

## CALIFORNIA COASTAL COMMISSION

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

Filed: 11/06/94  
49th Day: 12/25/95  
180th Day: 8/02/96  
Staff: MKH-V *ML*  
Staff Report: 11/29/95  
Hearing Date: 12/12--15/95  
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-95-207

APPLICANT: City of Carpinteria

PROJECT LOCATION: City of Carpinteria Beach, between Linden and Ash Avenues

SUBSTANTIVE FILE DOCUMENTS: City of Carpinteria Winter Protection Berm Report, 1994-1995, Coastal Development Permit Nos. 4-94-184 (City of Carpinteria), 4-83-257A9 (Ventura Port District), and 4-91-57 (City of Carpinteria).

PROJECT DESCRIPTION: Annual collection (by excavation) of approximately 13,000 cubic yards of sand to construct a temporary berm on the adjacent City of Carpinteria Beach between Linden and Ash Avenues and redistribution of the sand annually after storm season ends. Project would protect single family residences from winter storm wave attack. Berm height would be 18 feet above mean sea level (7 feet above grade). Applicant proposes to extend the permit term to five years, with continued annual monitoring.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project, which has been constructed annually for approximately a decade without causing significant, adverse impacts on coastal resources, with special monitoring and reporting requirements to guide the timing of spring sand redistribution when grunion runs or snowy plover feeding and nesting activities may be affected. Staff recommends approval of the new five-year term for the subject permit, provided the applicant thoroughly investigates potential long-term solutions such as beach nourishment from alternative sand sources, dune enhancement, etc., during the life of the permit.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in

**W216**

conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 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 Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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. Duration and Terms: This permit is for the annual winter season collection of sand to construct a temporary sand berm and for the subsequent annual spring restoration of beach sand after the storm season ends, for a five-year term commencing with the winter season of 1995--96. This permit expires five years from the date of Commission approval. The City shall move the sand off the beach no earlier than the date of issuance of this permit and shall complete berm construction within a period of two weeks, once excavation begins. The City shall conduct all berm construction and sand return operations in accordance with the Grunion and Snowy Plover Monitoring Plans attached as Exhibits A and B and as additionally set forth in Special Condition 2.
2. Snowy Plover and Grunion Monitoring. The City shall retain a qualified biologist, or individuals with similar or related qualifications acceptable to

the California Department of Fish and Game (DFG), U.S. Army Corps of Engineers (ACOE) and the U.S. Fish and Wildlife Service (FWS) to monitor the beach for the presence of grunion and/or Western Snowy Plover prior to, and concurrently with, berm construction and removal activities. At a minimum such monitoring shall include the following:

- A. Monitor berm area for potential Snowy Plover feeding and nesting activities at least twice, at two-week intervals commencing no more than one month prior to spring season sand redistribution.
- B. Monitor grunion activity prior to sand placement on the beach to avoid grunion runs and spawning activity.

Notice of monitoring activities shall be provided to the DFG, ACOE, FWS and to the Executive Director of the Commission at least two weeks in advance and each agency may designate a representative to participate in field monitoring. Prior to spring sand redistribution each year, applicant shall submit to the Executive Director, for review and approval, a report detailing the monitoring activities undertaken and the conclusions reached. In order for the permitted activities to take place in any given year, such monitoring report must conclude that there will be no significant adverse impact upon coastal resources caused by the proposed sand movement. No sand movement shall be allowed after March 15 of each year during predicted grunion runs or spawning activity, or if Snowy Plover foraging or nesting would be adversely impacted. The City may not commence any sand relocation on the beach until it is notified by the Executive Director of concurrence with the monitoring report's conclusion that the sand placement will not adversely affect any significant habitat resource or sensitive species on the beach or on the existing sand berm.

Should the Executive Director not concur with the report's conclusion that there will be no adverse effects or if the report does not conclude that there will be no adverse impacts on coastal resources, then no sand may be relocated and the applicant shall be required to submit an application for an amendment to the subject permit, subject to further review of the Coastal Commission in order to be allowed to continue the subject activities.

4. Sand Placement Monitoring Report. The City shall annually submit to the Executive Director a report summarizing the winter's grading activity no later than 60 days after project completion. The report shall be prepared by a registered civil engineer and shall include measurements of the amount of sand removed and returned to the beach, beach profiles, erosion rates on the dune, recommendations for future consideration, and any other relevant data the City collects during the life of the project. Receipt of the requisite reports shall be a condition of review of any subsequent berm construction permit.

5. Evaluation of Long-Term Solutions. At the expiration of this permit and, in any event, no later than the time of submission to the Commission of any future application to continue the permitted activities and/or similar beach sand relocation activities at the subject location, the applicant shall submit to the Commission a report that includes at least the following information:

Technical studies performed by qualified professionals which evaluate the

long term effects of local sand supply management programs in and near the temporary berm project site; alternative long-term solutions to beach management, including the present method of constructing a seasonal temporary berm, and including, but not limited to, evaluation of other "soft" solutions such as dune enhancement, beach nourishment from suitable, alternative sand supply sources, other coastal engineering designs which would trap sand, and cumulative impact programs such as participation in a regional sand supply mitigation program.

