

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/31/98
 Hearing Opened: 5/12-15/98
 Staff: M.H. Capelli
 Staff Report: 1/14/99
 Hearing Date: 2/2-5/99



Th 146

Staff Report: Regular Calendar Appeal

Local Government: Santa Barbara County

Decision: Approve With Conditions

Appeal No.: A-4-STB-98-104

Applicant: Isla Vista Geologic Hazard Abatement District

Project Description: Construct a 2,200 foot long timber-pile seawall at the base of the bluff fronting the Isla Vista Beach

Project Location: 6567 - 6779 Del Playa Drive, Isla Vista, Santa Barbara County

Appellant: Surfrider Foundation

Substantive File Documents: Appeal A-4-STB-98-104; Santa Barbara County Local Coastal Program: Final Environmental Impact Report For The Del Playa Seawall Project (90-CP-51cz), July 1992; Supplemental Environmental Impact Report for the Del Playa Seawall Project (95-CP-019; 96-SD-1), January 20, 1998.

Summary of Staff Recommendation

The staff recommends that the Commission, after public hearing deny the proposed seawall on the grounds that the construction of the proposed seawall is inconsistent with the applicable public access and resource protection policies and related zoning provisions of the County's certified Local Coastal Program, as well as with the access policies of the California Coastal Act.

The County's action to approve the seawall would result in: (1) adverse impacts on public lateral access inconsistent with LCP Policies 3-1, 3-2, and 7-3; (2) adverse impacts to public views inconsistent with LCP Policy 4-4; (3) adverse impacts to existing natural landforms inconsistent with LCP Policy 3-14; (4) adverse impacts on bluff top development inconsistent with LCP Policies 3-4 through 3-7; (5) failure to comply with the findings required for Conditional Use Permits under Santa Barbara County Coastal

Zoning Ordinance Section 35-172.8. (See Exhibit 9.) The Commission also finds that the proposed seawall would be inconsistent with the Coastal Act policies regarding the protection and provision of public access.

Staff Note: Appealability to the Commission

The proposed project consists of a seawall located seaward of a coastal bluff on a beach of varying width within the unincorporated community of Isla Vista. While the County of Santa Barbara analyzed the entire seawall project in accordance with its certified Local Coastal Program, a majority of the project is situated seaward of the mean high-tide line which is generally located at the toe of the coastal bluff. (See Exhibit 7.) Thus a majority of the project would be located on state tidelands or public trust lands and fall within the Coastal Commission's area of retained original permit jurisdiction. (Coastal Act Section 30519[b]) To date, no application has been made to the Coastal Commission for that portion of the project within the Commission's retained original permit jurisdiction, although the Commission staff advised the applicant to submit an application for that portion of the project so that the entire project could be considered at the same hearing. (See Exhibit 11.)

Small portions of the project, however, at the east and west ends, and in the intervening sections which would be built through small rock outcrops or promontories, are located landward of the mean high-tide line, but seaward of the first public road paralleling the sea (Del Playa Drive). These portions fall within the area of the Commission's appeal authority and are subject to appeal to the Commission. (Coastal Act Section 30603[a][1])

Practically, the project is not segregable for the purposes of analyzing the project's impacts and consistency with the County's Local Coastal Program and the access policies of the Coastal Act. (Only approximately 100 feet, or less than 5% of the 2,200-foot long seawall, distributed in 7 small segments, fall within the Commission's appeal jurisdiction.) Thus the County of Santa Barbara reviewed the whole project as a unified whole. The County also made its approval of the project subject to a prior to issuance of a local Coastal Development Permit condition that requires the applicant submit proof of having received a Coastal Development Permit from the Coastal Commission for those portions of the proposed seawall to be located in the Commission's retained original permit jurisdiction.

Because the project is an integral whole which cannot be segmented for the purpose of analyzing the project's consistency with applicable policies of the Santa Barbara County Local Coastal Program and the access policies of the California Coastal Act, the following analysis considers the project in its entirety. The Commission's action on appeal, however, applies only to that portion of the project, which is landward of the mean high-tide line, or on public trust lands within the Commission's appeals jurisdiction. (See Exhibit 7.)

This appeal was filed on March 31, 1998. The Commission opened and continued the Substantial Issue hearing on the item at its May 12-15, 1998 Commission meeting to allow adequate time to review the file material and prepare a staff report and

recommendation regarding the question of whether any substantial issues were raised by the appeal. The Commission held a Substantial Issue hearing on the item and found that the appeal raised substantial issue at it July 7, 1998 Commission Meeting.

I. Appeal Procedures

The Coastal Act provides for appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural water courses. (Coastal Act section 30603) Additionally, any development approved by the County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]) Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5])

As explained in the staff note above, portions of the proposed project are located landward of the mean high-tide line, but seaward of the first public road paralleling the sea (Del Playa Drive) and is therefore subject to an appeal to the Commission.

The grounds for appeal for development approved by the local government and subject to appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[a][4])

Coastal Act section 30625(b) requires the Coastal Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. It takes a majority of Commissioners present to find that no substantial issue is raised by the appeal. If a substantial issue is found to exist, the Commission will proceed to a full public *de novo* hearing on the merits of the project which may occur at a subsequent hearing. If the Commission conducts a *de novo* hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. However, on a *de novo* hearing, testimony may be taken from all interested persons.

II. Project Description

The proposed project consists of the construction of a timber-pile seawall at the base of the coastal bluff fronting the unincorporated residential community of Isla Vista. The timber seawall would be comprised of four non-contiguous segments totaling approximately 2,200 linear feet, and extend seven feet above grade and seven feet below grade. Two of the eight ends of the four segments would connect to existing seawalls. The seawall would extend across all of the privately owned properties on the south (ocean) side of Del Playa Drive. Several vacant parcels owned by public agencies (County of Santa Barbara, Isla Vista Park and Recreation District) are also included within the project. The seawall is intended to reduce the rate of coastal bluff retreat caused by wave action at the base of the coastal bluff affecting approximately 114 residential units. The seawall design would accommodate the existing public coastal access points (stairways and ramps) and would also provide new protection of the access facilities from storm damage. Additionally, a new wooden public stairway is proposed for a County owned parcel.

III. Local Government Action and Filing of Appeal

The Santa Barbara County Board of Supervisors approved a Conditional Use Permit for the project on January 20, 1998 and issued a notice of final action for a conditional use permit on March 17, 1998.

The Commission received a notice of final action on the project on March 20, 1998, and received an appeal of the County's action on March 31, 1998. The appeal was filed within the 10 working-day appeal period of the receipt of the Notice of Final Action as provided by the Commission's administrative regulations.

Pursuant to section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally-issued Coastal Development Permit is filed. In accordance with Section 13112 of the California Code of Regulations, on April 10, 1998 staff requested all relevant documents and materials regarding the subject permit from the County to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Since the Commission did not receive all requested documents and materials to allow consideration at the May 1998 Commission hearing, the Commission opened and continued the hearing at the May 12-15, 1998 Commission meeting. The Commission held a Substantial Issue hearing on the item and found that the appeal raised substantial issue at its July 7, 1998 Commission Meeting.

IV. Issues Raised by the Appeal

The appellants allege that the project is inconsistent with the Santa Barbara County Local Coastal Program as a result of: (1) adverse impacts on public lateral access inconsistent with LCP policies 3-1, 3-2, and 7-3; (2) adverse impacts to public views inconsistent with LCP policy 4-4; (3) adverse impacts to existing natural landforms inconsistent with LCP policy 3-14; (4) inconsistencies with shoreline erosion and bluff top development setback

requirements of LCP policies 3-4 through 3-7; (5) and failure to comply with the findings required for Conditional Use Permits under Coastal Zoning Ordinance Section 35-172.8.

V. Staff Recommendation

Denial

The staff recommends that the Commission, after public hearing, adopt the following resolution:

The Commission hereby denies a permit for the proposed development on the grounds that the development would not be in conformity with the certified Local Coastal Program for the County of Santa Barbara and the access and recreation policies of Chapter 3 of the Coastal Act, and will have a significant adverse effect on the environment within the meaning of the California Environmental Quality Act.

Motion

I move that the Commission DENY the project A-4-STB-998-104 as submitted by the applicant and conditionally approved by the County of Santa Barbara.

Staff recommends a YES vote on the motion. A majority of the Commissioners present is required to pass the motion.

VI. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project description

The project proposed by the applicants (Isla Vista Geologic Hazard Abatement District) consists of the construction of a timber-pile seawall at the base of the coastal bluff fronting the unincorporated residential community of Isla Vista. The timber seawall would be comprised of four-non-contiguous segments totaling approximately 2,200 linear feet, and would extend seven feet above the grade and seven feet below grade. Two of the eight ends of the four segments would connect to existing seawalls. The seawall would extend across all of the privately-owned properties on the south (ocean) side of Del Playa Drive, but would still leave three gaps (two of approximately 60 feet, and one of approximately 300 feet) of unprotected land. The six unconnected ends of the seawall would be tied back into the adjacent coastal bluff with wing walls. Several vacant parcels owned by public agencies (County of Santa Barbara, Isla Vista Park and Recreation District) are also included within the project. The seawall is intended to reduce the rate of coastal bluff retreat caused by wave action at the base of the coastal bluff and affects, to varying degrees, approximately 114 residential units. The seawall design would accommodate the existing public coastal access points (stairways and ramps) and would also provide new protection of the access facilities from storm damage. Additionally, a new wooden public stairway is proposed for a County owned parcel. (See Exhibit 6.)

The proposed seawall would be composed of pressure treated dark brown-colored timber pilings approximately one foot in diameter and approximately 14 feet in length. The timbers would be placed into a seven-foot deep trench cut into the shale bedrock of the marine terrace upon which the sand, which comprises the public beach, is perched. Thus, the seawall would extend seven feet above the base of the bluff. The timbers would be placed between 3.5 to 4 feet seaward of the coastal bluff, and arranged to be from one to six inches apart, with no infill or outer facing. The seven-foot deep trench used to emplace the seawall would be filled with concrete to secure the timbers in place and the area behind the timbers would be back filled with rock approximately one foot in diameter or less. The six wing-walls at the end of the seawall which would not be connected to any existing seawall would be designed to connect to the cliff at an angle of 40 degrees or less. (See Exhibits 1 through 6.)

Access to the project site would involve driving equipment down the beach at times of low tide. Beach access for the motorized equipment necessary to install the seawall (backhoe, crane, etc.) would be obtained through the use of the El Embarcadero ramp located approximately 200 feet east of the east end of the project. Construction of the proposed seawall is estimated by the applicants to require approximately one to two months depending on tidal conditions.

The portions of the project which fall within the Commission's appeal jurisdiction and retained original permit jurisdiction are depicted in Exhibit 7. A further description of the four seawall segments is provided below: (See Exhibit 3.)

Segment 1: The first seawall segment, located at the east (down-coast) end of the project, would measure 475 feet long, and extend across nine privately-owned properties from 6567 to 6597 Del Playa Drive, as well as the County owned property which includes the Camino Pescadero stairway. This new seawall segment would connect on the east end to the end of an existing seawall located at 6563 Del Playa Drive. The western end of this seawall segment would be located adjacent to parcels owned by the Isla Vista Parks and Recreation District, and would leave a gap of approximately 60 feet between the first and second seawall segment. (See Exhibit 3.)

Segment 2: The second seawall segment would extend 900 feet across 17 private properties located from 6607 to 6685 Del Playa Drive and the County property between 6625 and 6637 Del Playa Drive which includes the Camino del Sur stairway. This seawall segment would not be connected to any existing seawall. The ends of this seawall segment would be located adjacent to parcels owned by the Isla Vista Parks and Recreation District, and would leave an unprotected gap of approximately 60 feet between the second and third seawall segments. (See Exhibit 3.)

Segment 3: The third segment would extend 250 feet across seven private properties from 6693 to 6709 Del Playa Drive, and the County property between 6697 and 6701 Del Playa Drive which includes the Camino del Sur stairway. This seawall segment would not be connected to any existing seawall. The ends of this seawall segment would be located adjacent to parcels owned by the Isla Vista Parks and Recreation District on the

east and the County on the west, and would leave an unprotected gap between the third and fourth seawall segments of approximately 300 feet. (See Exhibit 3.)

Segment 4: The fourth segment located on the west (up-coast) end of the project site would extend 350 feet across eight privately-owned properties located from 6757 to 6779 Del Playa Drive, one County-owned parcel, and one parcel owned by the Isla Vista Parks and Recreation District and the Escondido pass beach access ramp. This segment would connect on the east to the existing seawall at 6741-6747 Del Playa Drive. The western end of this segment would be located adjacent to County owned Isla Vista Park. (See Exhibit 3.)

B. Issues Raised by the Appeal

The appellants allege that the project is inconsistent with the Santa Barbara County Local Coastal Program as a result of: (1) adverse impacts on public lateral access inconsistent with LCP policies 3-1, 3-2, and 7-3; (2) adverse impacts to public views inconsistent with LCP policy 4-4; (3) adverse impacts to existing natural landforms inconsistent with LCP policy 3-14; (4) inconsistencies with shoreline erosion and bluff top development setback requirements of LCP policies 3-4 through 3-7; (5) and failure to comply with the findings required for Conditional Use Permits under Coastal Zoning Ordinance Section 35-172.8. On July 7, 1998 the Commission found that the proposed seawall raised substantial issue with respect to the issues which formed the basis of the appeal. (See Exhibit 9.)

C. Local Government Action and Filing of Appeal

The Santa Barbara County Board of Supervisors approved a Conditional Use Permit for the project on January 20, 1998 and issued a Notice of Final Action for a Conditional Use Permit on March 17, 1998.

The project was approved by the County Board of Supervisors with a number of special conditions. These conditions include: (a) development of a seawall construction and removal plan; (b) the removal of any portion of the seawall at which a 25% loss in average lateral beach access time had occurred due to the combined effects of encroachment and the long-term progressive narrowing of beach width due to the presence of a seawall; (c) location of the seawall 3.5 to 4 feet seaward of the coastal bluff, with a maximum seaward placement of 4 feet; (d) replacement of any stairway or ramp damaged, destroyed, or removed during construction, repair or removal of any portion of the seawall; (e) specification of construction techniques, including access, and staging; (f) maintenance of the seawall through restoration of damaged or removed pilings; (g) dedication of an easement to the County on each of the properties for lateral public access and passive recreational use along the shoreline between the toe of the coastal bluff and the mean high-tide line; (h) recordation of a deed restriction acknowledging the extraordinary hazards associated with the site, including the hazards associated with the removal of all or any portion of the seawall, and waiving any claim of liability on the part of the County or its advisors for any damage due to natural hazards; (i) submission of a written determination from the State Lands Commission concerning whether State Lands

or lands subject to the Public Trust are involved in the development and all permits required by the State Lands Commission have been obtained; (j) proof of having received a Coastal Development Permit from the Commission for those portions of the seawall located in the California Coastal Commission's retained original permit jurisdiction; (k) an agreement that issuance of a permit for the seawall shall not prejudice any subsequent assertion by the County of public rights, including prescriptive rights, or public trust rights.; (l) requirement of a U.S. Army Corps of Engineers permit or evidence that no permit is necessary (m) submission of a engineering report by a qualified professional engineer verifying that the seawall has been constructed in conformance with the final approved seawall plans; (n) minimizing disturbance of intertidal and sandy areas, and prohibiting the use of local sand, cobbles, or shoreline rocks to backfill or for construction material; (o) participating in a community wide solution to the buff erosion problem in Isla Vista developed by the County. (See Exhibit 8.)

The Commission received the Notice of Final Action on the project on March 20, 1998, and received an appeal of the County's action on March 31, 1998. The appeal was filed on March 31, 1998, and was therefore filed within the 10 working day appeal period for an appeal following the Commission's receipt of the Notice of Final Action as provided by the Commission's Administrative Regulations. The Commission opened and continued the Substantial Issue hearing on the item at its May 12-15, 1998 Commission meeting to allow adequate time to review and the file material and prepare a staff report and recommendation regarding the question of whether any substantial issue were raised by the appeal. The Commission held a Substantial Issue hearing on the item and found that the appeal raised substantial issue at it July 7, 1998 Commission Meeting.

D. Findings for Denial

Section 30603(b)(1) of the Coastal Act stipulates that:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

As noted above, the project is an integral whole which cannot be segmented for the purpose of analyzing the project's consistency with applicable policies of the Santa Barbara County Local Coastal Program and the access policies of the California Coastal Act. Only small fragments of the entire seawall project (totaling approximately 100 feet or less than 5% of the 2,200 foot seawall), but including portions of the end-walls and segments through promontories, are within the County original coastal permitting jurisdiction and are subject to appeal to the Commission. However, these project elements are functionally interrelated and interdependent on the whole project. Consequently, the analysis for denial that follows considers the project in its entirety, though the de novo denial applies only to that portion of the project which is landward of

the mean high-tide line or on public trust lands within the Commission's appeal jurisdiction. (See Exhibit 7.)

1. Public Access

The appellant has alleged that the County approved the project in a manner inconsistent with the lateral public access requirements of LCP policy 3-1, 3-2, and 7-3, as well as the public access requirements of PRC Section 30110 and 30211 of the California Coastal Act.

LCP Policy 3-1 provides, in relevant part, that where seawalls are permitted:

Adequate provisions for lateral beach access shall be made . . .

LCP Policy 3-2 provides, in relevant part, that:

Revetments. . . Cliff retaining walls. . . and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

LCP Policy 7-3 provides that:

For all new development between the first public road and the ocean, granting of lateral access easements to allow for public access along the shoreline shall be mandatory. In coastal areas where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. . . . At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure.

Coastal Act section 30210 provides that:

In carrying out the requirements 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 provides that:

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.

The proposed project consists of the construction of a timber pile seawall at the base of the coastal bluff, which forms the landward boundary of the Isla Vista Beach. The coastal bluff behind the Isla Vista Beach is generally vertical and averages approximately

36 feet in height. The top of the bluff is developed primarily with residential rental units, with some owner-occupied single family residences, and several open space parks owned by the County and the Isla Vista Parks and Recreation District. The Isla Vista beach is composed of a thin veneer of sand perched on a wave cut platform. The beach varies in width from approximately 43 feet to 136 feet (Measures from the base of the bluff to the MSL contour on the bedrock terrace), and is generally narrower at the west (up-coast) end and wider at the east (down-coast end). The Isla Vista beach is intensively used by local residents and visitors for a variety of recreational activities, including strolling, surfing, running, sunbathing, fishing, and scuba diving. Access to the beach is via a ramp and four public stairways. (See Exhibits 1, 2 and 6.)

