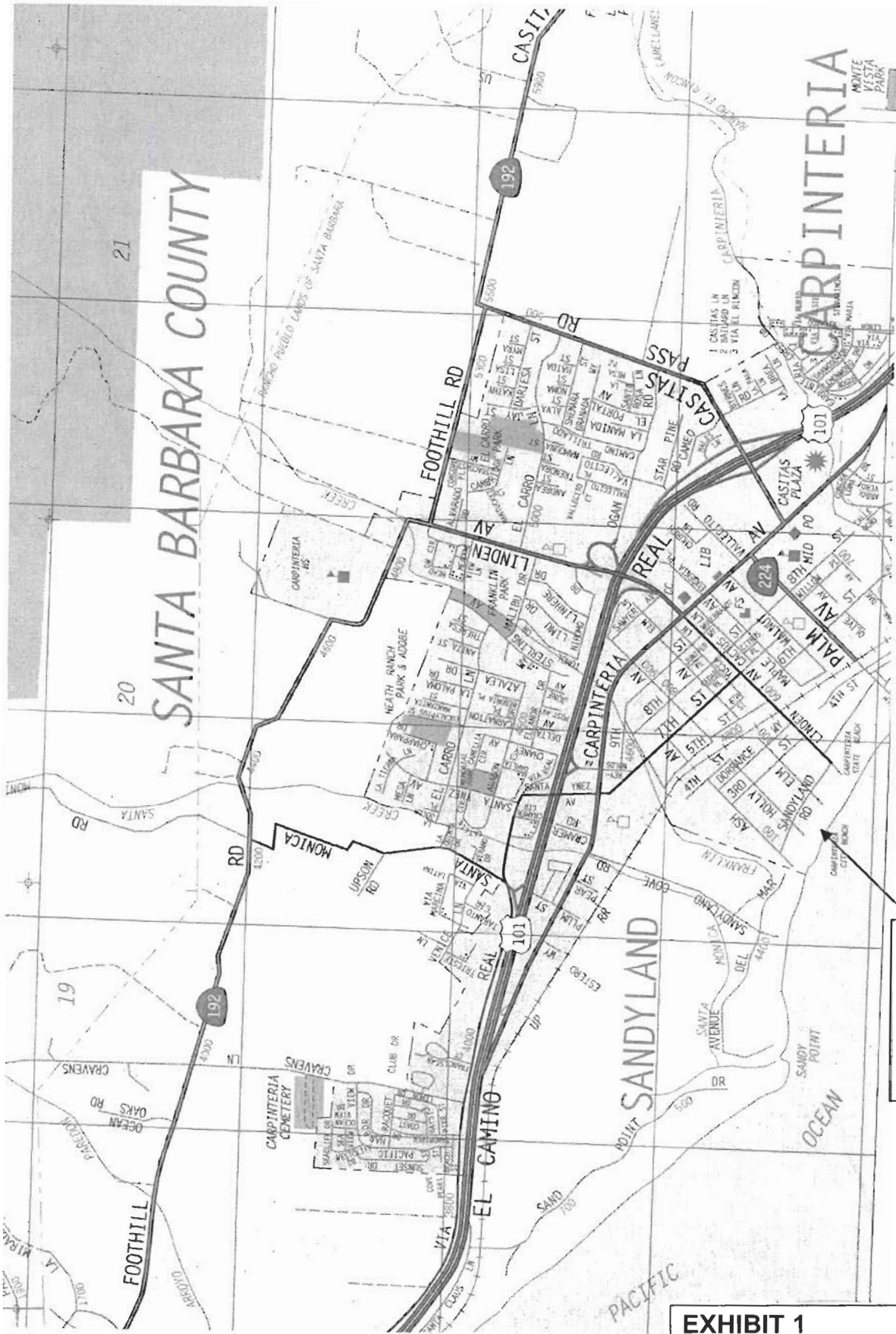
Public views of the beach from public viewing areas located along adjacent city streets will be limited by the proposed berm. However, the proposed project is temporary in nature and includes removal of the berm each spring. In order to ensure that any potential adverse effects to public views and access are minimized, **Special Condition Two (2)** has been required to ensure that the berm is removed each year prior to Memorial Day, unless additional time is allowed by the Executive Director for good reason. Removal of the proposed berm involves redistributing sand seaward of the berm and restoring the beach to its pre-development profile.

Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30211, and 30251 of the Coastal Act.

#### **F. CEQA**

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially 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, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



**Project Site**

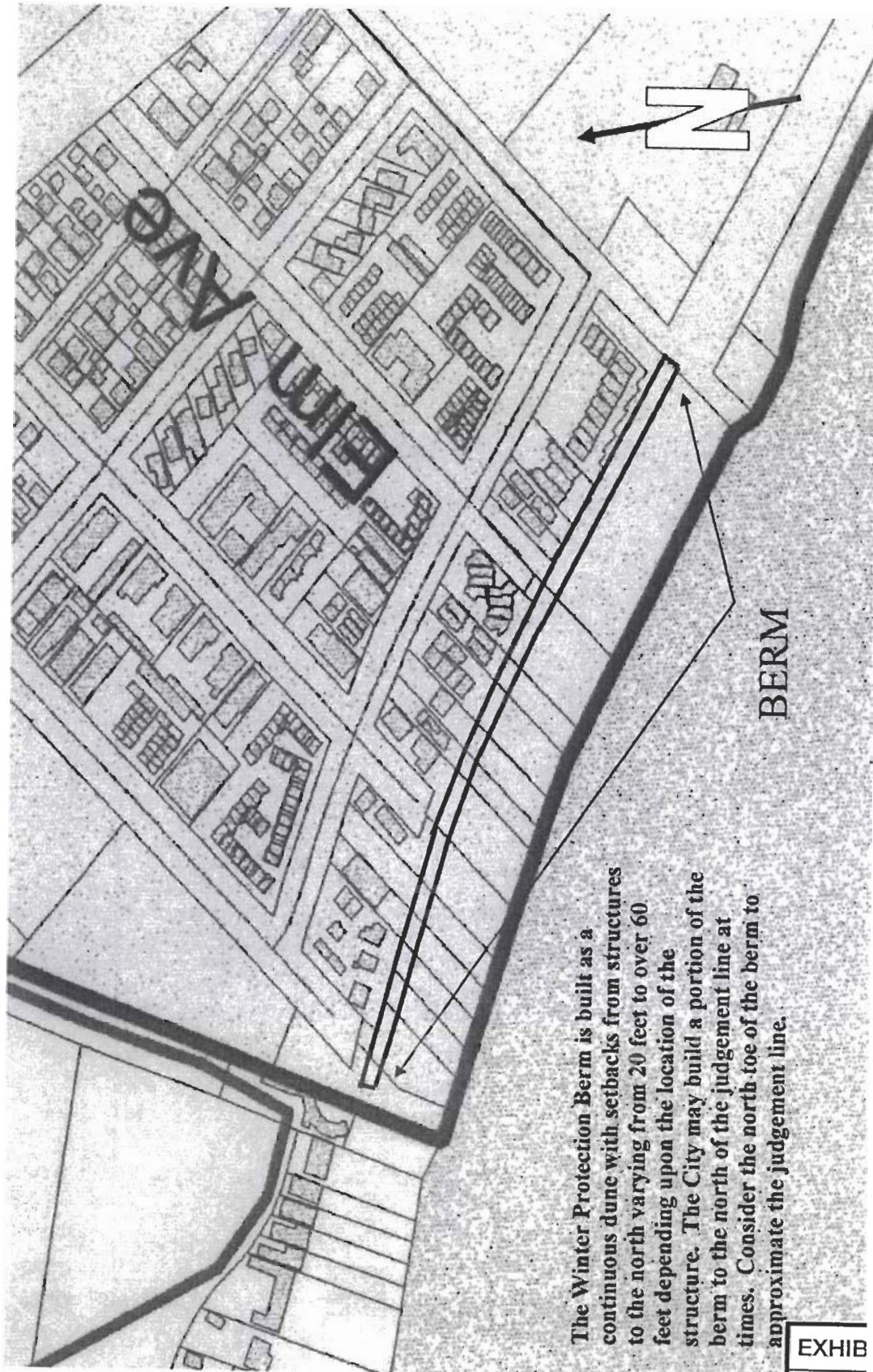
<b>EXHIBIT 1</b>
<b>Permit No. 4-10-061</b>
<b>Vicinity Map</b>