#### IV. Findings and Declarations.

The Commission finds and declares the following:

A. Project Description. The City of Carpinteria proposes to annually (for a five-year permit term) remove approximately 13,000 cubic yards of sand from the City beach and grade it into a sand berm or dune located at the inland area of the beach between Linden and Ash Avenues during an approximately two week period commencing in December of each year. The resultant berm runs parallel with the coast for a linear length of approximately 1,450 feet and is built to a height not to exceed 18 feet above mean sea level, or 7 feet above natural grade, with a typical width of fifty feet. After the winter storm season, the sand would be regraded onto the beach.

The project area is the City beach between Linden and Ash Avenues (Exhibits 1-4). The City has a certified Local Coastal Program and will issue a coastal permit for the inland portion of the project. The area below the mean high tide remains under the Commission's original permit jurisdiction. This permit applies only to that portion of the project.

The project is intended to protect both public and private property from potentially erosive winter storm waves and to "save" sand from erosion during the winter, making the sand immediately available for public recreation in the spring.

#### B. Background.

The City of Carpinteria has received previous permits from the Commission for the construction and subsequent removal of a temporary sand berm at this location. The concept of a temporary berm to protect adjacent residences originally arose under emergency storm conditions and has evolved into the present annual practice. As a condition of previous approvals, the City has monitored grunion spawning activity and determined, to the satisfaction of the California Department of Fish and Game, that the seasonal project has had no adverse impacts on the fish.

The Commission has encouraged the City to continue the annual construction of the protective berm as an environmentally preferable alternative to a permanent rock revetment. The berm is also a lower cost alternative. The Commission requires, as part of the five-year permit approval, that the City study long-term solutions such as beach nourishment, dune enhancement, alternative sand supply sources, etc. This information will be evaluated by the Commission as part of further permit review at the end of the next five

year permit term.

In March, 1993, the western snowy plover was listed by the U.S. Fish and Wildlife Service as a threatened species, and the plover is therefore protected under the Endangered Species Act. The plover nests in the open on a shell lined scrape, and has been observed in the project area by FWS representatives. According to FWS (Marie Lindsey, November 11, 1994), a plover wintering area exists immediately adjacent to the project area, at the end of Linden Street. The chronic disturbance typical on a public beach makes plover nesting unlikely in the project area, however, the presence of a known plover population adjacent to the site precludes ruling out the possibility of plover nesting. The plover nesting season extends from approximately April 1 through September 1, and if nests were discovered, appropriate measures to avoid disturbing the birds would be required. It is possible that the berm would have to remain in place for the entire nesting season.

The City of Carpinteria monitored the subject site in mid-April of 1995 and found no evidence that Snowy Plovers were utilizing the beach as part of their wintering habitat. However, the beach has been an historic Snowy Plover breeding site, with as many as 27 sets recorded in the years between 1909 and 1947. The last known nest, however, was observed in 1960 (Lehman, 1993 in Fahy 1995). Local birders have observed individual plovers persisting as winter residents along Carpinteria beaches through 1987 but few sightings have been recorded since. For these reasons, and due to the continued high disturbance caused by public recreational use of the beach, it is unlikely that the annual berm project would adversely affect nesting plovers. Nevertheless, because the area could again support a recovered plover population, a monitoring plan will continue as a special condition of project approval.

The City has provided evidence as part of this application submittal that all relevant agencies (Army Corps of Engineers, U.S. Fish and Wildlife Service, and California Department of Fish and Game) have been consulted and concur that the proposed project, as conditioned, would not adversely affect sensitive species or habitat areas.

C. Public Access. Sections 30210 and 30211 of the Coastal Act require that development not interfere with public access to the shoreline. The proposed project consists of grading, removing, replacing and regrading sand. These activities will not significantly affect public access to and along the shore because the work will be completed within a few days once operations commence, thereby minimizing any restrictions to public access due to equipment operation. Further, winter berm construction and spring sand redistribution activities take place during off-peak seasons, minimizing interference with beach access. The height (maximum of 7 feet above natural grade) and gentle slope of the temporary berm ensure that the area remains passable to pedestrians, who can simply walk over the berm. Therefore, the Commission finds that the proposed project is consistent with applicable public access sections of the Coastal Act.

D. Sensitive Wildlife.

Section 30230 of the Coastal Act (Marine Resources) 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 30240 of the Coastal Act (Land Resources) 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.

As discussed above, this project involves grading and relocating sand from the sandy intertidal area of Carpinteria Beach. The marine resources of concern are the grunion and the Western Snowy Plover. The grunion is a fish that breeds at night in the wet sand during the highest spring and summer tides. After the grunion lays its eggs in the sand, the juvenile fish emerge two weeks later during a high tide and swim into the open ocean. The project would adversely affect grunion by smothering adult fish during runs or by smothering the developing eggs of the fish by covering them with sand when the dune is removed in the spring. The City has developed a plan, in consultation with the Department of Fish and Game, to ensure that sand redistribution is timed to avoid adversely affecting grunion runs and spawning activities. DFG has indicated to the City that the grunion runs during March may be disregarded (grunion take is legal during March); however, the Commission has found in past decisions (CDP 4-83-257A9 Ventura Port District) that smothering the fish during sand management operations simply because such take is not seasonally illegal is inconsistent with the resource protection policies of the Coastal Act. The Ventura Port District recently set forth a similar argument to justify disregarding impacts to grunion of such operations during March each year, based on DFG regulations:

Sec. 8381 of the California Fish and Game Code makes it unlawful to take grunion only during the months of April and May of each year. To limit dredge material deposition during the latter part of March under the guise of protecting the spawning grunion is illogical if those same grunion can be taken during the same period on that same beach.