The seawall would be comprised of four-non-contiguous segments totaling approximately 2,200 linear feet, and extending seven feet above the grade. The seawall timbers would be placed between 3.5 to 4 feet seaward of the coastal bluff and the area behind the timbers would be back filled with rock. The seawall design would accommodate the existing public coastal access points (stairways and ramps) and would also provide new protection of the access facilities from storm damage. Additionally, a new wooden public stairway is proposed for a County owned parcel. The applicant would also be required to dedicate an easement to the County over the beach area from the toe of the bluff to the mean high-tide line for public access purposes. However, since the toe of the bluff and the mean high-tide line are nearly contiguous, this condition would not guarantee any additional significant public access. As noted above, the proposed seawall would leave three gaps of unprotected properties (two of approximately 60 feet and one of approximately 300 feet). All of the gaps would front publicly-owned properties, owned by either the County of Santa Barbara or the Isla Vista Parks and Recreation District, that are developed as public parks or provide public accessways to the Isla Vista beach. (See Exhibits 3 through 6.)

Even with the proposed mitigations noted above, the proposed seawall would significantly reduce public lateral access along this reach of the beach, in a manner inconsistent with the public access policies of the County's certified Local Coastal Program and the public access policies of the California Coastal Act.

The proposed seawall would have a direct impact on lateral public beach access opportunities by displacing approximately 7,700 to 8,800 square feet of existing beach as a result of locating the seawall 3.5 to 4 feet seaward of the coastal bluff face and backfilling the area between the seawall and the bluff with rocks. The proposed seawall would also have significant long-term effects on lateral public beach access as a result of the progressive narrowing of the beach due to the presence of a seawall. Regarding the impacts of the proposed seawall on the lateral public access opportunities, the supplemental EIR provided the following summary:

The 1992 EIR found that progressive long-term loss in beach width causing a progressive loss in lateral beach access would occur subsequent to, and as a result of, the construction of the proposed Del Playa seawall. The impact on beach width and lateral access would be due to the

prevention of seacliff retreat by the proposed seawall. Upon construction of the seawall, the position of the landward boundary of the beach is artificially fixed. On any stretch of coast which is undergoing retreat, such as at Isla Vista, the width of the beach will progressively decline if a coastal protection device is constructed. This is because the erosion and landward retreat of the marine terrace seaward of the structure (i.e., bedrock platform which supports the beach sand) continues at the natural rate, equivalent to the retreat rate of the adjacent seacliff prior to the installation of the seawall. As the bedrock terrace retreats landward, the shoreline position retreats toward the fixed position of the seawall and the beach narrows. (Note that without the seawall, the seacliff and bedrock terrace retreat landward together at the same rate. Thus, the width of the beach at any particular location remains relatively constant over time in the absence of an artificial obstruction such as a seawall.) [reference omitted] A long-term narrowing of beach width by this process would correspondingly result in a long-term increase in the restriction of lateral access. This would be in addition to the immediate loss of some lateral access upon construction of the seawall. (page 6-7)

As noted above, the western end of the Isla Vista Beach is generally narrower than the eastern end, and currently there is limited access toward the western end during periods of high tide, particularly during the winter months when the sand beach exhibits a winter beach profile (i.e., lower and narrower accumulation of sand on the wave cut platform.)

The Supplemental EIR for the project concluded that:

Based upon the analysis of the effects of the proposed seawall discussed above (previous review, the Everts report, and recent information provided by the applicant), the loss of beach width and lateral access remains a potentially significant impact of the proposed seawall project on recreational resources. It is important to recognize that the magnitude of this impact with the current project design would be greater than that which would occur with the previous proposal. This is because the currently-proposed seawall would extend along (and adversely affect) a greater length of the beach. (page 9)

In an attempt to address this impact on public lateral access, the County has conditioned the project with a requirement that the seawall, or portions of it, be removed under specified conditions. Specifically, the applicant must remove any portion of the seawall when a 25% loss in average lateral beach access time has occurred as a result of the combined effects of seawall encroachment and the long-term progressive narrowing of the beach width due to the presence of the seawall.

The loss of 25% of average lateral access time is to be measured by a corresponding loss in beach width as specified for each seawall segment in the following table:

Table of Beach Width and Lateral Access Time losses

Seawall Segment	Loss in Original Beach Width	Loss in Lateral Access Time	Seawall Removal Time (years)
1	40%	25%	61
2	35%	25%	27
3	51%	25%	15
4	41%	25%	11.3

The width of the original beach for purpose of this mitigation measure is defined as the distance from the toe of the coastal bluff (that is, the contact point between the bedrock of the coastal bluff, and the gently-sloping wave cut platform) to the mean sea level contour. As noted above, the beach fronting Del Playa Drive is a heavily used beach serving the student residential community of Isla Vista of over 20,000 people. The Isla Vista beach is used both for recreational purposes and as a means of reaching adjoining beaches up and down-coast of this community. (See Exhibit 10.)

Because of the naturally thin veneer of sand over the wave cut platform, the sand beach is highly sensitive to alteration of the littoral environment which would reduce the amount of sand reaching the beach or accumulating on the wave-cut platform. The proposed seawall would exacerbate natural seasonal fluctuation in the amount of sand (and the consequent width of the beach) and result in the long-term loss of the beach and related public beach access. These effects are the result of a number of coastal processes influenced or induced by the seawall, including: (1) increasing the amount of wave reflection at the seaward face of the seawall, thus increasing the amount of beach sand scour; (2) preventing the natural retreat of the coastal bluff face in response to wave attack, thus preventing the landward shift of the fronting beach, as adjoining, unprotected reaches of the bluff retreat; and (3) reducing the amount of sand contributed to the littoral beach by the erosion of the bluff face. (See, for example, "Supplemental Analysis: Environmental Effects of the Proposed Del Playa Seawall", prepared by Everts Coastal for the Santa Barbara County Planning and Development Department, February 15, 1996.)

The proposal to remove all or portions of the seawall as a mitigation for the future loss of sand beach under the formula adopted by the County would not forestall the loss of beach in the interim, and would allow the beach width to narrow to a fraction of its present width before mitigation of beach loss is required. This reduction in beach width would not effectively protect or provide for the full range of public recreational opportunities now currently available at the Isla Vista Beach. Further, under the proposed lateral beach access mitigation condition, the amount of time during which it is feasible to traverse the sand beach could be reduced by 25% (or approximately 5.5 hours per day) as Segment 1 of the seawall before the access mitigation measures would take effect. According to the County's analysis, the width of the western portion of the Isla Vista Beach could be

reduced to the point that the western portion of the seawall would have to be removed within as little as 11 years after the date of the installation of the seawall.

Finally, there are serious questions regarding the feasibility of implementing the seawall removal condition, which is the principal means of mitigating the adverse impacts of the project on public beach access. Specifically, the timing of removal may not provide an expeditious response to the loss of lateral beach access because of varying interpretation of the exact cause of the loss of width of the sand beach, the degree of sand beach width loss, and the precise amount of lost beach access time. There is also considerable uncertainty about the feasibility of returning the seven foot deep and three foot wide trench cut in to the wave-cut terrace to a pre-project condition. (The County of Santa Barbara has not approved a seawall removal plan to date.) Removal of the seawall after a narrowing of the beach, per the proposed removal condition, could place bluff-top structures in a more precarious position than now exists because of the reduction in the width of the sand beach which acts to dissipate wave energy at the base of the bluff and therefore the rate of bluff erosion.. Further, the removal of seawalls can cause significant adverse impacts to the physical and biological environment by destabilizing the coastal bluff face and wave cut platform.

In summary, the proposed seawall project would result in substantial impact to lateral public beach access by directly displacing existing public beach area, and by causing the long-term progressive loss of beach width. Increased loss of sand due to wave scour and reduction in sand supply would adversely impact beach access to and recreational use of the Isla Vista Beach. The proposed mitigation measure (future removal of all or portions of the seawall following the loss of 25% of the existing beach access time) does not adequately protect the existing and naturally limited beach access available along the Isla Vista beach, and in fact may not be practically feasible because of uncertainties regarding the interpretation of the condition, the restoration of the wave cut platform, and the risk of exposing existing development to increased erosion potential following the narrowing of the sand beach and the removal of the seawall (or any of its segments).

The Commission therefore finds that the approval of the project is not in conformance with the public access requirements of the County's certified Local Coastal Program or the public access provisions of the California Coastal Act.

2. *Public Views*

The appellant has alleged that the County approved the project in a manner inconsistent with the scenic and visual resource protection requirements of LCP policy 3-1 and 4-4.

LCP policy 3-1 provides, in relevant part, that:

Where permitted, seawall design and construction shall respect to the degree possible natural land forms. . . And the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

LCP policy 4-4 provides, in relevant part, that:

In areas designated as urban on the land use plan maps, and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community.

The proposed seawall would be comprised of vertical timbers approximately one foot in diameter, extending approximately seven feet above the grade, and would stretch 2,200 feet (or almost one-half mile) along a natural coastal bluff. The construction of such a large structure on the Isla Vista Beach would constitute a dominant structural feature on a sand beach backed by coastal bluffs, and would have a significant adverse impact on the scenic quality of the beach area, and interfere with public views along the beach and adjoining recreational areas (including Coal Oil Point and Campus Point).

The Final EIR for the Isla Vista Seawall Project acknowledged the visual impact of the project from both the beach and the bluff, noting that:

It was found that the perspective from the beach of a natural seacliff would be changed in the lower portion to a vertical piling wall 6-7 feet high and dark brown or buff in color. This impact would also be experienced from the edge of the cliff top looking down. (page 33)

The County approval of the project included a special condition to address the visual impacts of the project; this condition merely requires that the applicant maintain the seawall through restoration of damaged or removed pilings. This condition does not directly or effectively address the visual impact, which the proposed seawall would have on the Isla Vista Beach. Furthermore, the condition to remove all or a portion of the seawall noted above would not effectively address the visual impacts of the seawall unless all or a substantial portion of the seawall were removed.

While there are two other timber seawalls along the Isla Vista Beach, these walls are relatively short (between 100 and 200 feet) and are widely spaced so that they do not dominate the natural bluff and adjacent shoreline. Because of the height and length of the proposed seawall (7 feet high and 2,200 feet long), the seawall would dominate the public views from the beach and change the visual character of the natural coastal bluff face, and therefore have a significant adverse impact on the scenic and visual resources of the Isla Vista Beach.

The Commission therefore finds that the approval of the project is not in conformance with the scenic and visual protection provisions of the County's certified Local Coastal Program.

3. Alteration of Natural Landforms

The appellant has alleged that the County approved the project in a manner inconsistent with the landform protection requirements of LCP policy 3-1 and 3-14.

LCP Policy 3-1 provides, in relevant part, that:

Where permitted, seawall design and construction shall respect to the degree possible natural land forms. . . And the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

LCP Policy 3-14 provides, in relevant part, that:

Natural features, landforms . . . shall be preserved to the maximum extent feasible.

The proposed seawall extends approximately seven feet above the grade, and would stretch 2,200 feet (or almost one-half mile) along a natural coastal bluff. The timbers would be placed between 3.5 to 4 feet seaward of the coastal bluff. The seven-foot deep trench used to emplace the seawall would be filled with concrete to secure the timbers in place in the bedrock terrace upon which the sand beach is perched. The wing-walls at the end of the seawall, which would not be connected to any existing seawall, would be designed to connect to the cliff at an angle of 40 degrees or less.

In addition to the physical alteration of the site necessary to install the seawall (trenching and backfilling), the seawall will alter the natural land forms by causing accelerated end-erosion at the gaps in the, and alter the natural composition of the beach by causing more frequent and prolonged seasonal removal of sand and exposure of the rocky wave-cut platform.

The proposed seawall would significantly alter the natural landform of the coastal bluff, particularly the geometry of the lower portion, by the inclusion of backfilled rock between the seawall and the bluff. Additionally, the seawall would arrest natural wave induced erosion of the toe of the bluff, while allowing the top of the bluff to continue to recede in response to terrestrial erosion processes (e.g., rain-wash, spring sapping, chemical weathering, seismic shaking), thus resulting in a reduction of the slope of the bluff face in response to differential erosion rates at the top and base of the bluff.

Regarding the alteration of the natural coastal bluff as a result accelerated erosion in the gaps between the seawall, the EIR Supplement (91-SD-8) noted that:

Accelerated erosion (seacliff retreat) of the unprotected properties due to the presence of the proposed seawall segments would be a likely impact of the proposed project. Although the magnitude of the impact is difficult, if not impossible, to quantify, it is considered potentially significant given the permanent nature of any property losses.

The only mitigation measures which could reduce this impact to an insignificant level would be a change in project description to a continuous seawall tied to either an existing seawall or natural promontory at each end. This is not considered feasible because it would require agreement by property owners not represented by the applicants. Accelerated seacliff retreat in the gap between the proposed seawall segments is therefore designated a Class I unmitigated, potentially significant impact.

The project has been revised to reduce the number of gaps from four to three, and the County in approving the revised project found that the revised project did not create Class I impacts because the remaining unprotected parcels are publicly owned (by the County and the Isla Vista Parks and Recreation District) and do not support any substantial structures. The County found that the potential loss of open space on the publicly owned parcels would be off-set by the new public access stairway included in the revised project.

The revised project still includes three gaps between seawall segments, which will generate an undeterminable amount of end erosion, principally on public parkland property. The provision of a new public access stairways does not directly address the alteration of natural coastal bluff landforms (or the loss of public parkland), and is additionally problematic in light of the projected loss of public beach (both as a direct result of construction, as well as the progressive long-term loss of beach width due to the presence of the seawall).

The Commission therefore finds that the approval of the project is not in conformance with natural landform alteration provisions of the County's certified Local Coastal Program.

4. *Geologic Set-back Standards*

The appellant has alleged that the County approved the project in a manner inconsistent with the geologic set-back requirements of LCP policy 3-4 through 3-7.

LCP Policy 3-4 provides, in relevant part, that:

In areas of new development, above-ground structures shall be setback a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years. Unless such standard will make a lot unbuildable in which case a standard of 50 years shall be used.

LCP Policy 3-5 provides, that:

Within the required bluff-top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., Patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.

LCP Policy 3-6 provides, in relevant part, that:

Development and activity of any kind beyond the required bluff-top setback shall be constructed to insure that all surface and subsurface

drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.

LCP Policy 3-7 provides, in relevant part, that:

No development shall be permitted on the bluff face, except for engineered staircases for accessways to provide beach accessways, and pipelines for scientific research or coastal dependent industry.

LCP Policy GEO-GV-3 provides that:

Where feasible and where consistent with Local Coastal Plan Policies relocation of structures threatened by bluff retreat shall be required for development on existing legal parcels, rather than installation of coastal protection structures.

The proposed timber seawall extends approximately seven feet above the grade, and would stretch 2,200 feet (or almost one-half mile) along the base of a natural coastal bluff. The timbers would be placed between 3.5 and 4 feet seaward of the coastal bluff and the area between the timbers and base of the coastal bluff would be backfilled with rock to a height of approximately six feet.

With the exception of LCP Policy 3-7, all of the geological setback policies cited above pertain to and are intended to regulate development on top of coastal bluffs for the purpose of reducing hazards to structures from bluff erosion. However, Policy 3-7 refers to and is intended to preserve the natural landforms of bluff faces. This policy specifically limits the types of development on bluff faces to engineered staircases to provide beach access, pipelines for scientific research or coastal dependent industry, or drainage devices, (including pipes) where no less damaging alternatives are feasible, and where such devices are designed to minimize impacts to the bluff face, toe and beach. The proposed seawall and backfill, because of its scale (7 feet x 2,200 feet = 15,400 square feet of coverage on the bluff face) would not serve to preserve the natural landform of the bluff face fronting the Isla Vista Beach.

The proposed seawall would, because of its design, entail development on the lower portions of the coastal bluff fronting the Isla Vista beach, including the toe, and the lower six feet of the coastal bluff. As noted above, the area between the proposed seven-foot timber seawall and the bluff face would be backfilled with rock. The purpose of this rock is to dissipate wave energy associated with waves which overtop the seawall during periods of high-tide and storm surges. Without this element of the project, water associated with ocean waves would tend to erode the toe of the bluff, thus partially negating the purpose of the seawall, as well as erode out the foundation in which the timber seawall would be emplaced, thus weakening the structural integrity of the seawall. Thus, the rock backfill is an essential and inseparable part of the proposed seawall design.

Because of the seawall design and height, the proposed rock backfill would extend approximately six feet up the face of the coastal bluff, and thus cover approximately 17% of the 36-foot high bluff face. The rock backfill constitutes development on the face of a

coastal bluff in conflict with the bluff face protection policies of the County's certified Local Coastal Program.

The Commission therefore finds that the conditional approval of the project is not in conformance with the bluff face protection standards of the County's certified Local Coastal Program.

5. Conditional Use Permit Standards

The Appellant has alleged that the County approved the project in a manner inconsistent with the required findings for Conditional Use Permits.

LCP Zoning Ordinance Section 35-172.8. requires that the County make the following findings in connection with any project for which a Conditional Use Permit is required:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.
2. That adverse environmental impacts are mitigated to the maximum extent feasible.
3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
6. That the project is in conformance with the applicable standards and policies of this Article and the Coastal Land Use Plan.
7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.
8. That the project will not conflict with any easements required for public access through, or public use of the property.
9. That the proposed use is not inconsistent with the intent of the zone district.

The findings required under the County's CUP standards are expressed in general terms and do not refer specifically to any particular LCP policies, standards, or the zoning

standards. Several of the CUP Findings, however, are related to specific LCP policies applicable to the proposed project.

The project is inconsistent with the required CUP Finding No. 2 which requires that environmental impacts be mitigated to the maximum extent feasible. As discussed above, the proposed seawall would have adverse impacts on the natural landform of the coastal bluffs behind the Isla Vista beach, and on the scenic and visual resources of the Isla Vista beach, in a manner inconsistent with LCP Policies 3-1, 3-4 through 3-7, 4-4, and 3-14.

The project is also inconsistent with the required CUP Finding No. 5 which requires that the project will not be incompatible with surrounding area. As discussed above, the proposed seawall would displace a significant portion of the Isla Vista beach, and result in the long-term loss of the sandy beach which is heavily used for public access and recreational purposes, in a manner inconsistent with LCP Policies 3-1, 3-2, and 7-3.

Finally, the project is also inconsistent with the required CUP Finding No. 6 which requires that the project be in conformance with the applicable standards and policies of the Coastal Land Use Plan. LCP Policy 3-1 specifically requires that seawalls shall not be permitted unless the County has determined that there are no other less environmental damaging alternatives reasonably available for the protection of existing principal structures.

The Final EIR for the project identified a number of feasible, less damaging alternatives which would address the problem of structural damage to residential structures stemming from bluff erosion. These include the installation of a French drain; beach replenishment; construction of groins to trap beach sand, formation of a Redevelopment Agency to buy existing bluff-top properties and relocate housing units inland; phased demolition of bluff-top structures as they become uninhabitable and relocation of residential units elsewhere in Isla Vista; reconstruction of units threatened by bluff erosion within a 75 year bluff setback; and construction of a continuous seawall without gaps.