Project Site

EXHIBIT 2
Permit No. 4-10-061
Aerial Photograph



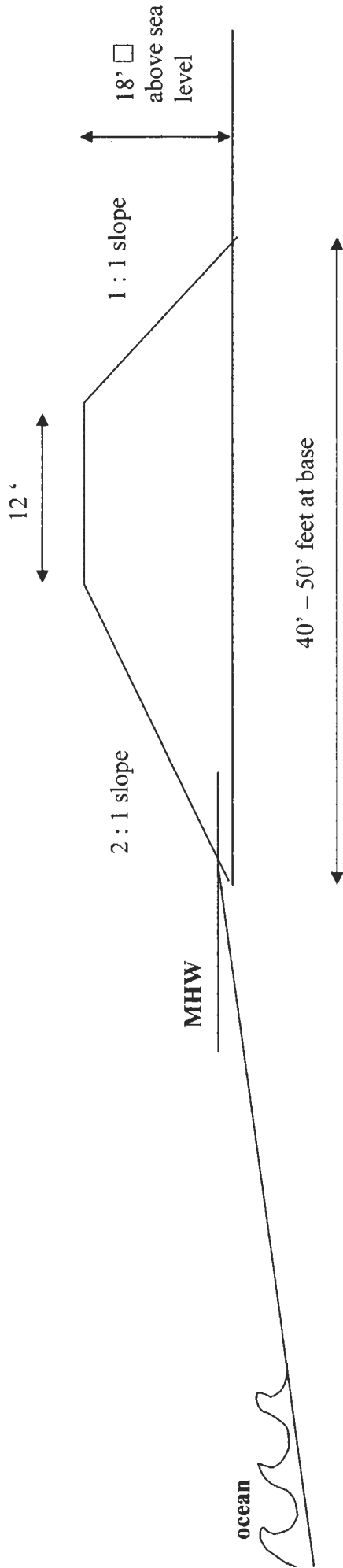


The Winter Protection Berm is built as a continuous dune with setbacks from structures to the north varying from 20 feet to over 60 feet depending upon the location of the structure. The City may build a portion of the berm to the north of the judgement line at times. Consider the north toe of the berm to approximate the judgement line.