The Commission found, however, that there was no basis to conclude that lawful grunion fishing activities during March can be compared to the avoidable smothering of grunion due to dredging operations. Moreover, the Commission's standard of review for evaluating consistency of a proposed project is the Coastal Act, not the Fish and Game Code. The Commission finds, therefore, that the deliberate, and avoidable, take of grunion due to sand management operations would be inconsistent with the applicable resource protection

policies of the Coastal Act.

For all of these reasons, the Commission finds it necessary to impose Special Condition 2 to ensure the continued comprehensive monitoring and impact avoidance by the City in conjunction with temporary sand berm management. Special Condition 2 ensures that grunion runs after March 15 (the earliest date that the City initiates sand relocation) would be avoided.

The Western Snowy Plover is a small, sand colored bird which forages amongst shoreline kelp debris. The range of the plover stretches from Southern Washington to Baja California. The bird nests in the open in a shallow scrape on dry sand or salty barren soil. The plover's eggs are speckled and resemble the surrounding terrain. The chicks are precocial, walking within a few hours and feeding themselves within a day or so of hatch, but are small and cryptically colored. When an adult perceives danger, it signals the chicks to crouch or run. The chicks are difficult to avoid because of their small size and camouflaged coloring. Often chicks crouch in vehicle tracks or footprints, making them vulnerable to being stepped on or driven over. For these reasons, the birds, nests, eggs, and chicks are difficult to see and subject to destruction.

As discussed previously, the plover was listed by the U.S. Fish and Wildlife Service as a threatened species in March, 1993. The plover is therefore protected by the Endangered Species Act. Plover nesting season extends from early April through early September. Dune sand redistribution normally takes place after the threat of winter wave uprush subsides, generally by May. Although it is unlikely that the plover would nest in such a highly disturbed area (monitors and researchers on Ormond Beach have reported, for example, that plovers will flush from the nest or abandon chicks when people approach at an average of 100 feet), small populations of over-wintering plovers have been sighted near the project area, at Linden Avenue, in recent years. If plover nesting resumed on or near the temporary berm, the spring sand relocation and beach restoration schedule would potentially conflict with the protection of the nests required by both federal law and the policies of the Coastal Act.

For these reasons, Special Condition 2 includes monitoring and reporting requirements to ensure that the temporary berm area has been surveyed prior to sand redistribution and that no adverse affects upon plovers, if present, would result from proposed operations. Concurrence with the report's conclusions by the Executive Director would be required before operations could proceed. If the Executive Director does not concur, and the City is thereby required to file an application for an amendment to the coastal development permit, the Commission may impose new or different conditions on this permit, vote to deny the continuation of the permit, and/or take any other such action as the Commission may deem necessary and appropriate.

For all of the above reasons, the Commission finds that only as conditioned to avoid adverse affects upon sensitive species and habitats in the project area, would the proposed project be consistent with the applicable habitat and resource protection policies of the Coastal Act.

E. Hazards. Sections 30235 and 30253 of the Coastal Act require that development not contribute to erosion or cause geologic instability, and that impacts on shoreline sand supply be mitigated. This project is of a modest scale in terms of potential to affect shoreline processes. About 13,000 cubic yards of sand would be temporarily borrowed from the nearby shoreline to create the berm and subsequently returned, with minimal effect on the littoral cell. The removal of sand has not caused apparent short-term impacts on shoreline configurations upcoast or downcoast of the site, however the City will acquire significant information through the monitoring programs required during the five-year proposed term of the new permit. An evolving understanding of shoreline processes in the immediate area of the temporary berm project, combined with more regional perspectives on beach nourishment and other long-term "soft" solutions to shoreline management will offer an opportunity at the end of the proposed five-year term for a more in-depth analysis of various permanent strategies. The Commission finds that although the present temporary berm has been shown to be the least damaging, most cost-effective means for the City of Carpinteria to protect existing development from winter storm wave attack, the City must also undertake longer-range studies incorporating, but not limited to, beach profile data acquired during monitoring. The resultant information must be submitted to the Commission for further evaluation of potentially preferable long-term solutions that are either infeasible as short term solutions due to time constraints (the temporary berm must be constructed before the end of December, 1995, for example) or which require more in-depth study and consultation with other affected parties to effect more regional solutions.

For these reasons, the Commission finds it necessary to impose Special Condition 5, in addition to the monitoring and reporting requirements of Special Condition 4. Special Condition 5 will provide additional analysis for the eventual consideration of comprehensive long-term solutions to the local problem of winter season protection along this stretch of beach in Carpinteria. The activities allowed in the permit constitute the most preferable short-term solution suitable for the next five years' duration and are intended to provide an interim form of protection against winter wave attack on existing development. Thus, the term of the permit shall be limited to five years from the winter season of 1995-1996 as stated in Special Condition 1. Any future coastal development permit application for additional storm season protection of the subject site (except an application for an emergency permit) will not be deemed "complete" unless such a report as required in Special Condition 5, including all required information, is provided with the application. Therefore, the Commission finds that only as conditioned would the proposed project be consistent with the requirements of Coastal Act Sections 30235 and 30253.