In addition, there may be other feasible and less environmentally damaging alternatives available for the protection of existing principal structures threatened by bluff erosion, such as modifying street setback and parking requirements to allow structures to be moved away from the bluff edge, and thus prolong the useful life of the structures; directing all surface drainage away from the bluff to reduce bluff erosion rates; and controlling landscaping and related irrigation to reduce bluff erosion rates. Other alternatives to the proposed seawall include partial or full removal of structures which are threatened by bluff erosion, offshore breakwater structures to protect the development of the bluff, the installation of caisson foundation systems, and beach nourishment. The County is currently addressing imminent threats to structures by requiring the structures to be cut back (i.e., partially removed) as they become unsafe, and through the installation of caisson foundation systems to provide enhanced structural support for bluff top

properties as the bluff top recedes toward the structure. Also, as noted above, the County has incorporated into its Local Coastal Program through the Goleta Community Plan a policy of relocating structures threatened by bluff retreat (Policy GEO-GV-3) rather than the installation of shoreline protective devices such as the proposed seawall.

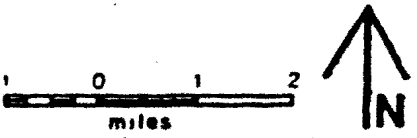
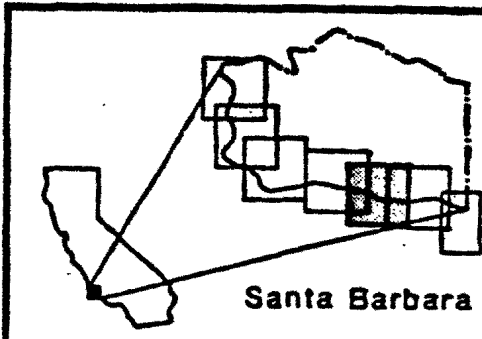
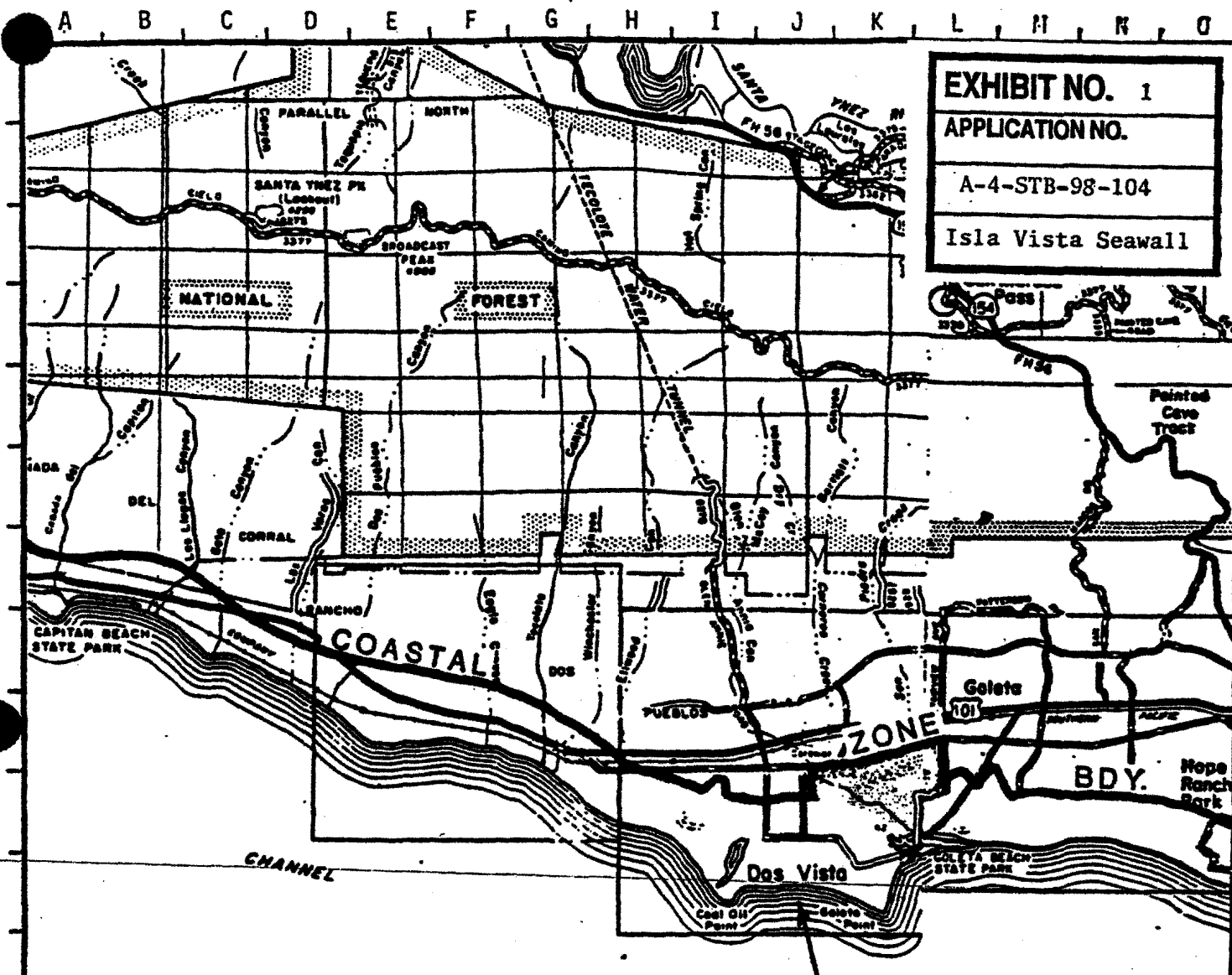
One of these alternatives (directing all surface drainage away from the bluffs), would reduce erosion of the bluff near the bluff top. It has been estimated that approximately 50% of the erosion of the top of the bluff is the result of non-marine processes, such as spring sapping, not wave attack at the base of the bluff. Reducing the erosion or retreat rate of the top end of the bluff resulting from non-marine processes is therefore an important goal in increasing the lifespan of threatened structures along De Playa Drive. A "French drain" system, consisting of a perforated pipe installed at a depth of 15 feet along the south side of Del Playa Drive, would intercept groundwater flowing along the top of relatively impermeable Sisquoc Shale formation toward the bluff face where it forms springs which contribute to the erosion and retreat of the bluff face. The French drain would be less environmentally damaging, and avoid impacts to the bluff and the beach and to public access along the Isla Vista Beach.

The proposed project, however, includes none of these alternatives. Further, the County's analysis of these alternatives does not clearly establish the infeasibility of these alternatives, or in some cases, even consider non-structural or other less environmentally damaging alternatives.

The specific allegations contained in the Appellant's appeal regarding Public Accessways, Public Views, Alteration of Natural Landforms, and Geologic Setback Standards are addressed above in the discussion of specific LCP policies under Sections 1 through 4 of this Staff Report. As noted above, the proposed seawall is inconsistent with respect to these LCP standards, as well as the Coastal Act policies regarding public access.

The Commission therefore also finds that the approval of the project is not in conformance with the Conditional Use Permit standards of the County's certified Local Coastal Program.

EXHIBIT NO. 1
APPLICATION NO.
A-4-STB-98-104
Isla Vista Seawall



 California Coastal Commission

LOCATION MAP

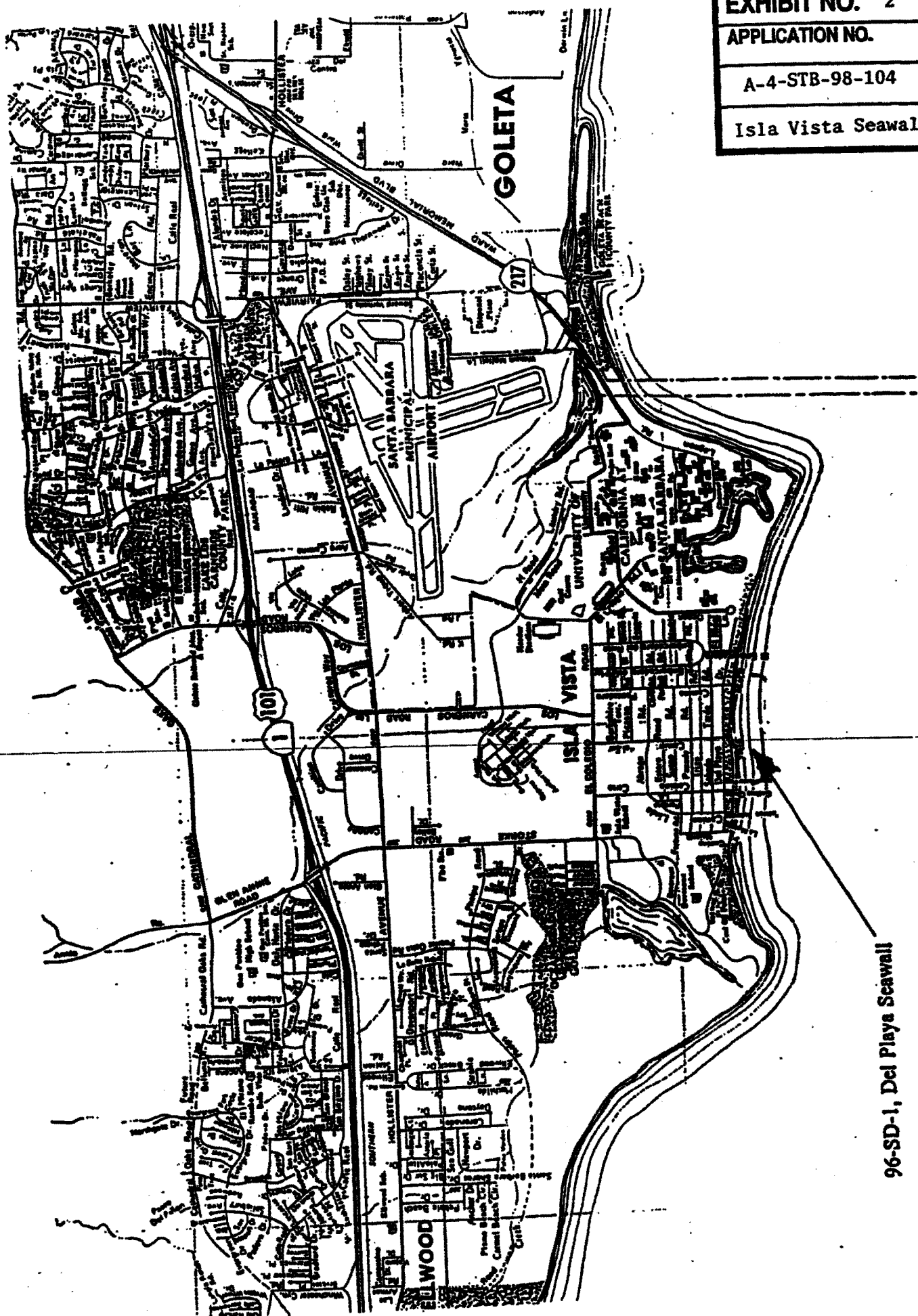
County of Santa Barbara

EXHIBIT NO. 2

APPLICATION NO.

A-4-STB-98-104

Isla Vista Seawall



96-SD-1, Del Playa Seawall

96-SD-1, Del Playa Seawall

Figure 1 - Index map of the Isla Vista Beach area illustrating the location of the proposed seawall as currently designed.

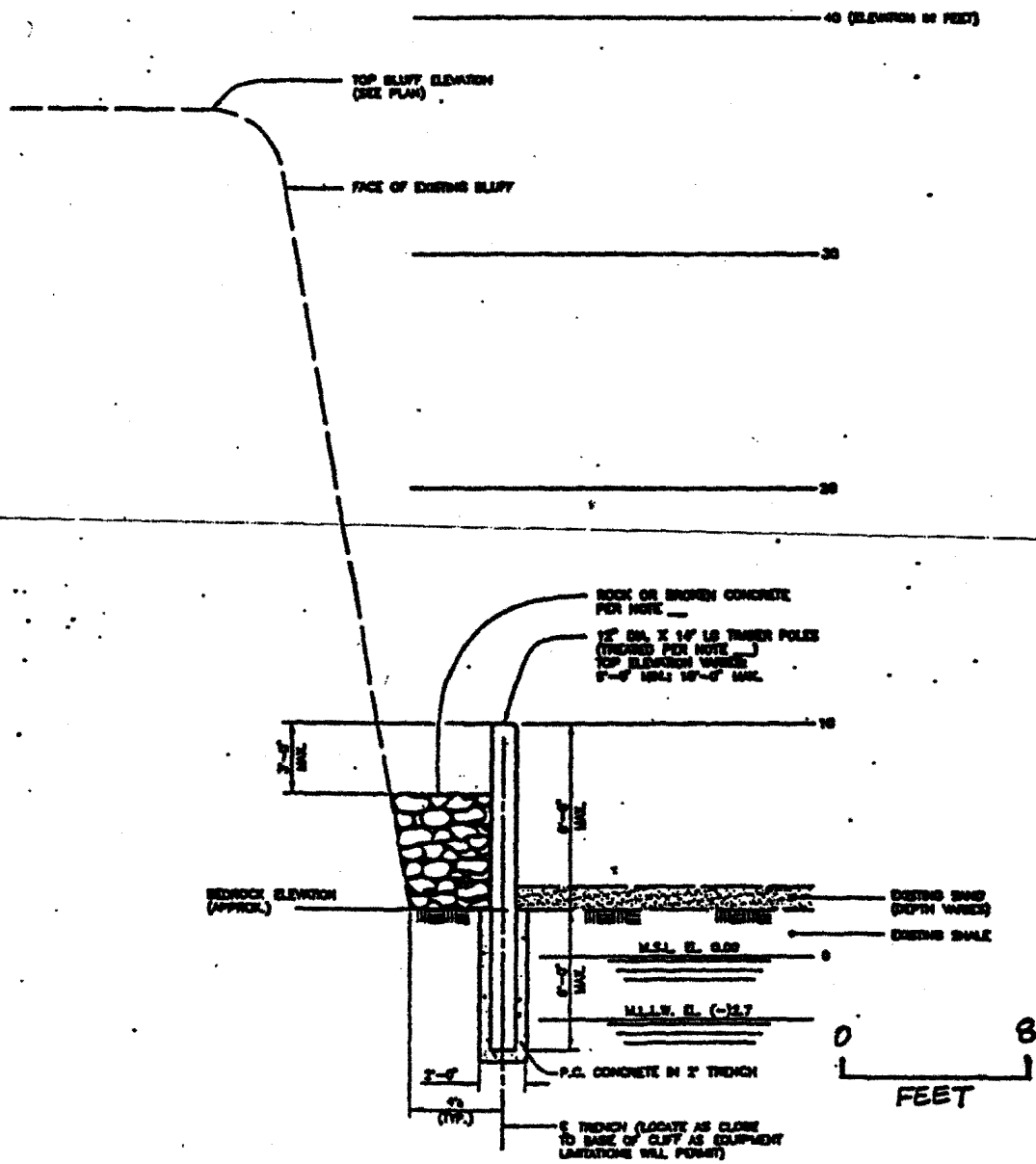


EXHIBIT NO. 3
APPLICATION NO.
A-4-STB-98-104
Isla Vista Seawall

96-SD-1, Del Playa Seawall

Figure 5a - Cross-sections illustrating the design of the proposed timber seawall.

EXHIBIT NO. 4
APPLICATION NO.
A-4-STB-98-104
Isla Vista Seawall

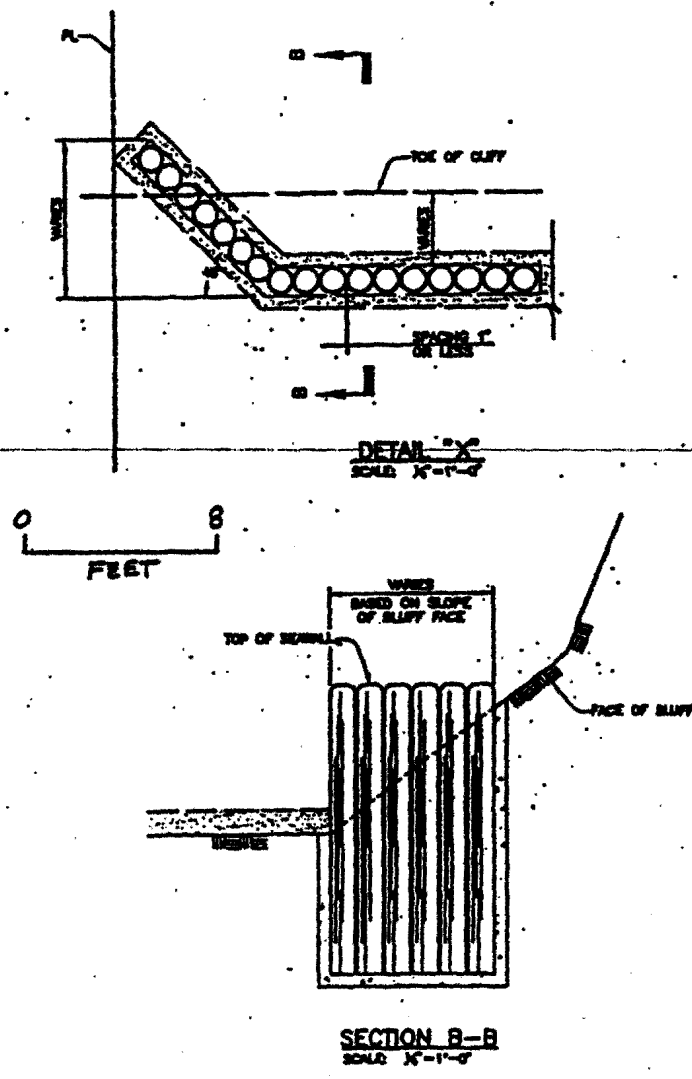


TYPICAL WALL SECTION A-A
SCALE: 1"=1'-0"

96-SD-1, Del Playa Seawall

Figure 5b - Cross-sections illustrating the design of the proposed timber seawall.

EXHIBIT NO. 5
APPLICATION NO.
A-4-STB-98-104
Isla Vista Seawall



Design of the end of a seawall segment.

96-SD-1, Del Playa Seawall

Figure 6 - Site plan and cross-section for the proposed beach access stairway.