EXHIB

EXHIBIT 3
Permit No. 4-10-061
Berm Plan

**Proposed Protective Dune Construction  
City of Carpinteria  
County of Santa Barbara  
State of California**



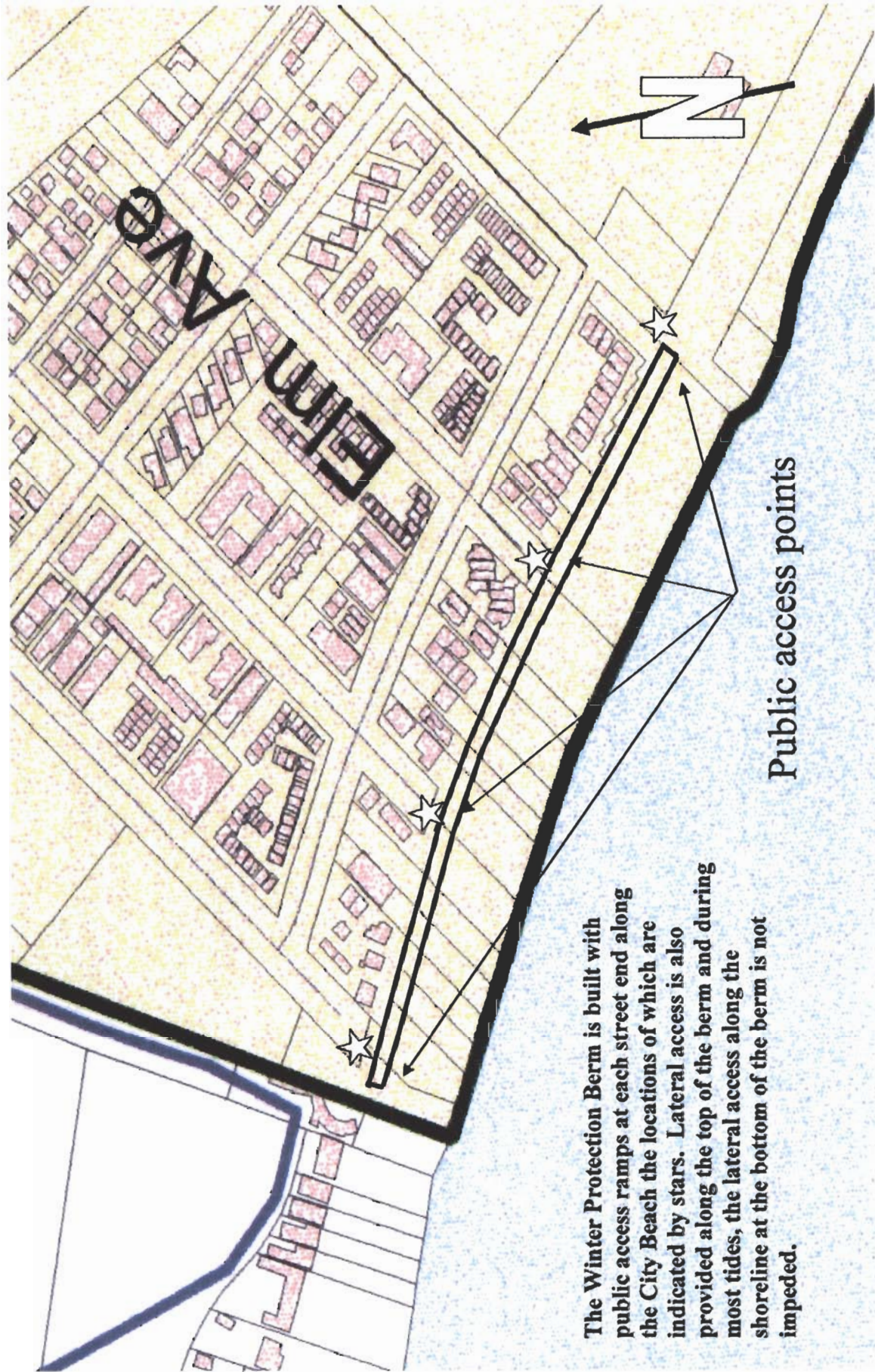
**Typical Cross section,  
No Scale**

Material for dune shall be bulldozed from the seaward side during low tide conditions

Notes:

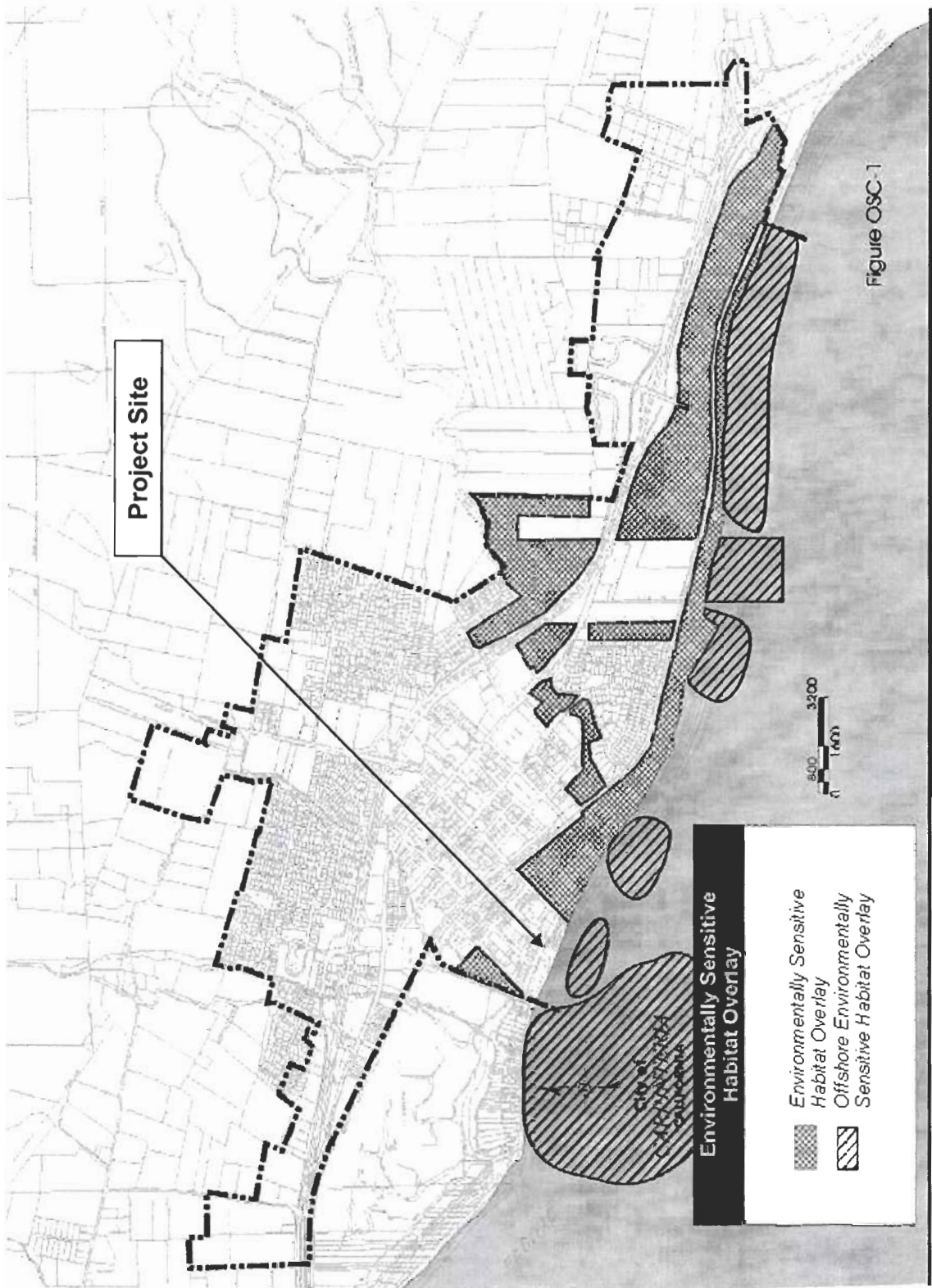
1. Beach elevations shown above are typical. Due to frequently changing conditions, they may not represent current conditions.
2. Estimated yardage is 13,000 CY based upon 1,440 LF of a 247 SF cross section. Actual yardage should be less since the dune area usually has some accumulation already.
3. All work shall be in accordance with the Standard Specifications for Public Works Construction Latest Edition

<b>EXHIBIT 4</b>
<b>Permit No. 4-10-061</b>
<b>Berm Cross Section</b>



Carpinteria Winter Protection Berm  
7/2010

<b>EXHIBIT 5</b>
<b>Permit No. 4-10-061</b>
<b>Public Access Points</b>



**EXHIBIT 6**

**Permit No. 4-10-061**

**Adjacent ESHA**



View from Ash Avenue looking east taken November 2008 – Berm just completed for 2008/2009 winter; note wide berm top allowing pedestrian parallel access to coastline



View from Ash Avenue looking east taken February 2003 – Berm has completely washed out after high tide; USGS study suggests end effects of Sandyland Cove seawall contributes to acute erosion problem at this location

**EXHIBIT 7**

**Permit No. 4-10-061**

**Photos (Page 1)**



In some years the berm requires maintenance. In this photo, new sediment has been pushed up to the remaining berm to fend off another high tide.



Aerial view of berm in the Holly Avenue to Elm Avenue block; this picture was taken during reconstruction after a major erosion event.

**EXHIBIT 7**

**Permit No. 4-10-061**

**Photos (Page 2)**