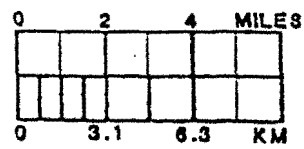
F. Visual Resources. Section 30251 of the Coastal Act requires that development not interfere with scenic public views to and along the ocean. If the sand berm could not be removed in the spring due to the discovery of snowy plover nests, public access to the beach would not be reduced, but public ocean views from Linden, Elm, Holly, and Ash Avenues would be moderately reduced as long as the berm remained. This impact would be short-term, however, and would only occur if nesting sites were discovered and could not be protected by any means other than halting sand movement activities for the



duration of the nesting season (which lasts until approximately September). Due to the disturbance typical on this public stretch of beach, snowy plover nesting is unlikely; however, the relatively minor impacts to public views that would occur should nesting sites require retention of the berm throughout the summer would be offset by the protection offered to an endangered species. Therefore, as conditioned the project is consistent with the visual protection policies of the Coastal Act.

G. California Environmental Quality Act. Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (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 which would substantially lessen any significant adverse impact which the activity may have on the environment. There are no adverse impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

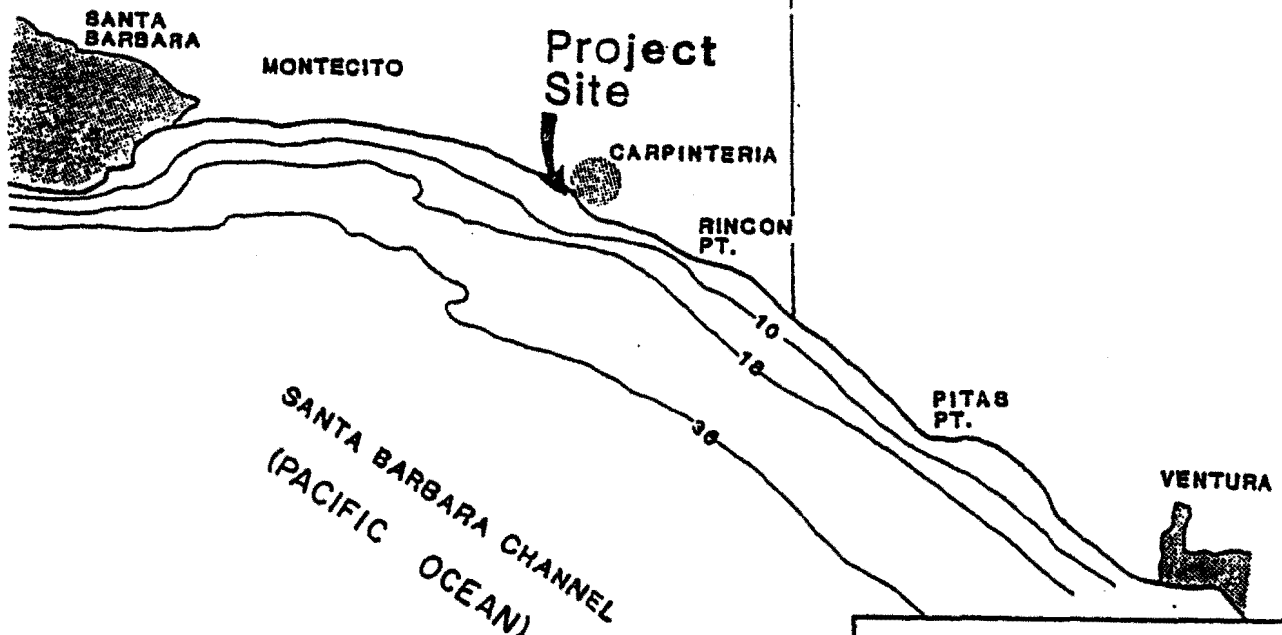
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119° 30'  
LONGITUDE

LATITUDE  
34° 30'