EXHIBIT NO.	6
APPLICATION NO.	
A-4-STB-98-104	
Isla Vista Seawall	

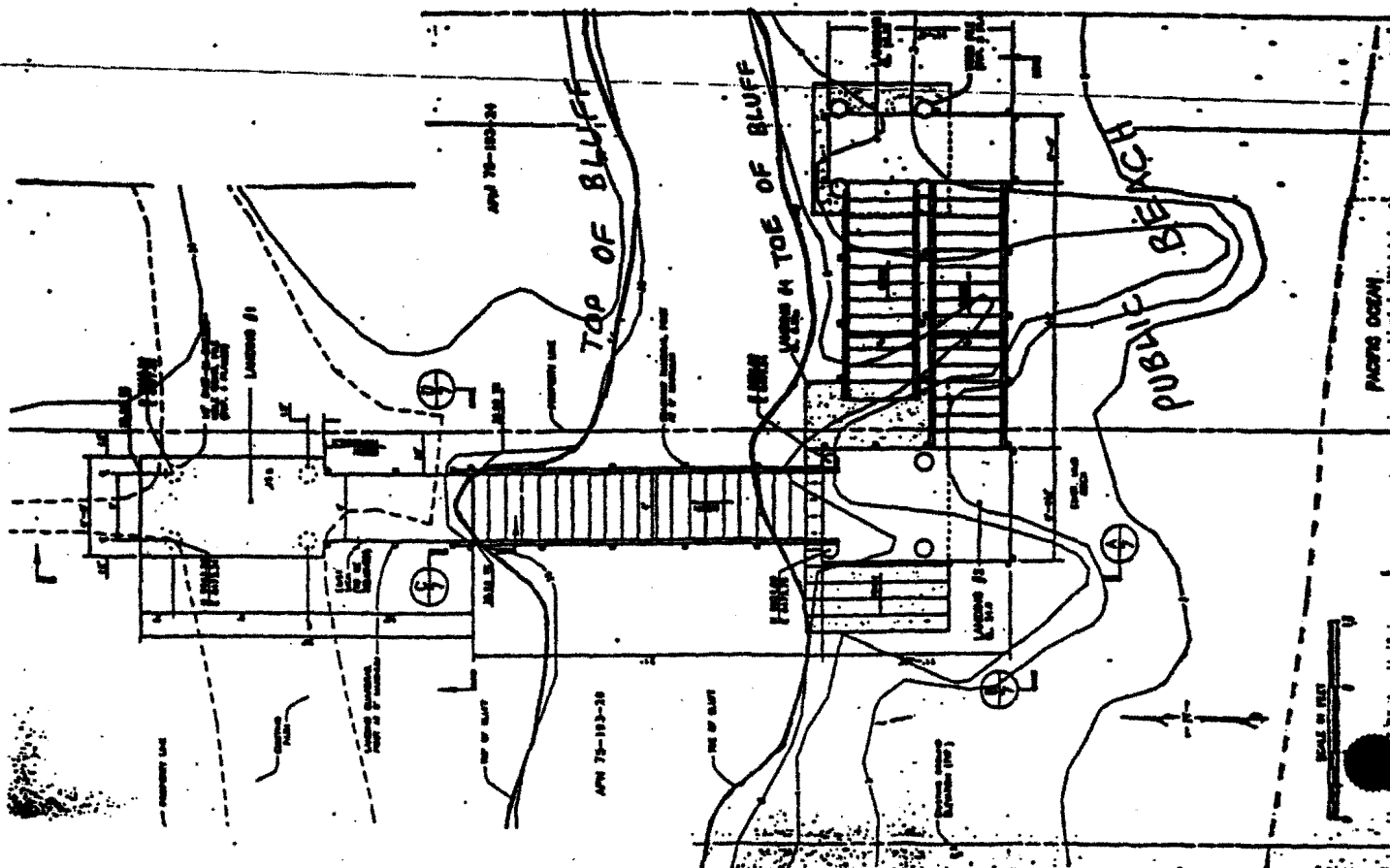
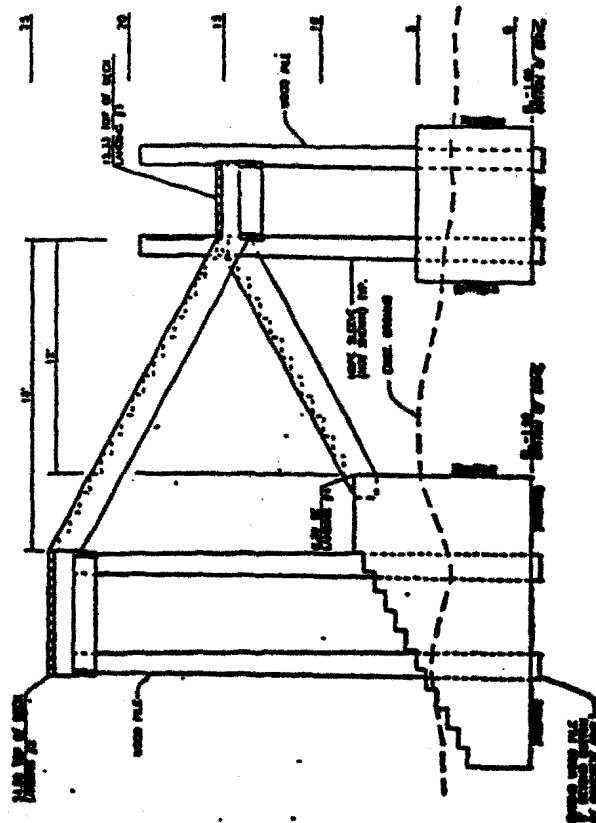
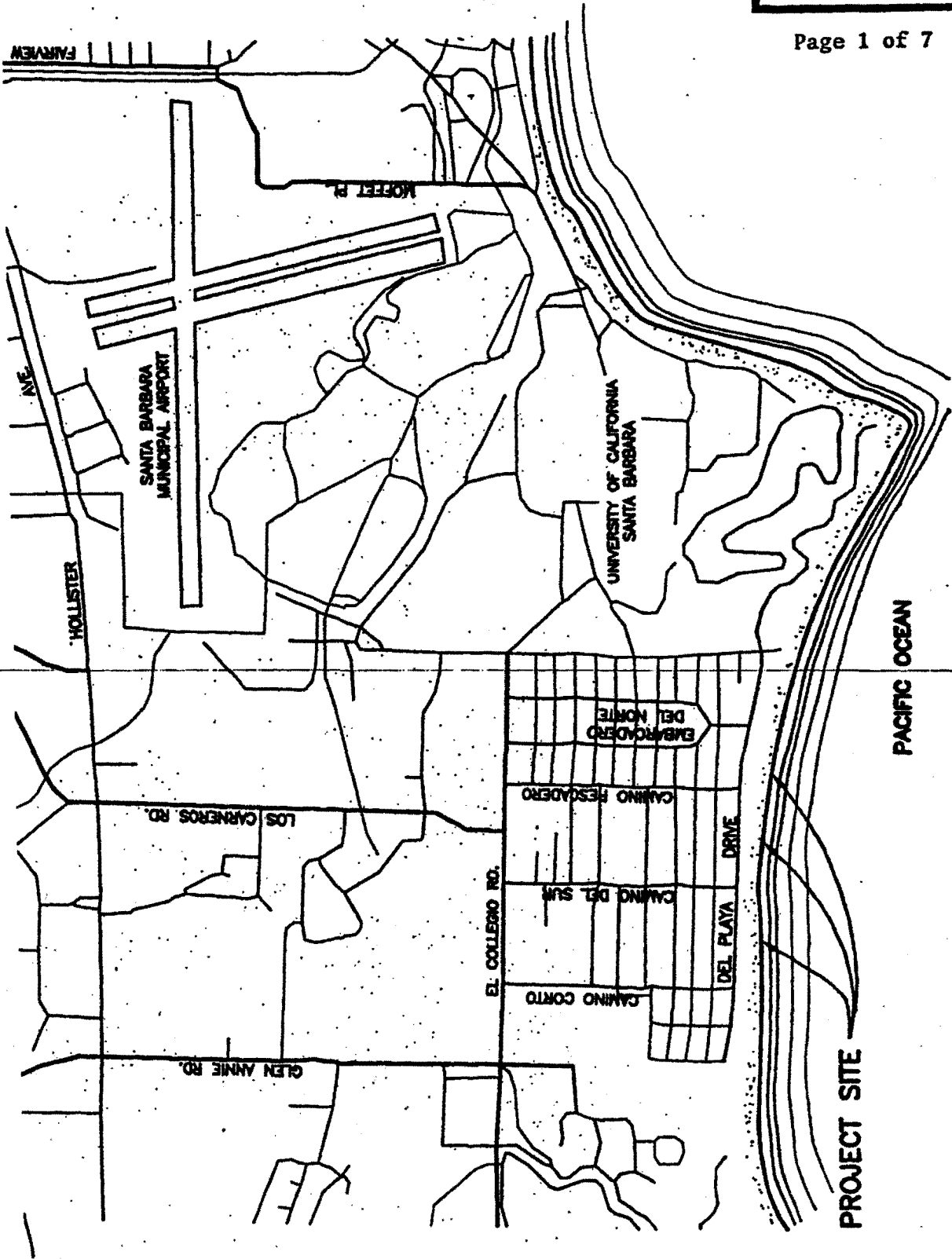
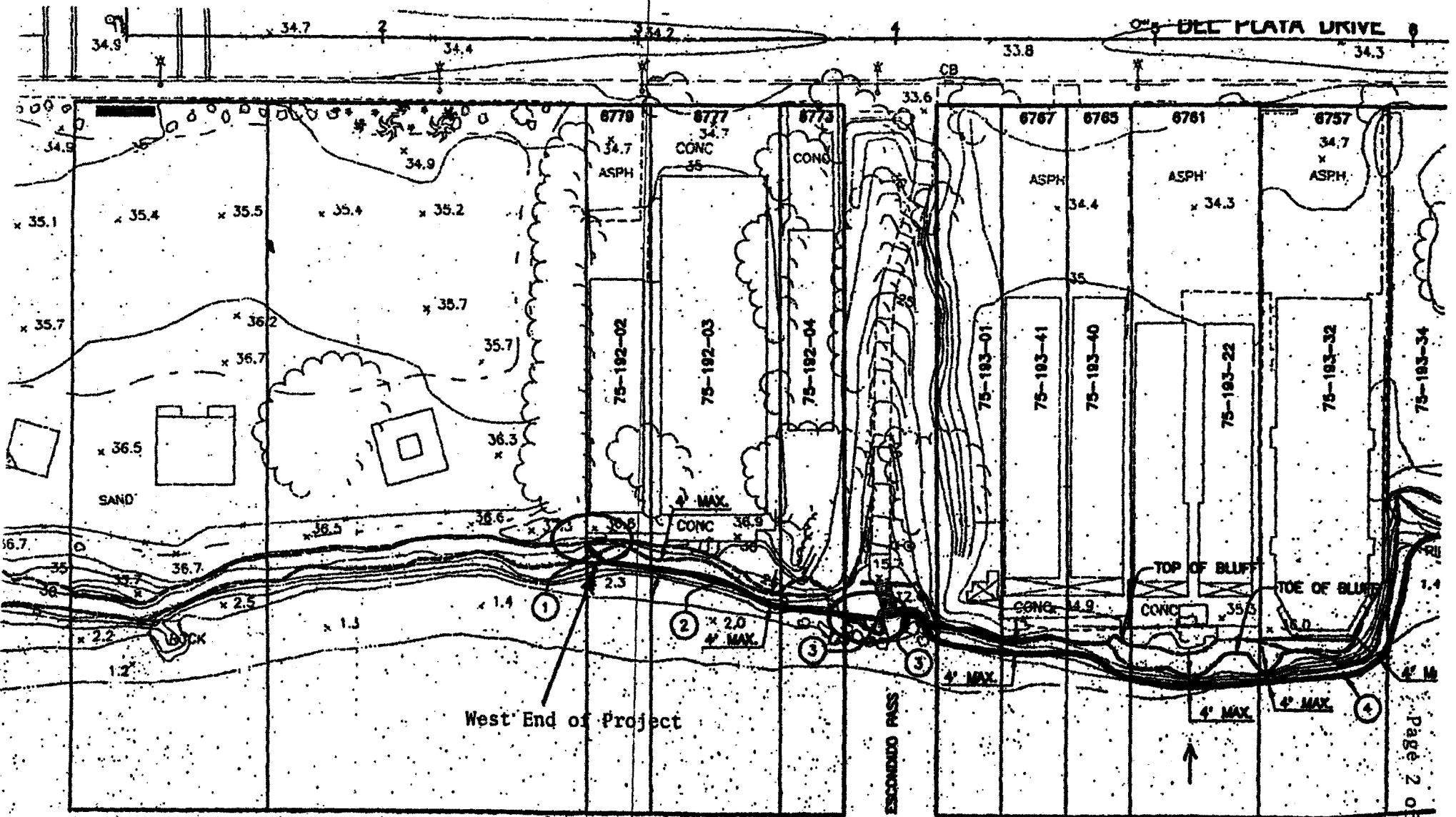


EXHIBIT NO. 7
APPLICATION NO.
A-4-STB-98-104
Isla Vista Seawall

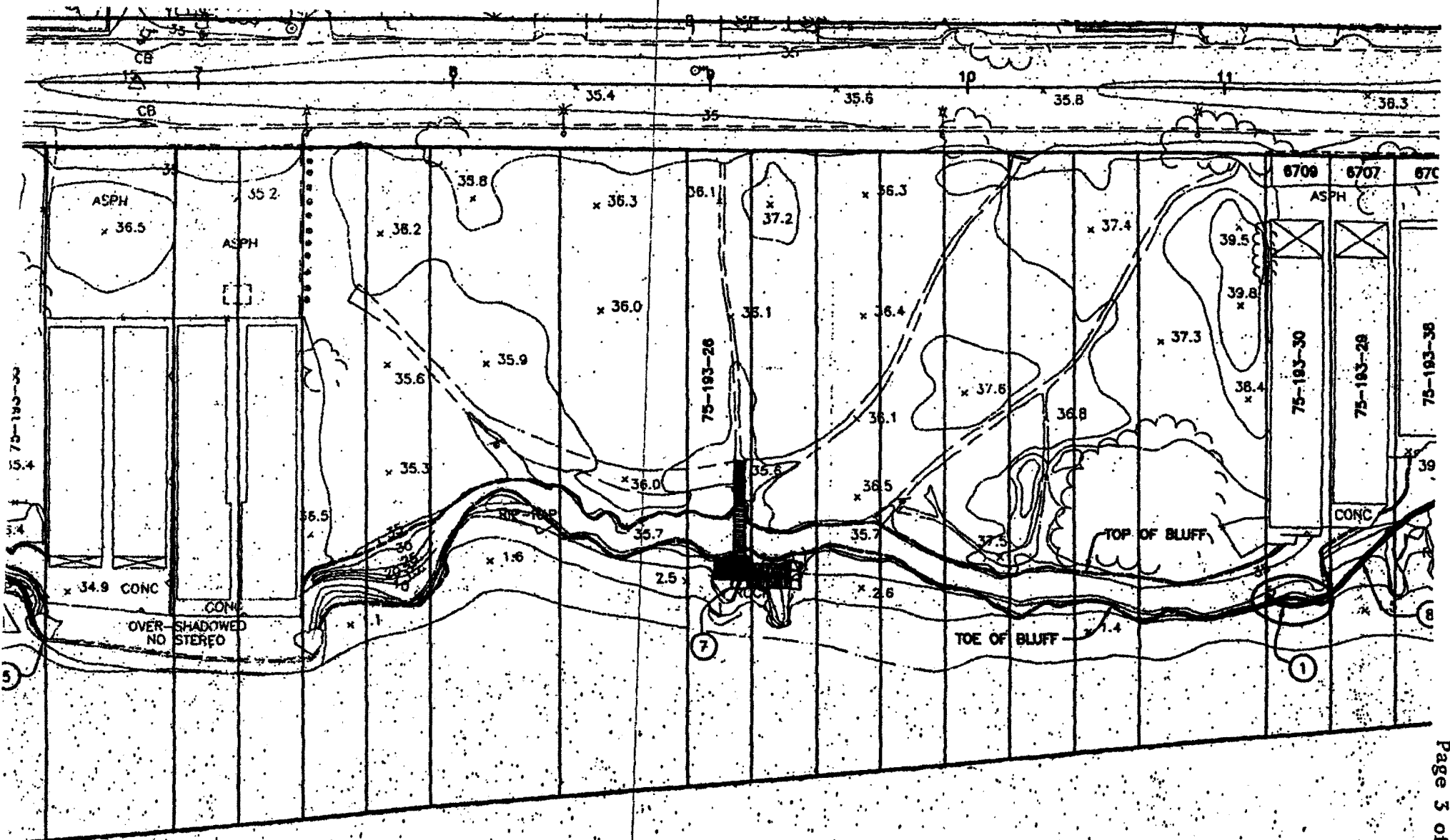




Note: Heavy Dark Line Represents Proposed Seawall

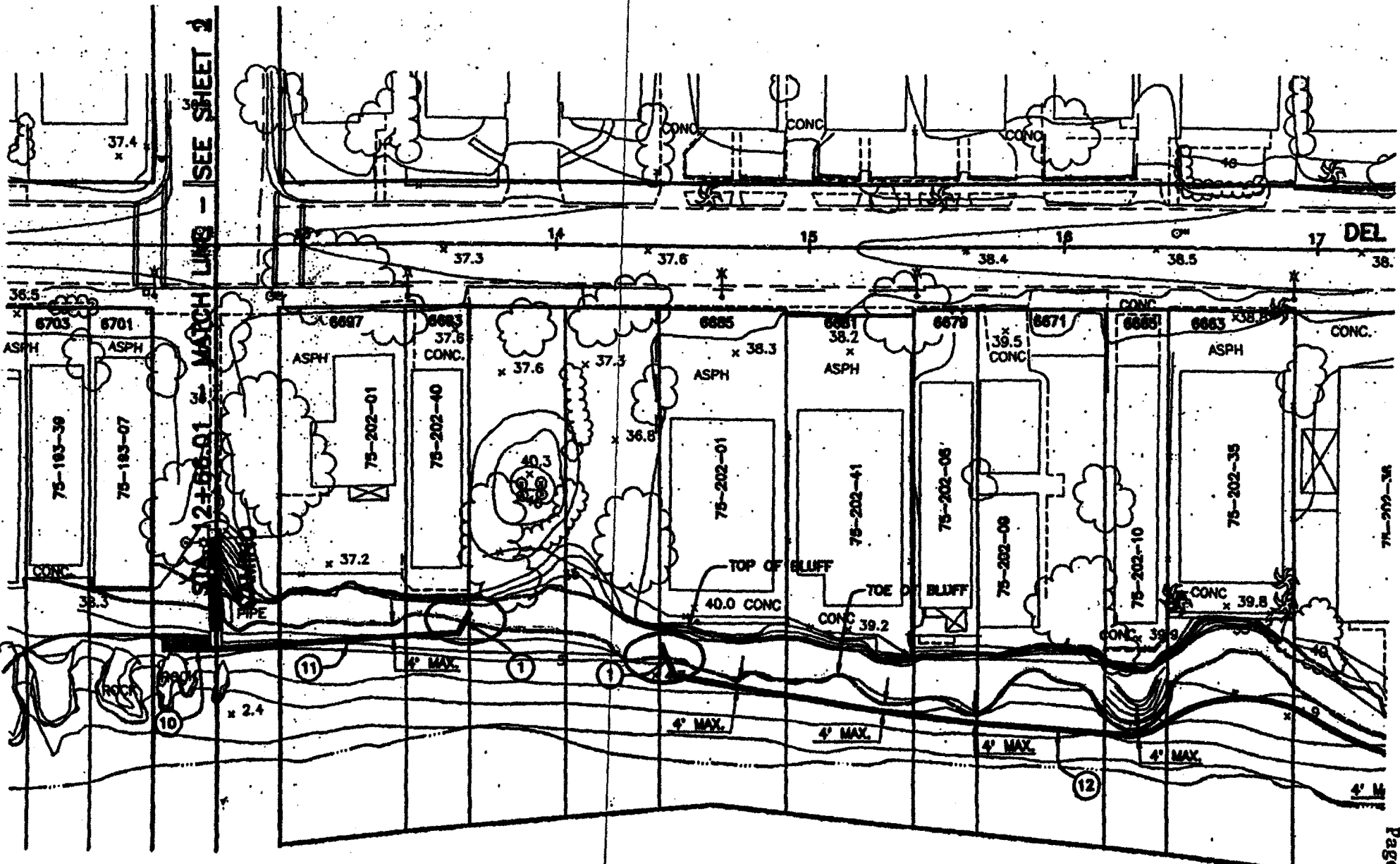
Estimated Mean High-Tide-Line Follows Toe of Bluff