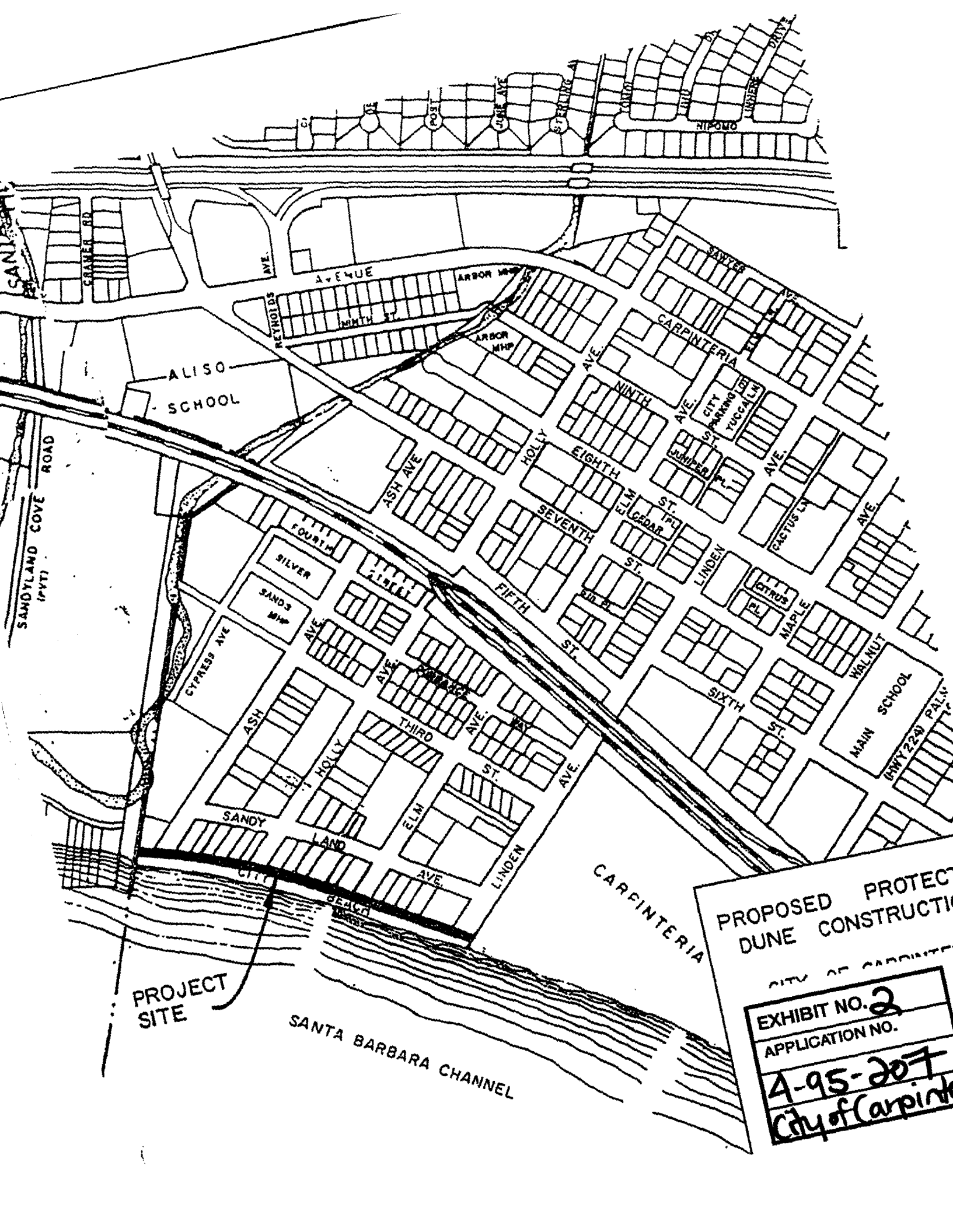
SANTA BARBARA COUNTY  
VENTURA COUNTY



VICINITY MAP

PROPOSED PROTECTIVE  
DUNE CONSTRUCTION

COU	EXHIBIT NO.	A
	APPLICATION NO.	
SHEI	4-95-207	
	City of Carpinteria	



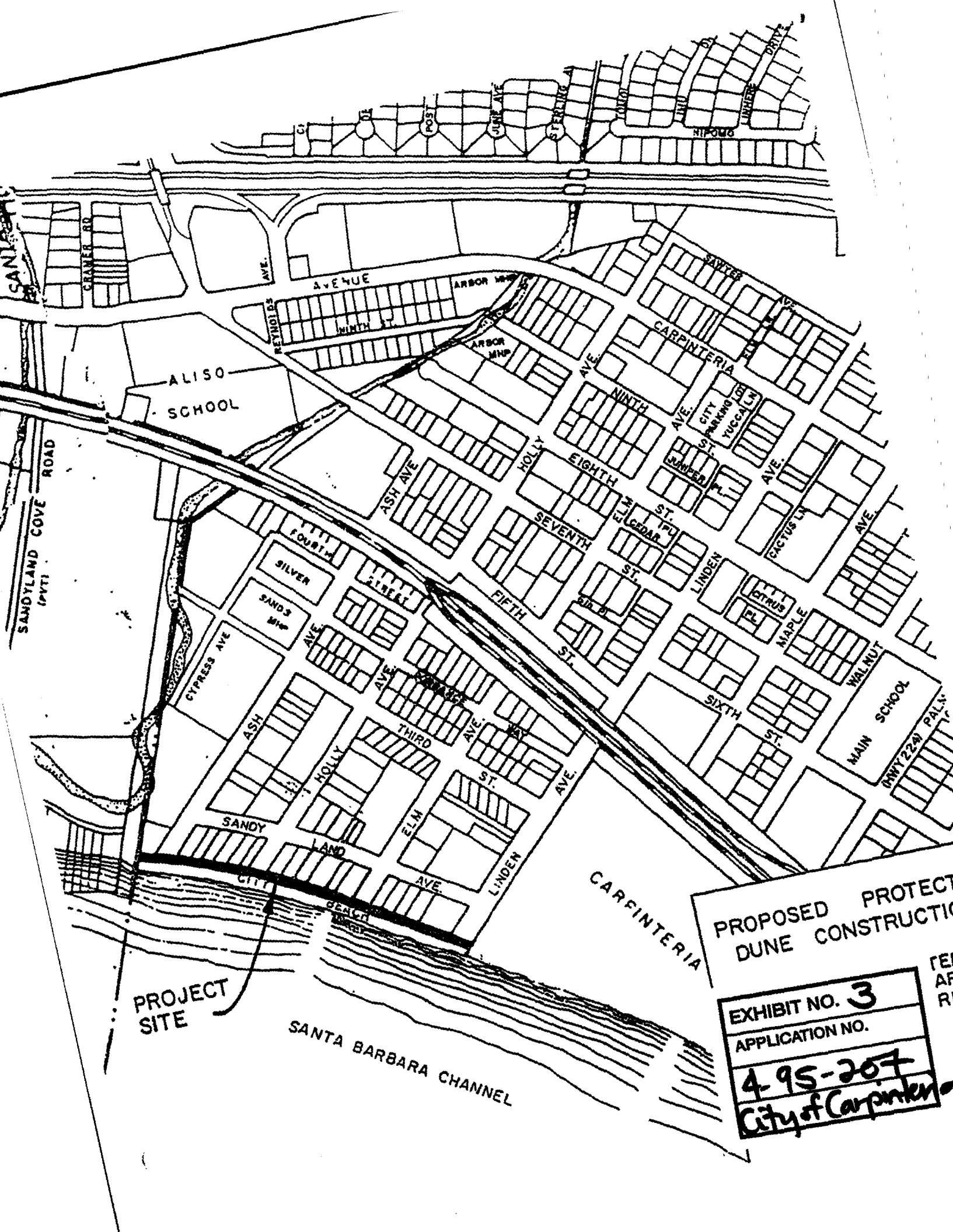
PROJECT SITE

SANTA BARBARA CHANNEL

PROPOSED PROTECTIVE  
DUNE CONSTRUCTION

CITY OF CARPINTERIA

EXHIBIT NO. 2
APPLICATION NO.
4-95-207
City of Carpinteria



PROJECT SITE

SANTA BARBARA CHANNEL

PROPOSED PROTECT  
DUNE CONSTRUCTION

EXHIBIT NO. 3
APPLICATION NO.
4-95-207
City of Carpinteria

ALISO SCHOOL

MAIN SCHOOL

CARPINTERIA

SANDYLAND COVE ROAD (PVT)