Identifies Portion of Proposed Seawall Subject to Coastal Commission Appeal



Note: Heavy Dark Line Represents Proposed Seawall
 Estimated Mean High-Tide Line Follows Toe of Bluff

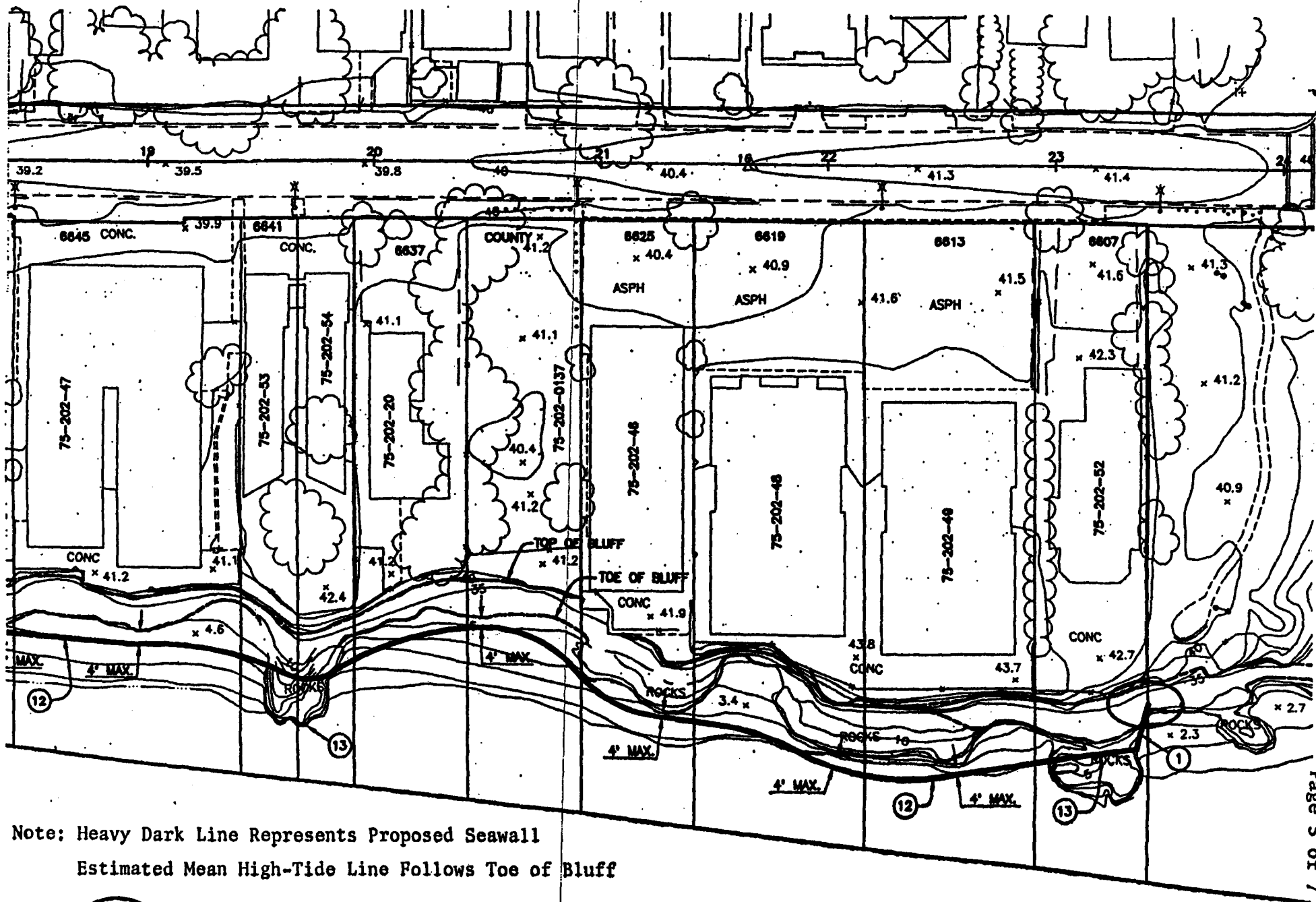
Identifies Portion of Proposed Seawall Subject to Coastal Commission Appeal



MATCH LINE - SEE SHEET 2
 STA 12+86.01 - 2+86.01

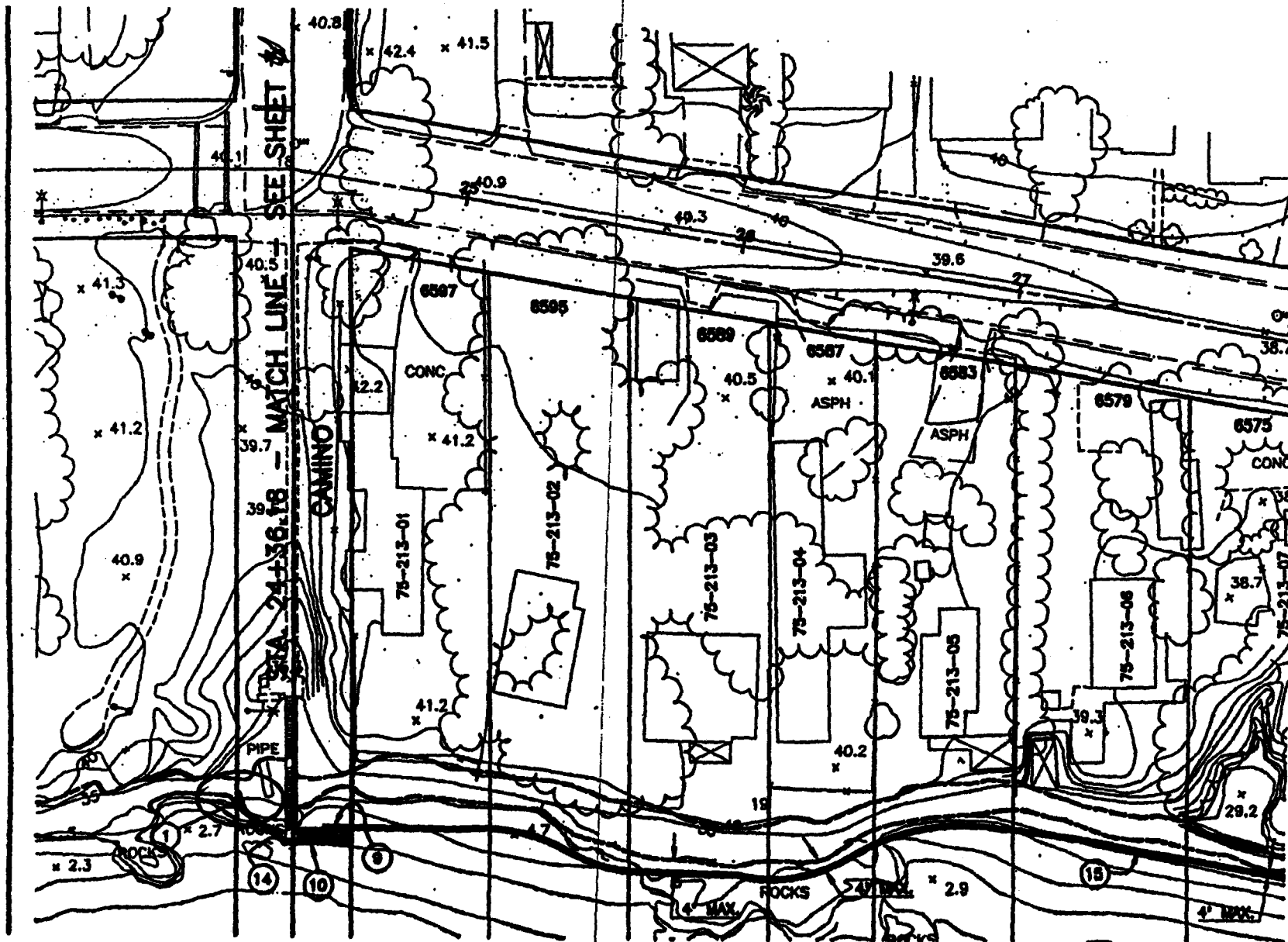
Note: **Dark Line** Represents Proposed Seawall
 Estimated Mean High-Tide Line Follows Toe of Bluff

Identifies Portion of Proposed Seawall
 Subject to Coastal Commission Appeal



Note: Heavy Dark Line Represents Proposed Seawall
 Estimated Mean High-Tide Line Follows Toe of Bluff

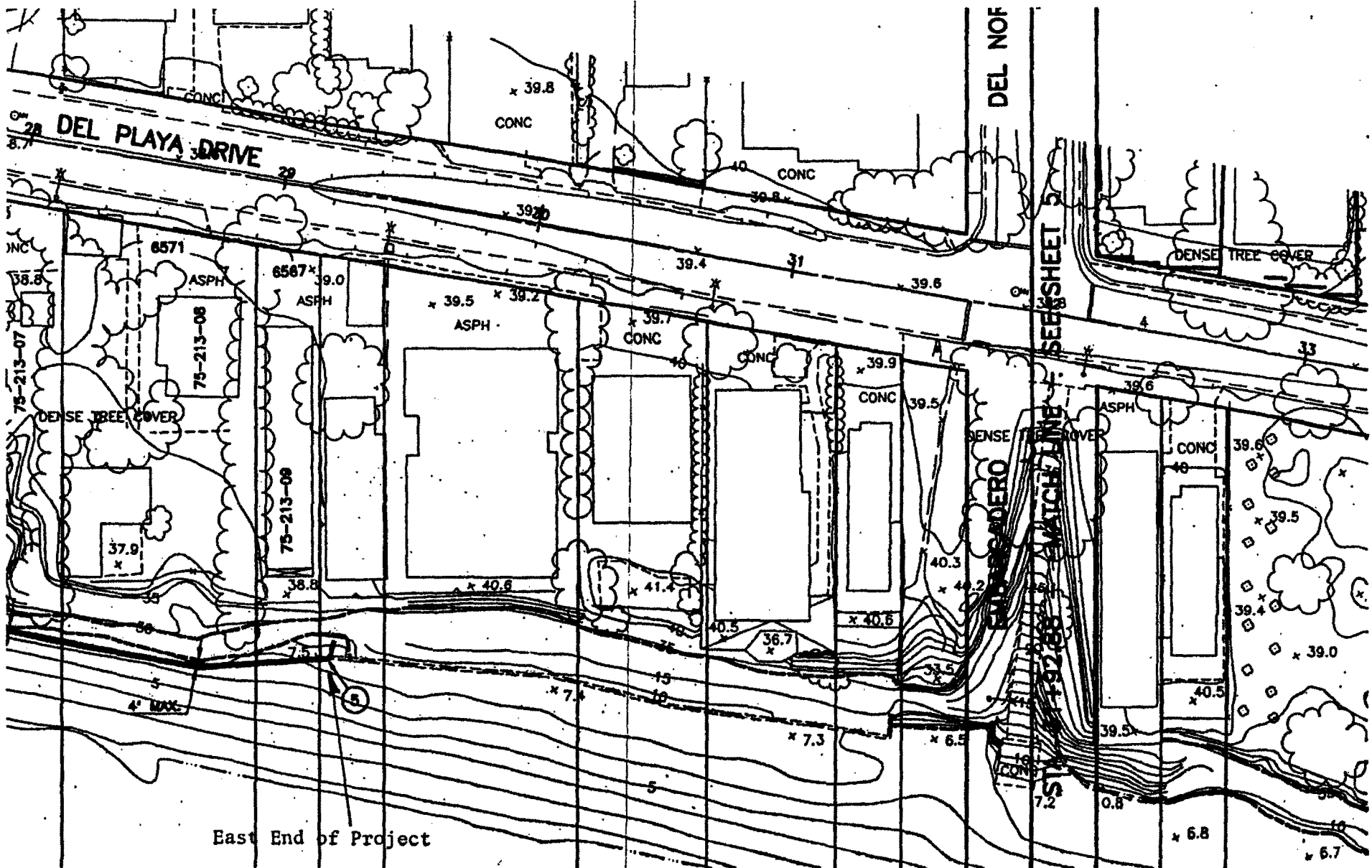
○ Identifies Portion of Proposed Seawall Subject to Coastal Commission Appeal



Note: Heavy Dark Line Represents Proposed Seawall

Estimated Mean High-Tide Line Follows Toe of Bluff

Identifies Portion of Proposed Seawall Subject to Coastal Commission Appeal



East End of Project

Note: Heavy Dark Line Represents Proposed Seawall
 Estimated Mean High-Tide Line Follows Toe of Bluff



County of Santa Barbara Planning and Development

John Patton, Director

March 17, 1998

RECEIVED

MAR 20 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mark Capelli, Coastal Analyst
California Coastal Commission
89 South California Street, 2nd Floor
Ventura, CA 93001

RE: Notice of Final Discretionary Action, Del Playa Seawall, 95-CP-019

Dear Mark:

On March 17, 1998, the Santa Barbara County Board of Supervisors executed the Settlement Agreement for the Del Playa Seawall, their final action in approval of the discretionary permit entitlements for the project. The final action letter of the Board of Supervisors dated February 17, 1998 is attached.

This Conditional Use Permit by the County is considered as the issuance of a coastal development permit for the purpose of noticing the availability of appeal to the California Coastal Commission. (Future coastal development permits would be issued at a staff level to authorize grading, construction, and other site alterations when conditions of approval are completed. ~~The County will provide notices of final action when these staff level coastal development permits are issued.~~ The receipt of this letter by the Coastal Commission begins the 10 working day appeal period during which the County's decision may be appealed to the Coastal Commission.

Please call me (568-2075) or Brian Baca (568-2004) if you have any questions concerning this action.

Sincerely,

Dianne L. Meester

Dianne L. Meester, Supervising Planner
Development Review Division

cc: Board of Supervisors
Environmental Defense Center, Linda Krop, 906 Garden St., Ste. 2, Santa Barbara, CA 93101
Kathleen Weinheimer, 1020 Calle Malaga, Santa Barbara, CA 93109
Brian Baca, Case Planner
Alan Seltzer, County Counsel

EXHIBIT NO. 8
APPLICATION NO.
A-4-STB-98-104
Isla Vista Seawall

Page 1 of 48

County of Santa Barbara Planning and Development

John Patton, Director



February 17, 1998

Kathleen M. Weinheimer, Esq.
1020 Calle Malaga
Santa Barbara, CA 93109

BOARD OF SUPERVISORS
HEARING OF JANUARY 20, 1998

RE: **Del Playa Seawall, 95-CP-019**

Hearing to consider recommendations to finalize Board of Supervisors' conceptual motion of June 18, 1996 for approval of the Del Playa Seawall, 95-CP-019, Isla Vista area, Third District.

Dear Ms. Weinheimer:

At the Board of Supervisors' hearing of January 20, 1998, the Board took the following actions:

Supervisor Staffel moved, seconded by Supervisor Schwartz and carried by a vote of 5-0 to accept late materials into the record.

Supervisor Staffel moved, seconded by Supervisor Urbankse and carried by a vote of 3-2 (Schwartz and Marshall: no) to:

1. ~~Select the loss of 25% of lateral beach access time as the trigger point for removal of the seawall;~~
2. Adopt the required findings for the project, including CEQA findings, specified in Attachment A of the staff memorandum dated September 29, 1997, including CEQA findings.
3. Approve the final revisions to Supplemental Environmental Impact Report 96-SD-1 included in Attachment C of the staff memorandum dated September 29, 1997 as revised in the memorandum dated October 3, 1997.
4. Approve the Settlement Agreement in the case of *Lorenzen v. County of Santa Barbara* (provided under separate cover by County Counsel) and authorize the Chair of the Board to execute the agreement;
5. Approve 95-CP-019 subject to the conditions of approval, included in Attachment B of the September 29, 1997 staff memorandum as revised in the October 3, 1997 staff memorandum, and as revised at the hearing of January 20, 1998, to include the following condition:

The applicant agrees that approval of this conditional use permit is subject to execution of the settlement agreement in *Lorenzen v. County*, Santa Barbara Superior Court Case No. 193676 by plaintiffs and the County. This conditional use permit shall be effective only after the settlement agreement has been fully executed by all parties to the Superior Court Case No. 193676.

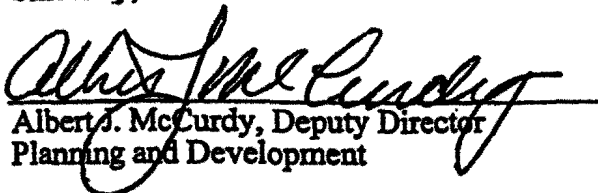
The attached findings, conditions, and changes to the Supplemental Environmental Impact Report (96-SD-1) reflect the Board of Supervisors' action of January 20, 1998.

Board of Supervisors Hearing of January 20, 1998
Del Playa Seawall, 95-CP-019
Page 2

The time within which judicial review of this decision must be sought is governed by Section 65009 (c) of the California Government Code and Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

Note that County staff will neither send notice of final action to the Coastal Commission, nor file the Notice of Determination with the Clerk of the Board or send it to the State Clearinghouse until the settlement agreement is fully executed. The period in which to appeal the Board's action will not commence until the notice of final action is received by the California Coastal Commission. Similarly, the filing of the Notice of Determination commences the running of the statute of limitations to challenge the County's CEQA determination.