REYNOLDS AVENUE

ASH AVE

CYPRESS AVE

SANDY LAND

THIRD AVE

ELM AVE

HOLLY AVE

LINDEN AVE

FIFTH AVE

SEVENTH AVE

EIGHTH AVE

NINTH AVE

SIXTH AVE

WALNUT AVE

MAPLE AVE

YUCCA AVE

SAYVER AVE

CARPINTERIA

ARBOR AVE

HOLY ST

ELM ST

CEDEAR ST

LINDEN ST

MAPLE ST

CITRUS ST

YUCCA ST

CITY PARKING ST

REYNOLDS ST

SAYVER ST

ARBOR ST

HIPPO

LINDEN DRIVE

ST. JAMES

ST. JOHN

ST. PETER

ST. PAUL

ST. MARY

ST. ANNE

ST. MICHAEL

ST. GEORGE

ST. ANDREW

ST. NICHOLAS

ST. VALENTINE

ST. JOSEPH

ST. FRANCIS

ST. MARTIN

ST. AUGUSTINE

ST. LAWRENCE

ST. JOHN THE BAPTIST

ST. PETER THE APOSTLE

ST. PAUL THE APOSTLE

ST. MARY MAGDALENE

ST. ANNE THE VIRGIN

ST. JOSEPH THE WORKMAN

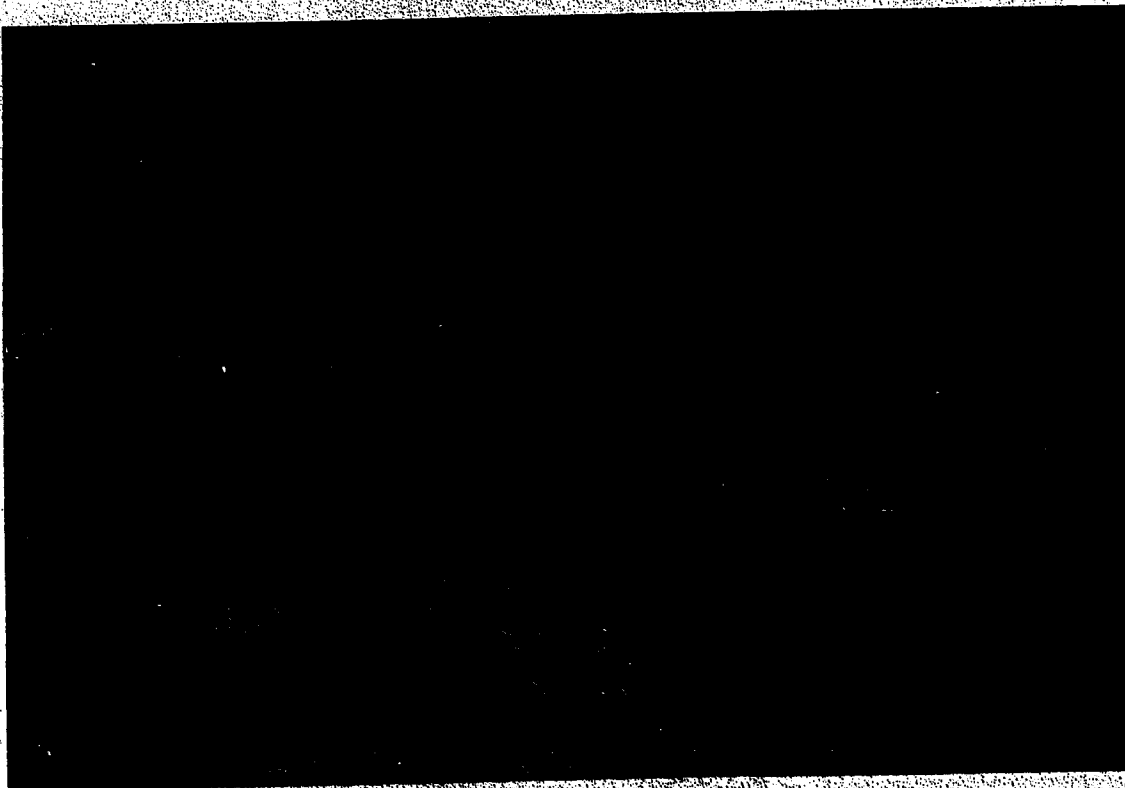
ST. MICHAEL THE ARCHANGEL

ST. GABRIEL THE ARCHANGEL

ST. RAFHAEL THE ARCHANGEL

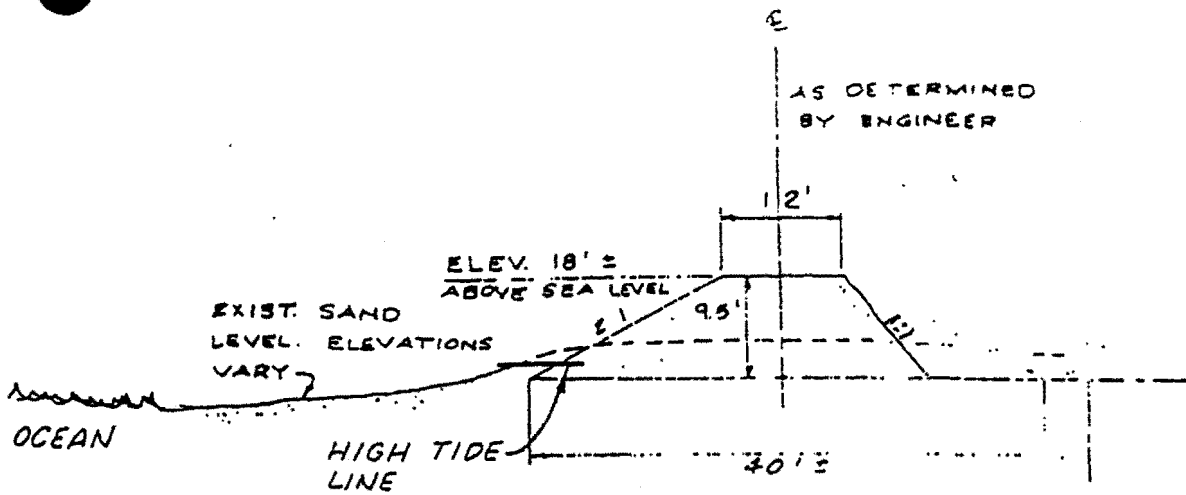


Winter berm under construction 1993



Winter berm completed 1993

EXHIBIT NO. 4
APPLICATION NO.
4-95-207
City of Carpinteria



TYPICAL SECTION  
NO SCALE

MATERIAL FOR CONSTRUCTION OF DUNE SHALL BE BULLDOZED FROM THE SEAWARD SIDE DURING LOW TIDE CONDITIONS

NOTES:

1. BEACH ELEVATIONS SHOWN WERE TAKEN 12-2-82 AND SHOULD NOT BE USED FOR PRESENT CONDITIONS.
2. ESTIMATED YARDAGE IS 13,200 CY BASED ON 1,440 LF OF A 247 SF CROSS SECTION. ACTUAL YARDAGE SHOULD BE LESS SINCE THE DUNE AREA HAS ALREADY BEEN BUILT UP SOMEWHAT.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION LATEST EDITION.
4. STREET ENDS WILL BE RAMPED FOR PUBLIC ACCESS.

PROPOSED PROTECTIVE  
DUNE CONSTRUCTION

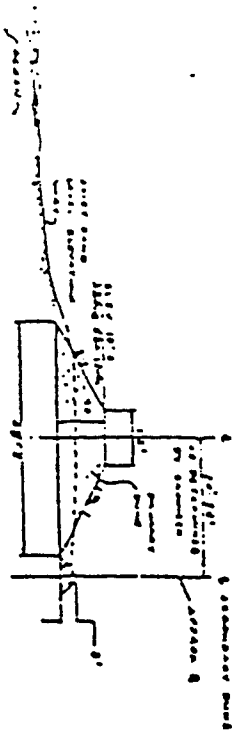
EXHIBIT NO. 5

APPLICATION NO.

4-95-207

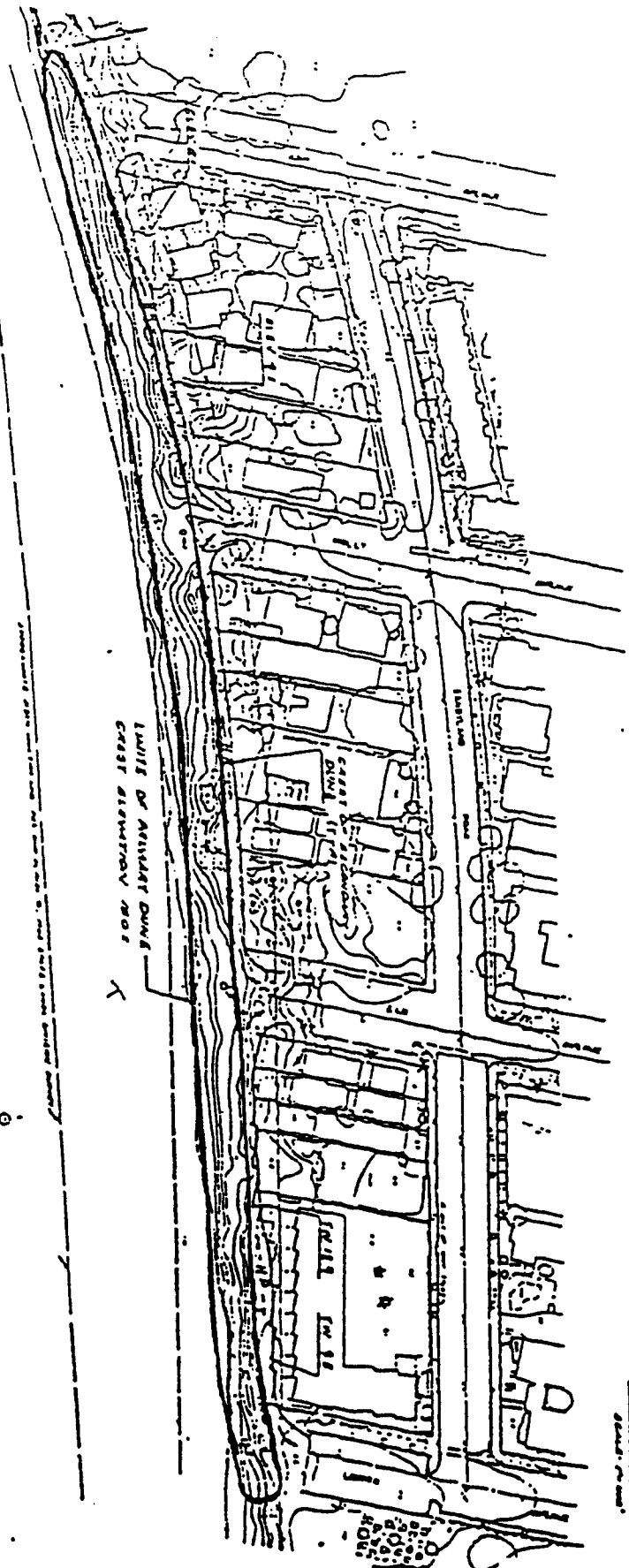
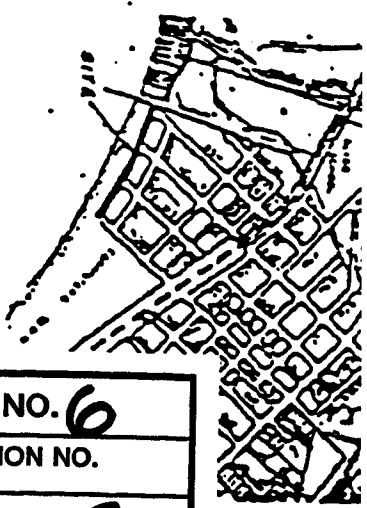
City of Carpinteria

RIA  
IBARA  
IA



TYPICAL SECTION  
NO SCALE

VICINITY MAP  
SCALE: 1" = 100'



NOTES:

1. ALL DUNE RESTORATION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CARPINTERIA DUNE RESTORATION MANUAL.
2. ALL DUNE RESTORATION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CARPINTERIA DUNE RESTORATION MANUAL.
3. ALL DUNE RESTORATION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CARPINTERIA DUNE RESTORATION MANUAL.
4. LOCATION AND SIZE OF SECONDARY DUNE TO BE DETERMINED BASED ON CONSTRUCTION OF PRIMARY DUNE.

PLAN FOR  
TEMPORARY PROTECTIVE DUNE  
CONSTRUCTION

IN THE  
CITY OF CARPINTERIA  
SCALE: 1" = 50'

APPROVED BY: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_  
CITY ENGINEER

EXHIBIT NO. 6
APPLICATION NO.
4-95-207
City of Carpinteria