Sincerely,


Albert J. McCurdy, Deputy Director
Planning and Development

- xc: Case File: 95-CP-019
✓ Planning Commission File
Richard Corral, Planning Technician
Amy Sabbadini, Planning Technician, Energy Division
California Coastal Commission, 89 S. California St., Suite 200, Ventura, CA 93001
County Chief Appraiser
County Surveyor
~~Fire Department~~
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Deputy County Counsel
Brian Baca, Planner

Attachments: Board of Supervisors' Minute Order dated January 20, 1998
Findings
Conditions of Approval
Changes to Supplemental EIR 96-SD-1

AJM:dcox
G:\GROUPDEV_REV\WP\CP95_CASES\SCP019\BOSACT.J20

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA
CLERK OF THE BOARD OF SUPERVISORS

MINUTE ORDER

January 20, 1998, in the a. m.

Present: Supervisors Naomi Schwartz, Jeanne Graffy, Gail Marshall,
Timothy J. Staffel, and Thomas Urbanske
Michael F. Brown, Clerk (Allen)

Supervisor Marshall in the Chair

RE: Planning and Development - To consider recommendations to finalize the Board's conceptual June 18, 1996 motion for approval regarding the Del Playa Seawall, 95-CP-019, Third District, by taking the following actions as follows: (97-20,477/98-20,791) (FROM; MAY 7; MAY 28; JUNE 4; JUNE 18; JULY 23; OCTOBER 1; AND NOVEMBER 19, 1996; JANUARY 28; MARCH 11; MAY 20; JUNE 17; JULY 1, 1997; OCTOBER 7, 1997; EST. TIME: 2 HR.)

- a) Select a trigger point for removal of the seawall;
- b) Adopt the required findings for the project, including California Environmental Quality Act (CEQA) findings, specified in Attachment A of the staff memorandum dated September 29, 1997;
- c) Approve the final revisions to Supplemental Environmental Impact Report 96-SD-1 included in Attachment C of the staff memorandum dated September 29, 1997, as revised in the memorandum dated October 3, 1997;
- d) Approve Settlement Agreement in the case of Lorenzen vs. County of Santa Barbara and authorize the Chair to execute the agreement;
- e) Approve Case No. 95-CP-019 subject to the conditions of approval included in Attachment B of the September 29, 1997, staff memorandum.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

Staffel/Schwartz Accepted late materials into record.

- Staffel/Urbanske
 - a) Selected the loss of 25% of lateral beach access time as the trigger point.
 - b) Adopted.
 - c) Approved.

RECEIVED
JAN 27 1998

d) Conceptually approved settlement agreement subject to full execution by the plaintiffs in the case *Lorenzen v. County* (Santa Barbara Superior Court Case No. 193676) per additional condition referenced in County Counsel memorandum dated January 16, 1998. Directed staff to return on administrative agenda as appropriate for execution by the Chair.

e) Approved.

No: Schwartz, Marshall

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-1

**ATTACHMENT A:
FINDINGS OF APPROVAL OF 95-CP-019**

1. CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR

The Final Environmental Impact Report (EIR), comprised of various documents including 81-EIR-9, 91-SD-5, 91-SD-8, 88-SD-3; and the 5-5-92 and 4-6-92 letters to the Board of Supervisors by Brian R. Baca, and Supplemental environmental impact report 96-SD-1 (SEIR) revised June 1996 were presented to the Board of Supervisors and all voting members of the Board have reviewed and considered the EIR, its appendices and supplement prior to approving this proposal. In addition, all voting Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearings on May 28, 1996, June 4, 1996, June 18, 1996, July 23, 1996, October 1, 1996, November 19, 1996, January 28, 1997, March 11, 1997, May 20, 1997, June 17, 1997, July 1, 1997, October 7, 1997, and January 20, 1998. The EIR, including Supplemental document 96-SD-1, reflects the independent judgement of the Board of Supervisors and is adequate for this proposal.

1.2 FULL DISCLOSURE

The Board of Supervisors finds and certifies that the Final EIR and supplemental document 96-SD-1 constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors at 105 E. Anapamu Street, Santa Barbara, CA 93101.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-2

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report and supplemental information on the Del Playa Seawall project identify no environmental impacts which cannot be fully mitigated and are therefore considered unavoidable. As residual impacts have been reduced to less than significant levels through the required mitigation measures, no other measures are required which would further reduce impacts.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR and SEIR 96-SD-1 identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1.5.1 Recreation (Long-term loss of lateral access and beach width): The loss of lateral access and beach width due to the combined effects of encroachment of the seawall onto the beach and the long-term progressive narrowing of beach width due to the presence of the seawall were found to represent a potentially significant long-term impact on recreation. To address this impact on recreation, ~~Mitigation Measure 2 in 96-SD-1 requires removal of the proposed seawall prior to the occurrence of a significant impact, defined by the Board of Supervisors as a 25% loss in the currently available average lateral access time. This mitigation measure includes financial assurances to ensure future implementation. Mitigation Measure 2 has been found to mitigate this impact to insignificant levels.~~

1.5.2 Recreation (Short-term impacts on recreation associated with seawall construction and removal activities): Seawall removal activities would involve short-term potentially significant impacts on the use of the beach for recreation. Necessary heavy equipment operations on the public beach would potentially cause safety hazards to beach users and temporary losses of lateral access across construction or removal sites. To address this impact, Mitigation Measure 1 in 96-SD-1 requires the applicant to provide an onsite monitor to direct the public around equipment operating on and adjacent to the public beach during construction/removal activities. Permit Compliance would also conduct periodic site inspections during construction and removal activities. Mitigation Measure 1 has been found to mitigate short-term impacts associated with construction and removal activities to insignificant levels.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-3

- 1.5.3 Traffic and Construction Safety: The project has the potential to interrupt access to public streets, private property, and the beach during construction. Other potential impacts include an increase in street traffic and collapse of the cliff as a result of storage of heavy equipment or materials. Several mitigation measures identified in the EIR (see 91-SD-5, page 32) are required to address these issues. These measures include restrictions on where construction materials can be stored, a prohibition on delivery of materials or equipment over the cliff edge, restrictions on parking of construction vehicles, the requirement for construction when UCSB is not in session (the period of low population in Isla Vista) and a requirement for site cleanup after completion of construction. Note that these measures, as included in the project conditions of approval, have been modified for clarity. These mitigation measures have been found to mitigate short-term impacts associated with traffic and construction activities to insignificant levels.
- 1.5.4 Aesthetics: The proposed seawall would result in potentially significant impacts on visual resources should the seawall become deteriorated. To address this potential aesthetic impact, two mitigation measures identified in the EIR (see 91-SD-5, page 6, items a. and c.) are required. These measures (modified for clarity in the project conditions of approval) require the property owners to maintain the integrity and appearance of the seawall and, under certain conditions involving building relocation, remove portions of the seawall. These mitigation measures have been found to mitigate aesthetic impacts to insignificant levels.

1.6 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR and SEIR 96-SD-1 prepared for the project evaluated the following alternatives:

- ◆ No project
- ◆ Demolition and relocation of endangered structures elsewhere in Isla Vista
- ◆ Removal of endangered structures with partial reconstruction within 75-year bluff setbacks
- ◆ Beach nourishment
- ◆ Continuous seawall/french drain.

A french drain alone has also been discussed in project hearings as an alternative to the seawall project. These alternatives are infeasible for the following reasons:

The no project alternative would remove all impacts but forestall all beneficial impacts as well. The 114 units along Del Playa Drive could possibly be replaced elsewhere within

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-4

Isla Vista. However, the owners do not currently own these vacant parcels. Phased demolition with some reconstruction within bluff setbacks would leave four properties without any buildable area, and many others would be severely constrained without modifying current LCP policies and the Coastal Zoning Ordinance standards. Beach nourishment (through the BEACON program) was also reviewed and found to be infeasible due to the uncertain effectiveness, substantial cost and the need to construct control groins to hold the sand. The french drain alternative is found to be infeasible because it would not stop erosion at the toe of the bluff and therefore, could cause hazards on the beach and to the structures on the top of the bluff due to steepening of the bluff. The french drain in conjunction with modification of Local Coastal Program and Coastal Zone Ordinance standards to allow relocation further from the bluff edge would extend the time before this potential hazard affects the structures. Although the seawall/french drain alternative would provide a more complete method for reducing erosion along Del Playa, the alternative would not reduce impacts to lateral access and visual resources.

1.7 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR and supplemental documents for the Del Playa Seawall identify no potentially significant project environmental impacts which are considered unavoidable. No Statement of Overriding Considerations is therefore required.

1.8 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 CONDITIONAL USE PERMIT FINDINGS

In order to approve a Conditional Use Permit, all of the findings contained in Article II, Section 35-172.8 must be made. The Board of Supervisors hereby makes the following findings as explained below.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-5

- 2.1. **That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The seawall project is uniquely sited for areas prone to erosion and bluff retreat. The wall will project roughly seven feet above grade and will help protect existing development in Isla Vista in the short-term. There is sufficient area to accommodate the development but the existing lateral access would be reduced. Prior to the time when the site would no longer be considered adequate in size to accommodate the seawall (when a 25% loss in lateral access has occurred), the applicant are conditioned to remove the wall.

- 2.2. **That adverse environmental impacts are mitigated to the maximum extent feasible.**

The applicant has incorporated all feasible mitigation measures recommended in the 1992 certified EIR and in 96-SD-1 which were not previously incorporated into the project design and which are consistent with the Memorandum of Understanding. These mitigation measures are listed as conditions of approval for the Conditional Use Permit.

- 2.3. **That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

No long term traffic trips will be generated as a result of the proposed project.
~~Construction trips will be required to be made outside peak hour period.~~

- 2.4. **That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

Adequate and existing services exist in the site area to serve existing development. No new services will be required as a result of this project.

- 2.5. **That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

The seawall has been designed and conditioned to protect to the extent feasible adjacent and area sites that are not included in the application. No conclusive evidence is available which indicates that the project will have an adverse or significant effect on neighboring sites. The project will help to maintain approximately 114 residential units in the Isla Vista area. The Board weighed the need for housing and the protection of private property with the public's recreational use of the beach, and determined that adequate

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-6

lateral access and recreational use for the public would remain.

2.6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.

The project is in conformance with all applicable provisions and policies of the Coastal Land Use Plan, as specifically addressed below. Therefore, this finding can be made.

Coastal Plan Policy 3-1:

Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provisions for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

Consistent: The timber seawall was reviewed and compared to alternative methods of seacliff protection such as concrete or rock-rip-rap walls, and no other feasible and less environmentally damaging coastal protection structure alternatives appear available at this time. The timber seawall design was deemed the preferable design through a community review process which took place between 1980 and 1984. The seawall design respects natural landforms and is composed of buff-colored timbers which will minimize visual aspects of the project. The project provides for lateral access through a condition requiring dedication of public access easements and contains a removal condition which provides for removal of any segment of seawall prior to any adverse impact to lateral beach access, defined by the Board as a 25% loss in currently available lateral access. The 75% of the currently available lateral access time remaining after seawall removal is determined by the Board of Supervisors to adequately provide for lateral beach access.

Alternatives studied in the environmental documents include: no project, demolition and relocation of endangered structures elsewhere in Isla Vista, removal of endangered structures with partial reconstruction within 75-year bluff setbacks, beach nourishment, and a continuous seawall/french drain. A french drain alone has also been discussed as an alternative to the seawall project.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-7

The no project alternative would remove all impacts but forestall all beneficial impacts as well. The 114 units along Del Playa Drive could possibly be replaced elsewhere within Isla Vista. However, the owners do not currently own these vacant parcels. Phased demolition with some reconstruction within bluff setbacks would leave four properties without any buildable area, and many others would be severely constrained without modifying current LCP policies and the Coastal Zoning Ordinance standards. Beach nourishment (through the BEACON program) was also reviewed and found to be infeasible due to the uncertain effectiveness, substantial cost and the need to construct control groins to hold the sand. The french drain alternative is found to be infeasible because it would not stop erosion at the toe of the bluff and therefore, could cause hazards on the beach and to the structures on the top of the bluff due to steepening of the bluff. Although the seawall/french drain alternative would provide a more complete method for reducing erosion along Del Playa, the alternative would not reduce impacts to lateral access and visual resources.

Coastal Plan Policy 3-2:

Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

Consistent: The impacts of the proposed project on sand supply are considered to be less than significant in 96-SD-1. Thus, the finding can be made that the project is designed to mitigate adverse impacts on local shoreline sand supply. The project is also designed to be located a maximum of 3.5-4 feet from the base of the bluff and will not be installed across the large natural promontories that currently impede lateral access at high tide. With the offers to dedicate lateral access, the project is consistent with this policy.

The seawall would extend seaward a distance of approximately 3.5-4 feet from the toe of the bluff, consequently resulting in the narrowing of the present beach width. Long-term impacts are expected as the adjacent unprotected bluffs in the area continue to retreat and the seawalls could become more prominent headlands with more frequent wave runup. However, offers to dedicate lateral access easements and the removal condition would assure that those long-term impacts remain less than significant. (A significant impact is determined to be a 25% loss in the currently available average lateral access time.)

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-8

Coastal Plan Policy 7-3:

For all new development between the first public road and the ocean, granting of lateral access easements to allow for public access along the shoreline shall be mandatory. In coastal areas where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated...At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall be dedicated easement be required to be closer than 10 feet to a residential structure...

Consistent: The project conditions of approval require the dedication of lateral access easements along the entire beach seaward of the base of the bluff prior to issuance of a CDP/LUP as a mitigation measure. The wall itself will impact lateral access, however the removal condition will assure that those impacts will not become significant. Therefore, the conditions of approval of the permit will ensure consistency with this portion of the policy.

In some areas of the project, the existing promontories already block lateral access during periods of high tide. In those cases, since it is not possible to dedicate an easement which will provide for lateral access during high tide, the project is consistent with this portion of the policy.

Public Resources Code Section 30253:

New development shall:

1. *Minimize risks to life an property in areas of high geologic, flood, and fire hazard.*
2. *Ensure 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.*

Consistent: Development of the seawall will decrease the rate of bluff erosion due to wave attack at the toe of the seacliff and will not contribute to the instability of the area. Therefore, the project is consistent with this section of the Coastal Act. The Board found based upon substantial evidence contained in the letters submitted by the applicant from John Carter-General Contractor dated June 10, 1996, from Penfield and Smith dated June 10, 1996, and from Coast Seawalls dated June 7, 1996, that the potentially significant effects of removal of the seawalls could be avoided.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-9

Public Resources Code Section 30251:

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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Consistent: Although the proposed seawall would alter the existing visual character of the seacliff, it would not substantially affect views to and along the ocean. The seawall would be visually compatible with the urban character of the surrounding areas given the high level of blufftop development and the existing seawalls on the beach. The alteration of natural landforms would be the minimum necessary to accomplish the project, therefore the project would be consistent with this policy.

Public Resources Code Section 30210:

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.

Consistent: The project provides a public safety benefit through incorporation of the existing public access stairways (to protect them from wave attack) and will provide for a new public access stairway to an existing pocket beach which is inaccessible at high tide. The project is required to dedicate lateral access easements along the entire length of the project. These project components, along with the need to protect the rights of private property owners, allow the project to be found consistent with this policy.

Public Resources Code Section 30211:

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

Consistent: The proposed seawall will intrude seaward into an area of public use and will adversely affect access. Therefore, a removal condition has been included in the conditions of approval for the project which will reduce these impacts to insignificance, based upon the Board of Supervisors' determination that a significant effect will not occur

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-10

until 25% of currently available lateral access time is lost. Adequate lateral access will be maintained.

Public Resources Code Section 30235:

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...

Consistent: The proposed seawall is intended to protect approximately 114 existing residential units serving approximately 700 student residents. The seawall is designed to allow for the passage of sand and the eroding bluff does not contribute a significant amount of sand to the beach, as determined in the certified EIR. Therefore, the project is consistent with this policy.

Coastal Plan Policy 3-13:

Plans for development shall minimize cut and fill operations. Plans for requiring excessive cutting or filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

Consistent: The design of the seawall is considered to involve the minimal amount of grading required to install a seawall. The alteration of the natural terrain would be in the minimal range for a 2,200 foot long seawall, therefore the project is consistent with this policy.

Coastal Plan Policy 3-14:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of know soils, geologic, flood, erosion, or other hazards shall remain in open space.

Consistent: A seawall, by definition, would be suited to the project site (all seawalls are located at the coast). The alteration of the natural terrain would be in the minimal range for a 2,200 foot long seawall.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment A: Findings of Approval
Page A-11

- 2.7. **That in rural areas the use is compatible with and subordinate to the scenic and rural character of the area.**

The project is not located within a designated rural area.

- 2.8. **That the project will not conflict with any easements required for public access through, or public use of the property.**

As identified in the environmental documents, the project will impact lateral access along Isla Vista Beach. Access in this area is already limited due to the existing formation of the coastline. Lateral access easements will be dedicated from the toe of the bluff seaward along the linear length of the project area. This benefit, along with the added protection of the existing stairways and the provision of a new stairway, and the extension of the life of existing housing units in Isla Vista outweighs the loss of public access so that this finding can be made. In addition, as the conditions develop which unacceptably affect lateral access, seawall segments are required to be removed.

- 2.9. **That the proposed use is not inconsistent with the intent of the zone district.**

Section 35-172.5 of the Coastal Zoning Ordinance allows seawalls in all zone districts subject to the approval of a Major Conditional Use Permit.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-1

**ATTACHMENT B:
CONDITIONS OF APPROVAL (CUP)**

For Board of Supervisors Consideration on October 7, 1997

**SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE II, CHAPTER 35**

CASE NO. 95-CP-019

I. A Conditional Use Permit is Hereby Granted:

TO: Isla Vista Geologic Hazard Abatement District
APN: Numerous APNs; Properties included in 95-CP-019 are listed below:

075-213-001, -002, -003, -004, -005, -006, -007, -008, -009;
075-202-001, -005, -008, -009, -010, -014, -015, -020, -035, -036, -037, -040, -045, -046, -047, -048,
-049, -052, -053, -054;
075-193-001, -007, -029, -030, -032, -034, -035, -037, -038, -039, -040, -041;
075-192-002, -003, -004, -022;
Camino Pescadero County Road Right-of-Way south of Del Playa Drive;
Camino Del Sur County Road Right-of-Way south of Del Playa Drive;
Escondido Pass County Beach access property.

PROJECT ADDRESS: 6567 to 6779 Del Playa Drive
ZONE: SR-M-8
AREA: Isla Vista
SUPERVISORIAL DISTRICT: Third

FOR: Construction and eventual removal of a timber seawall.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-2

II. This permit is subject to compliance with the following condition(s):

PROJECT SPECIFIC CONDITIONS

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Board of Supervisors Exhibit #1, dated January 20, 1998, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The applicant is requesting a Conditional Use Permit to allow the construction of a timber pile seawall at the base of the seacliff or coastal bluff at the landward edge of Isla Vista Beach south of Del Playa Drive in Isla Vista. The proposed timber seawall would be comprised of four non-contiguous segments totalling approximately 2,200 linear feet. This estimate is based on 1,975 feet measured along Del Playa Drive plus a 10% allowance for undulations in bluff geometry ($1,975 \text{ street feet} + 198 = 2,173$ or approximately 2,200 linear feet). ~~The four segments would connect to existing seawalls~~ built in the late 1970's and early 1980's and would include all of the privately-owned properties on the south side of Del Playa Drive between addresses 6567 and 6779. Several vacant parcels owned by public agencies (County of Santa Barbara; Isla Vista Park and Recreation District) are included in the project. The seawall is intended to reduce the rate of erosion of the seacliff (i.e. the rate seacliff retreat) caused by ocean wave action.

The seawall design accommodates the existing public coastal access points (stairways and ramps) and would provide new protection of the access facilities from storm damage and coastal erosion. A new wooden public access stairway is proposed for a County-owned parcel identified as APN 075-193-37.

The four seawall segments are located as follows:

Segment 1: The first seawall segment would extend 475 feet (measured along the street) across nine privately-owned properties from 6567 to 6597 Del Playa Drive and the County property which includes the Camino Pescadero stairway. This new seawall

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-3

segment would connect on the east to the end of an existing seawall located at 6563 Del Playa Drive. The western end of this segment would be located adjacent to an IVPRD-owned parcel.

Segment 2: The second segment would extend 900 feet (street measurement) across 17 privately-owned properties from 6607 to 6685 Del Playa Drive and one County-owned property between 6625 and 6637 Del Playa Drive. This segment would not connect to any existing seawall. The ends of this seawall segment would be located adjacent to parcels owned by the Isla Vista Parks and Recreation District.

Segment 3: The third segment would extend 250 feet (street measurement) across seven private properties located from 6693 to 6709 Del Playa Drive and the County property between 6697 and 6701 Del Playa which includes the Camino Del Sur stairway. This seawall segment would not be connected to any existing seawall. The ends of this seawall segment would be located adjacent to parcels owned by the Isla Vista Parks and Recreation District on the east and the County on the west.

Segment 4: The fourth segment would extend 350 feet (street measurement) across eight privately-owned properties located from 6757 to 6779 Del Playa Drive, one County-owned parcel, one IVPRD parcel and the Escondido Pass beach access ramp. This segment would connect on the east to the existing seawall at 6741-47 Del Playa Drive. The western end of this segment would be located adjacent to County-owned land (Isla Vista Park).

The proposed seawall would be composed of pressure treated buff-colored timber pilings approximately one foot in diameter and approximately 14 feet in length. Each timber would be installed in a vertical position and emplaced in a line along the base of the seacliff or coastal bluff which forms the back line of Isla Vista Beach. The timbers would be arranged to be from one-quarter inch to six inches apart and three and one-half (3.5) to four feet from the bluff face. The timbers would be placed into a seven-foot deep trench cut into the shale bedrock of the gently sloping marine terrace upon which the sand of the beach accumulates. Thus, the seawall would extend seven feet above the base of the bluff. The seven-foot deep trench would be filled with concrete to secure the timbers in place and the area behind the timbers would be backfilled with rocks one-foot in diameter or less. The wing-walls or tie-ins to the bluff at the ends of the seawall which would not be connected to an existing seawall would be designed to connect to the cliff face at an angle of 40 degrees or less (refer to Figure 5b of 96-SD-1).

Construction of the proposed seawall is estimated by the applicants to require approximately one to two months depending on tidal conditions. Installation of the proposed seawall in its entirety shall be completed during a single construction period of not more than 90 days in duration. A one-month extension of the 90-day construction

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-4

period may be granted by the Director of Planning and Development. Beach access for motorized equipment (backhoe, crane, etc.) would be obtained through the use of El Embarcadero Ramp located about 200 feet east of the east end of the project. Access to the project site would involve driving equipment down the beach at times of low tide.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In order to mitigate potential short-term safety hazards and effects on lateral access associated with installation and removal activities, the applicant shall provide an onsite monitor to direct the public around equipment operating on and adjacent to the public beach. **Plan Requirements and Timing:** Prior to the issuance of the Coastal Development Permit, the applicant shall provide a seawall construction and removal plan prepared by a Registered Engineer which presents in detail the methods of removal to be used, including the intended use of heavy equipment, and a typical time frame for installation and removal of specific lengths of seawall. This letter shall outline safety measures, including the schedule for a site monitor, to be utilized during heavy equipment use on the beach and during construction or removal activities at the project site.

Monitoring: Planning and Development shall review and approve the submitted plan. Permit Compliance shall conduct periodic inspections of the work site and respond to complaints.

3. The applicant shall remove any portion of the seawall at which a 25% loss in average lateral beach access time has occurred due to the combined effects of encroachment and the long-term progressive narrowing of beach width due to the presence of the seawall. The loss of 25% of average lateral access time shall be measured by a corresponding loss in beach width as specified for each seawall segment in the table below. The width of the original beach for purposes of this mitigation measure shall be defined as the distance from the toe of the coastal bluff or seacliff (i.e. the contact point between the bedrock of the steep seacliff and the gently-sloping bedrock terrace) to the Mean Sea Level (0.0) contour on the surface of the bedrock terrace located seaward of the bluff toe. The width shall be measured in a north-south direction. Removal shall occur on a parcel-by-parcel basis (or on a segment-by-segment basis if required by condition 3g) such that all of the seawall on a parcel shall be removed when the percentage of loss of

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-5

initial beach width (i.e. beach width as delineated in the initial topographic survey required by condition 3a below) corresponding to a 25% loss in average lateral beach access occurred on any part of the parcel.

Plan Requirements and Timing:

- a. The applicant shall fund an initial topographic survey performed by a licensed Civil Engineer or Surveyor, to be managed by County staff, which delineates the geographic position of the toe of the bluff and the Mean Sea Level contour on the surface of the bedrock terrace. In addition, the initial survey map shall be augmented with the position of the seawall, surveyed after installation. The results of this initial survey (with the as-built position of the seawall shown) shall be plotted on maps with a scale of 1 inch equals 20 feet.

The required survey maps shall be constructed from a series of north-south trending survey transect lines located every 25 feet along the entire length of each seawall segment. On each north-south trending line, the position and elevation of the following points shall be surveyed and incorporated onto the survey maps:

- 1) a minimum of four points on the bedrock terrace surface in order to identify the geographic position of the Mean Sea Level elevation contour on the bedrock terrace surface,
- 2) the delineation of the position and elevation of the toe of the bluff and
- 3) the delineation of the position and elevation of the seaward edge of the timber seawall measured at the oceanward edge of the foundation of the seawall.

Items 1) and 2) above shall be completed prior to issuance of the Coastal Development Permit/Land Use Permit. Item 3) shall be completed within 60 days of seawall installation. As part of item 3), the applicant shall install brass survey markers every 100 feet on the timber seawall at locations corresponding to transect lines on the initial survey.

- b. The applicant shall fund periodic topographic surveys which delineate the geographic location of the Mean Sea Level contour on the surface of the bedrock terrace. The results of this survey, and the surveyed location of all seawall segments, shall be plotted on maps with a scale of 1 inch equals 20 feet. The surveys shall be conducted every three years (in the months of March or April) or at earlier intervals of not more than one per year, if substantial seacliff or bedrock terrace (shoreline) retreat occurs or if some project areas are approaching the

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-6

conditions which would trigger seawall removal as determined by the County (i.e. the Mean Sea Level contour on the bedrock terrace is only a few feet seaward of the geographic position of the MSL contour which would trigger the removal requirement). The results of the periodic surveys shall be provided to Planning and Development prior to May 31 of each year in which surveys are required. The portion of the project area to be covered in each periodic survey shall be determined by the County. These periodic survey maps shall be compared with the initial survey maps specified in a. above to determine the amount of beach width lost in front of all project seawalls.

- c. If it is determined under b. above that the percentage loss of initial beach width corresponding to a 25% loss in average lateral access time, as specified in the table below for each of the four sections, has occurred (i.e. the distance between the oceanward edge of the seawall and the position of the Mean Sea Level contour on the bedrock terrace is reduced from the original width of the beach by the percentage specified in the table below) in some areas of the project, the applicant (Isla Vista Geologic Hazard Abatement District) or the individual owners of each affected parcel shall remove the section of the seawall which extends across the bluff toe of that parcel(s). Removal shall occur prior to the next winter season (no later than six months after the March/April survey which resulted in the determination that removal is required). Planning and Development shall provide notification that removal of a segment(s) of the seawall is required pursuant to this required mitigation measure no later than 30 days after submittal of the periodic survey results discussed in b. above.

Del Playa Seawall, 95-CP-019
 Board of Supervisors, January 20, 1998
 Attachment B: Conditions of Approval
 Page B-7

**Table of beach width losses which
 would require seawall removal**

Seawall Segment #	Loss in Beach Width which would require seawall removal (Values in percent of original beach width as defined in Mitigation Measure 2 and measured in the initial survey under a. above.)	Loss in lateral Access (Values in percent of available lateral access time prior to seawall construction per Everts (2-15-96) report.
1	40	25
2	35	25
3	51	25
4	41	25

- d. Prior to the issuance of the Coastal Development Permit/Land Use Permit, the applicant shall provide to Planning and Development, for review and approval, a seawall removal and trench backfill plan prepared by a Registered Engineer which presents in detail the methods of removal to be used and a typical time frame for removal of specific lengths of seawall and subsequent backfilling of the seawall foundation trench. The trench created through seawall removal shall be backfilled to restore the surface of the bedrock terrace. The material used to backfill the foundation trench shall, as much as possible, be designed to erode under wave action at a similar rate as the surrounding bedrock material. This plan shall identify the material to be used to backfill the trench and any future maintenance that would be required to maintain the backfilled trench (i.e. periodic work needed to prevent the trench backfill material from becoming a depression or protrusion on the surface of the bedrock terrace).

The seawall removal and trench backfill plan shall include a cost estimate for the removal of the entire seawall as a whole (one period of demolition and backfill activities) and a cost estimate for removal of the seawall on a parcel-by-parcel basis (a separate demolition and backfill project for each parcel). The removal plan shall include details on all costs including (but not limited to) labor, trench backfill material, equipment rental, waste disposal, supervision and periodic maintenance of

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-8

the backfilled trench after seawall removal.

- e. The applicant shall post a financial security with the County for the full costs of removal of the seawall (including removal on a parcel-by-parcel basis) prior to the issuance of the Coastal Development Permit/Land Use Permit. This financial security shall be estimated by a Registered Engineer and include an amount sufficient to fund the full cost of complete removal of the entire seawall, including the concrete foundation material proposed to be installed six to seven feet below the surface of the bedrock marine terrace. This financial security shall also include funds for the restoration and the continued maintenance of the surface of the bedrock marine terrace in the area where the six-foot deep foundation trench would be created by the process of seawall removal of the seawall components. The applicant shall also submit a deposit in an amount sufficient to fund County staff time required to assure compliance with this mitigation measure. As this project involves very long-term monitoring, the deposit should be in the form of an endowment fund in the amount of \$25,000 with the interest from this fund available to P&D to fund County staff time. These funds (i.e. the principal) would be held by the County in proportion to the length of the proposed seawall remaining on the beach except for the last remaining \$5,000 of principal and/or accumulated interest. This last \$5,000 would remain on deposit until the last portion of the seawall had been removed (i.e. the entire 2,200-foot long seawall had been removed).
- f. The Plan of Control required by Public Resources Code Section 26509 for the Isla Vista Geologic Hazard Abatement District shall include a plan for removal of the entire seawall, as set forth in Conditions 3d and 3e above.

In the event that bonds are issued by the Isla Vista Geologic Hazard Abatement District to fund the cost of the improvement, the improvement so financed shall include the removal of the entire seawall as set forth in Conditions 3d and 3e above. In the event a district is formed and bonds are issued, a separate surety for removal of the seawall as described in Condition 3e. shall not be required.

- g. Each property owner involved with the project shall record a Deed Restriction on his/her property that acknowledges and accepts this removal condition as a binding and legal agreement which runs with the land. This Deed Restriction shall also acknowledge and accept as part of the project, any accelerated erosion due to endwall effects resulting from the creation of new seawall ends when a segment of seawall is removed pursuant to this mitigation measure.

Without the deed restrictions recorded by each property owner, the Isla Vista Geologic Hazard Abatement District must provide the equivalent of the required deed restrictions described above; or, the seawall shall be removed on a segment-by-

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-9

segment basis (i.e. Segment 1, Segment 2, Segment 3 or Segment 4) rather than on a parcel-by-parcel basis.

Monitoring: P&D staff shall review and approve, the seawall removal and trench backfill plan. P&D staff shall also review and approve the financial assurance estimated by the Registered Engineer and submitted by the applicant. P&D staff shall also verify submittal of the required deposit to fund County staff time required to monitor compliance with project conditions. These financial assurances shall be submitted to, and approved by, P&D prior to the issuance of the Coastal Development Permit/Land Use Permit.

The results of the periodic surveys of the bedrock terrace would be reviewed by County staff to determine if the conditions under which removal is required (see c. above) had occurred. If the MSL contour is at the geographic position where the loss in beach width due to the combined effects of encroachment and the long-term progressive narrowing of beach width due to the presence of the seawall equaled or exceeded the value specified in c. above, the applicant would be notified that seawall removal is required per c. above. Permit Compliance would enforce the removal condition using the posted financial security, if necessary.

4. Condition deleted.

5. ~~The seawall shall be constructed approximately 3.5 feet seaward of the cliff face, with a maximum seaward placement of 4 feet. This shall be included as a note on project plans and reviewed and approved by P&D prior to issuance of a Coastal Development Permit/Land Use Permit.~~

Monitoring: Building Division and Permit Compliance shall ensure compliance in the field.

6. Any stairway or ramp damaged, destroyed, or removed during construction or during subsequent repair or removal of any seawall segments shall be assessed by Public Works and shall be replaced/repared to the satisfaction of Public Works, P&D and the Park Department within 30 days of seawall completion. The applicants shall post a financial security with the County during the initial construction of the seawall segments to ensure adequate reconstruction/replacement of any impacted stairway/ramp. In the event bonds are issued by the Isla Vista Geologic Hazard Abatement District which cover the costs for repair and replacement of stairways and ramps, a separate financial security shall not be required.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-10

7. The following requirements shall be included on an informational sheet filed with the project plans. This informational sheet shall be reviewed and approved by P&D prior to issuance of a Coastal Development Permit/Land Use Permit.
- a. Storage of construction materials shall be restricted to the privately-owned vacant lots on the south side of Del Playa Drive or to privately-owned vacant lots elsewhere in Isla Vista. The storage area shall not interfere with the road right-of-way, parking, safe ingress and egress, and may be allowed on residentially developed parcels only if the structures on the parcels are uninhabited during the construction storage period.
 - b. Heavy equipment and storage of construction materials shall not encroach within 50 feet of the bluff area.
 - c. Delivery of building materials over the cliff edge shall be prohibited. Delivery of building materials to the beach shall occur from the El Embarcadero ramp. These materials shall be transported along the beach to the work site from El Embarcadero Ramp.
 - d. Parking of construction vehicles and equipment shall be prohibited along Del Playa Drive.
 - ~~e. Construction shall occur only during the low population period of the year when UCSB is not in session, approximately June 15-September 15. A one-month extension of the 90-day construction period may be granted by the Director of Planning and Development.~~
 - f. Clean up of all construction materials from the beach shall occur within two weeks of project completion, to the satisfaction of County Public Works and Park Departments.

Monitoring: Permit Compliance shall ensure compliance during construction.

8. Applicant shall maintain the integrity and appearance of the wall through restoration of damaged or removed pilings. To ensure compliance, prior to issuance of a Coastal Development Permit/Land Use Permit, the applicant shall record an agreement including a financial security subject to P&D and County Counsel approval which specifies agreement with the above condition. In the event bonds are issued by the Isla Vista Geologic Hazard Abatement District which cover the costs of maintenance of the wall, a separate financial security shall not be required.

Monitoring: Permit Compliance shall monitor the condition of the seawall.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-11

9. Prior to issuance of a Coastal Development Permit/Land Use Permit, the applicants shall execute and record a document irrevocably offering to dedicate to the County an easement on each of the project properties for lateral public access and passive recreational use along the shoreline. The area of easement shall include all land area on each project parcel which lies between the toe of the coastal bluff as it exists prior to seawall construction to the mean high tide line. The applicants shall submit a survey by a professional engineer or surveyor legally describing the easement area. Such easements shall be recorded free of prior liens except for tax liens and free of encumbrances which the Planning and Development Department and County Counsel determines may affect the interest being conveyed. The easements may be encumbered as a result of the financing of the proposed project through a Geologic Hazard Abatement District. The offers shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicants or landowners. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording. The document shall provide that the offer of dedication shall not be used or constructed to allow anyone, prior to acceptance of the offers, to interfere with any rights of public access acquired through use which may exist on the property.
10. Prior to issuance of a Coastal Development Permit/Land Use Permit, the applicant shall execute and record a deed restriction for each property, in a form and content acceptable to County Counsel that the permittees understand that a) the site may be subject to extraordinary hazard from shoreline erosion and flood hazard and assume the liability from such hazards, b) that as portions of the wall are removed, those parcels may experience an increased rate of erosion from the endwall erosion on adjoining parcels, c) removal may result in episodic erosion resuming at the toe of the bluff (potentially at an increased rate compared to pre-seawall conditions) and increased instability of the entire bluff face, and d) the permittees unconditionally waive any claim of liability on the part of the County and its advisors relative to the County's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Planning and Development Department determines may affect the interest being conveyed.

Without deed restrictions recorded by each property owner, the Isla Vista Geologic Hazard Abatement District must provide the equivalent of the required deed restrictions described above; or, the seawall shall be removed on a segment-by-segment basis (i.e., Segment 1, Segment 2, Segment 3 or Segment 4) rather than on a parcel-by-parcel basis.

11. Prior to issuance of the Coastal Development Permit/Land Use Permit, the applicants shall submit a written determination from the State Lands Commission that State lands and/or lands subject to the public trust are involved in the development and all permits required by the State Lands Commission have been obtained.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-12

12. A Coastal Development Permit for those portions of the seawall located in the California Coastal Commission's retained permit jurisdiction (those areas requiring a State Lands Permit/Lease) shall be obtained from the California Coastal Commission prior to issuance of the County's Coastal Development Permit/Land Use Permit.
13. The applicant, by accepting the terms and conditions of the permit, agree that issuance of the permit and completion of the authorized development shall not prejudice any subsequent assertion by the County of public rights, e.g., prescriptive rights, public trust, etc.
14. Prior to issuance of the Coastal Development Permit/Land Use Permit, applicant shall provide a copy of the U. S. Corps of Engineers permit, or letter of permission, or evidence that no Corps permit is necessary.
15. Upon completion of the project, applicant shall submit an engineering report by a qualified professional engineer verifying that the seawall has been constructed in conformance with the final approved seawall plan as described in Condition #1.
16. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material.

Monitoring: Permit Compliance shall ensure compliance during construction.

17. Prior to issuance of a Coastal Development Permit/Land Use Permit, applicant shall agree to participate in any community-wide solution to the bluff erosion problem in Isla Vista developed and implemented by the County. Such participation is essential to sound management of coastal resources and to a long-term solution to the impacts of coastal erosion on private property. The applicant agrees to participate in regional solutions to the bluff erosion problem in Isla Vista including any feasible solution that includes, but is not limited to, blufftop drainage improvements, blufftop landscape irrigation improvements, shore protection devices, partial removal or relocation of buildings (consistent with current ordinance requirement) and amendment of the Local Coastal Plan and Coastal Zoning Ordinance to allow for additional land area for relocation of buildings, should these ultimately be selected by the County Board of Supervisors for application to the Isla Vista bluff erosion problems.
18. Compliance with Departmental letters:
 - a. Air Pollution Control District letter dated May 9, 1995.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-13

19. All final conditions of approval shall be printed in their entirety as a cover sheet to the construction plans submitted to the Building and Development Division of the Public Works.

CONDITIONAL USE PERMIT SPECIFIC CONDITIONS

20. This Conditional Use Permit is not valid until a Coastal Development Permit/Land Use Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit/Land Use Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Coastal Development Permit/Land Use Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the Coastal Development Permit/Land Use Permit must be satisfied. Upon issuance of the Coastal Development Permit/Land Use Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
21. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development Permit/Land Use Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit.
22. ~~The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.~~
23. Within 3 years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit/Land Use Permit has been issued.
24. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Coastal Development Permit.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

25. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development Permit/Land Use Permit from Planning

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-14

and Development. The Coastal Development Permit/Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Board of Supervisors. Before a Coastal Development Permit/Land Use Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development.

26. All applicable final conditions of approval, the Board of Supervisors shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
27. Prior to the issuance of the Coastal Development Permit/Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
28. Applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit or execution of the accompanying Settlement Agreement or issuance of follow-up permits. Applicant shall reimburse County for any Court costs and attorneys fees the County may be required by a Court to pay as a result of such claim, action, or proceeding. ~~The parties will cooperate in the~~ defense of County's approval of the project. Applicant shall reimburse County for its expenses for participation in the defense of such claim, action, or proceeding.
29. Owners shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, resulting from any injury to any owner, resident or other party arising from the construction, existence or removal of the project.
30. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-15

31. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to issuance of the Coastal Development Permit/Land Use Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
-
32. The applicant agrees that approval of this conditional use permit is subject to execution of the settlement agreement in *Lorenzen v. County, Santa Barbara Superior Court Case No. 193676* by plaintiffs and the County. This conditional use permit shall be effective only after the settlement agreement has been fully executed by all parties to Santa Barbara Superior Court Case No. 193676.
- III. This permit is issued pursuant to the provisions of Section 35-172.1 of Article II of the Code of Santa Barbara County and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
- a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission or Board of Supervisors, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
 - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.

Del Playa Seawall, 95-CP-019
Board of Supervisors, January 20, 1998
Attachment B: Conditions of Approval
Page B-16

- c. Said time may be extended by the Planning Commission or Board of Supervisors one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

◆◆◆◆◆◆◆◆ End of Attachment B, Conditions of Approval of 95-CP-019.

G:\...lwplcpl5cp019\bos_dec.120

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-1

**ATTACHMENT C:
FINAL REVISIONS TO
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT 96-SD-1**

Approved by the Board of Supervisors on January 20, 1998

INTRODUCTION

This memorandum includes final revisions to Supplemental Environmental Impact Report 96-SD-1 pursuant to the Board of Supervisors action of January 20, 1998 on the proposed Del Playa Seawall. The Final Supplemental EIR, 96-SD-1, which incorporates the following changes, is available for review at the County of Santa Barbara, Planning and Development Department.

REVISIONS TO 96-SD-1

The following revisions to 96-SD-1 are listed by page number and paragraph corresponding to the Proposed Final 96-SD-1.

1. **Executive Summary:** The Executive Summary, last paragraph, should be revised to read as follows:

"For this project, the previous environmental impact report identified significant (Class I) impacts on Geologic Processes (accelerated erosion in the gaps of the seawall) and Recreation (loss of lateral beach access). Based on changes in project design, the impact of accelerated erosion in the gaps of the seawall is considered in this document to be less than significant (Class III). Based on the inclusion of a mitigation measure requiring seawall removal prior to the occurrence of significant impacts on beach width and lateral access, the impact on recreational resources is considered potentially significant but subject to feasible mitigation (Class II). Impacts pertaining to aesthetics and traffic/construction safety are considered to remain significant but subject to feasible mitigation (Class II). Impacts in all other issue areas would remain insignificant (Class III)."

2. **Page 3, 2nd complete paragraph:** This paragraph is revised to read as follows:

Construction of the proposed seawall is estimated by the applicants to require approximately one to two months depending on tidal conditions. Installation of the proposed seawall in its entirety shall be completed during a single construction

Del Playa Seawall, 95-CP-019
 Attachment C: Final revisions to 96-SD-1
 Page C-2

period of not more than 90 days in duration. A one-month extension of the 90-day construction period may be granted by the Director of Planning and Development. Beach access for motorized equipment (backhoe, crane, etc.) would be obtained through the use of El Embarcadero Ramp. Access to the project site would involve driving equipment down the beach at times of low tide.

3. ***Page 10, 1st complete paragraph:*** This paragraph is revised to read as follows:

Seawall removal activities would involve short-term potentially significant effects on the use of the beach for recreation. Necessary heavy equipment operations on the public beach would potentially cause safety hazards to beach users and temporary losses of lateral access across demolition sites. These same short-term effects would occur with construction of the seawall. These impacts are addressed through Mitigation Measure 1.

4. ***Page 10, Mitigation Measure 1:*** This mitigation measure is revised to read as follows:

1. In order to mitigate potential short-term safety hazards and effects on lateral access associated with installation and removal activities, the applicant shall provide an onsite monitor to direct the public around equipment operating on and adjacent to the public beach. **Plan Requirements and Timing:** Prior to the issuance of the Coastal Development Permit, the applicant shall provide a seawall construction and removal plan prepared by a Registered Engineer which presents in detail the methods of removal to be used, including the intended use of heavy equipment, and a typical time frame for installation and removal of specific lengths of seawall. This letter shall outline safety measures, including the schedule for a site monitor, to be utilized during heavy equipment use on the beach and during construction or removal activities at the project site.

Monitoring: Planning and Development shall review and approve the submitted plan. Permit Compliance shall conduct periodic inspections of the work site and respond to complaints.

5. ***Pages 16 through 18, Mitigation Measure 2:*** Mitigation Measure 2 is revised to read as follows:

Mitigation measure 2.

The applicant shall remove any portion of the seawall at which a 25% loss in average lateral beach access time has occurred due to the combined effects of encroachment and the long-term progressive narrowing of beach width due to the presence of the seawall. The loss of 25% of average lateral access time shall be measured by a corresponding loss

in beach width as specified for each seawall segment in the table below. The width of the original beach for purposes of this mitigation measure shall be defined as the distance from the toe of the coastal bluff or seacliff (i.e. the contact point between the bedrock of the steep seacliff and the gently-sloping bedrock terrace) to the Mean Sea Level (0.0) contour on the surface of the bedrock terrace located seaward of the bluff toe. The width shall be measured in a north-south direction. Removal shall occur on a parcel-by-parcel basis (or on a segment-by-segment basis if required by mitigation measure 2g) such that all of the seawall on a parcel shall be removed when the percentage of loss of initial beach width (i.e. beach width as delineated in the initial topographic survey required by mitigation measure 2a below) corresponding to a 25% loss in average lateral beach access occurred on any part of the parcel.

Plan Requirements and Timing:

- a. The applicant shall fund an initial topographic survey performed by a licensed Civil Engineer or Surveyor, to be managed by County staff, which delineates the geographic position of the toe of the bluff and the Mean Sea Level contour on the surface of the bedrock terrace. In addition, the initial survey map shall be augmented with the position of the seawall, surveyed after installation. The results of this initial survey (with the as-built position of the seawall shown) shall be plotted on maps with a scale of 1 inch equals 20 feet.

The required survey maps shall be constructed from a series of north-south trending survey transect lines located every 25 feet along the entire length of each seawall segment. On each north-south trending line, the position and elevation of the following points shall be surveyed and incorporated onto the survey maps:

- 1) a minimum of four points on the bedrock terrace surface in order to identify the geographic position of the Mean Sea Level elevation contour on the bedrock terrace surface,
- 2) the delineation of the position and elevation of the toe of the bluff and
- 3) the delineation of the position and elevation of the seaward edge of the timber seawall measured at the oceanward edge of the foundation of the seawall.

Items 1) and 2) above shall be completed prior to issuance of the Coastal Development Permit/Land Use Permit. Item 3) shall be completed within 60 days of seawall installation. As part of item 3), the applicant shall install brass survey markers every 100 feet on the timber seawall at locations corresponding to transect lines on the initial survey.

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-4

- b. The applicant shall fund periodic topographic surveys which delineate the geographic location of the Mean Sea Level contour on the surface of the bedrock terrace. The results of this survey, and the surveyed location of all seawall segments, shall be plotted on maps with a scale of 1 inch equals 20 feet. The surveys shall be conducted every three years (in the months of March or April) or at earlier intervals of not more than one per year, if substantial seacliff or bedrock terrace (shoreline) retreat occurs or if some project areas are approaching the conditions which would trigger seawall removal as determined by the County (i.e. the Mean Sea Level contour on the bedrock terrace is only a few feet seaward of the geographic position of the MSL contour which would trigger the removal requirement). The results of the periodic surveys shall be provided to Planning and Development prior to May 31 of each year in which surveys are required. The portion of the project area to be covered in each periodic survey shall be determined by the County. These periodic survey maps shall be compared with the initial survey maps specified in a. above to determine the amount of beach width lost in front of all project seawalls.
- c. If it is determined under b. above that the percentage loss of initial beach width corresponding to a 25% loss in average lateral access time, as specified in the table below for each of the four sections, has occurred (i.e. the distance between the oceanward edge of the seawall and the position of the Mean Sea Level contour on the bedrock terrace is reduced from the original width of the beach by the percentage specified in the table below) in some areas of the project, the applicant (~~Isla Vista Geologic Hazard Abatement District~~) or the individual owners of each affected parcel shall remove the section of the seawall which extends across the bluff toe of that parcel(s). Removal shall occur prior to the next winter season (no later than six months after the March/April survey which resulted in the determination that removal is required). Planning and Development shall provide notification that removal of a segment(s) of the seawall is required pursuant to this required mitigation measure no later than 30 days after submittal of the periodic survey results discussed in b. above.

Del Playa Seawall, 95-CP-019
 Attachment C: Final revisions to 96-SD-1
 Page C-5

**Table of beach width losses which
 would require seawall removal**

Seawall Segment #	Loss in Beach Width which would require seawall removal (Values in percent of original beach width as defined in Mitigation Measure 2 and measured in the initial survey under a. above.)	Loss in lateral Access (Values in percent of available lateral access time prior to seawall construction per Everts (2-15-96) report.
1	40	25
2	35	25
3	51	25
4	41	25

- d. Prior to the issuance of the Coastal Development Permit/Land Use Permit, the applicant shall provide to Planning and Development, for review and approval, a seawall removal and trench backfill plan prepared by a Registered Engineer which presents in detail the methods of removal to be used and a typical time frame for removal of specific lengths of seawall and subsequent backfilling of the seawall foundation trench. The trench created through seawall removal shall be backfilled to restore the surface of the bedrock terrace. The material used to backfill the foundation trench shall, as much as possible, be designed to erode under wave action at a similar rate as the surrounding bedrock material. This plan shall identify the material to be used to backfill the trench and any future maintenance that would be required to maintain the backfilled trench (i.e. periodic work needed to prevent the trench backfill material from becoming a depression or protrusion on the surface of the bedrock terrace).

The seawall removal and trench backfill plan shall include a cost estimate for the removal of the entire seawall as a whole (one period of demolition and backfill activities) and a cost estimate for removal of the seawall on a parcel-by-parcel basis (a separate demolition and backfill project for each parcel). The removal plan shall include details on all costs including (but not limited to) labor, trench backfill material, equipment rental, waste disposal, supervision and periodic

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-6

maintenance of the backfilled trench after seawall removal.

- e. The applicant shall post a financial security with the County for the full costs of removal of the seawall (including removal on a parcel-by-parcel basis) prior to the issuance of the Coastal Development Permit/Land Use Permit. This financial security shall be estimated by a Registered Engineer and include an amount sufficient to fund the full cost of complete removal of the entire seawall, including the concrete foundation material proposed to be installed six to seven feet below the surface of the bedrock marine terrace. This financial security shall also include funds for the restoration and the continued maintenance of the surface of the bedrock marine terrace in the area where the six-foot deep foundation trench would be created by the process of seawall removal of the seawall components. The applicant shall also submit a deposit in an amount sufficient to fund County staff time required to assure compliance with this mitigation measure. As this project involves very long-term monitoring, the deposit should be in the form of an endowment fund in the amount of \$25,000 with the interest from this fund available to P&D to fund County staff time. These funds (i.e. the principal) would be held by the County in proportion to the length of the proposed seawall remaining on the beach except for the last remaining \$5,000 of principal and/or accumulated interest. This last \$5,000 would remain on deposit until the last portion of the seawall had been removed (i.e. the entire 2,200-foot long seawall had been removed).
- ~~f. The Plan of Control required by Public Resources Code Section 26509 for the Geologic Hazard Abatement District shall include a plan for removal of the entire seawall, as set forth in Mitigation Measures 2d and 2e above.~~

In the event that bonds are issued by the Geologic Hazard Abatement District to fund the cost of the improvement, the improvement so financed shall include the removal of the entire seawall as set forth in Conditions 3d and 3e above. In the event a district is formed and bonds are issued, a separate surety for removal of the seawall as described in Mitigation Measure 2e shall not be required.

- g. Each property owner involved with the project shall record a Deed Restriction on his/her property that acknowledges and accepts this removal condition as a binding and legal agreement which runs with the land. This Deed Restriction shall also acknowledge and accept as part of the project, any accelerated erosion due to endwall effects resulting from the creation of new seawall ends when a segment of seawall is removed pursuant to this mitigation measure.

Without the deed restrictions recorded by each property owner, the Isla Vista Geologic Hazard Abatement District must provide the equivalent of the required deed restrictions described above; or, the seawall shall be removed on a segment-

by-segment basis (i.e. Segment 1, Segment 2, Segment 3 or Segment 4) rather than on a parcel-by-parcel basis.

Monitoring: P&D staff shall review and approve, the seawall removal and trench backfill plan. P&D staff shall also review and approve the financial assurance estimated by the Registered Engineer and submitted by the applicant. P&D staff shall also verify submittal of the required deposit to fund County staff time required to monitor compliance with project conditions. These financial assurances shall be submitted to, and approved by, P&D prior to the issuance of the Coastal Development Permit/Land Use Permit.

The results of the periodic surveys of the bedrock terrace would be reviewed by County staff to determine if the conditions under which removal is required (see c. above) had occurred. If the MSL contour is at the geographic position where the loss in beach width due to the combined effects of encroachment and the long-term progressive narrowing of beach width due to the presence of the seawall equaled or exceeded the value specified in c. above, the applicant would be notified that seawall removal is required per c. above. Permit Compliance would enforce the removal condition using the posted financial security, if necessary.

Note that the recovery of the 4 feet of beach width behind the seawall upon the removal of the seawall is considered an adequate buffer to mitigate the short-term narrowing beyond the point of significance and avoid a significant impact on the beach width due to episodic retreat which may have occurred between the last two surveys taken at a seawall segment subject to the removal requirement.

6. **Pages 18 through 22:** These pages, beginning after Mitigation Measure 2, are revised to read as follows:

Evaluation of the modified version of applicant-proposed mitigation:

This revised mitigation measure has been written based on the following three concepts:

1. A significant impact on beach width and lateral access would be avoided; (The impact would never reach Class I.)
2. The physical conditions under which seawall removal would be required (i.e. the Threshold of Significance for impacts on recreation) are clearly defined and can be accurately and unambiguously measured; and
3. Adequate financial assurances are posted to assure implementation of removal and to address the impacts on the beach of eventual seawall removal.

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-8

Five reasons are outlined in the previous section which render the applicant-proposed condition inadequate as mitigation under CEQA. The modified condition presented above addresses these five concerns as discussed below.

1. **Mitigation of the Impact:**

The direct impacts of the proposed seawall on recreation would be mitigated with the modified condition. This measure would serve to avoid the occurrence of a significant impact, rather than remedy the impact after it had already occurred. Seawall removal would occur prior to the loss of 25% of the lateral access time that was available at the time of seawall installation. *(Note that the bedrock terrace in the encroachment area would be a bench elevated above the adjoining terrace by as much as a foot at the time of seawall removal. This geometry is due to the prevention of erosion of the bedrock terrace surface behind the seawall. This elevated bench would be useable for recreational purposes including lateral access and is considered to represent recovered beach area. The recovery of the 4 feet of beach width behind the seawall upon the removal of the seawall is considered an adequate buffer to mitigate the short-term narrowing beyond the point of significance and avoid a significant impact on the beach width due to episodic retreat which may have occurred between the last two surveys taken at a seawall segment subject to the removal requirement.)*

The criteria used to measure whether a significant impact had occurred, a reduction in the width of the beach as specified in section c. in Mitigation Measure 2, can be accurately and unambiguously measured. All of the key physical features (i.e. the current and future locations of the Mean Sea Level contour on the bedrock terrace, the location of the 1997 bluff toe, the location of the seawall) involved in the determination of when removal is required are subject only to physical measurement, not to interpretation. With the required financial assurances and binding legal agreements, removal of the seawall can be assured prior to the loss of beach width corresponding to the 25% loss in currently available lateral access considered significant by the decision-makers. Avoidance of a significant impact on recreation can be assured.

The existing Norris Seawall provides a site-specific example of effects on beach width due to a timber seawall. Figure 8 graphs the historic loss in beach width that has occurred at the Norris Seawall since its installation (based on the 1978 and 1995 Penfield and Smith surveyed plans; refer to Figure 7 of this document). The Norris Seawall is representative of the loss that would be expected for segments 3 and 4 because original beach width and the rate of seacliff and bedrock terrace retreat in these proposed seawall segments are similar to that measured in the surveys of the Norris Seawall site. If the Norris Seawall had been subject to the modified removal condition presented in this document, removal would have been required when 41 to 51% of the original beach width was lost an estimated 11.5 to 15 years after installation. If retreat occurs at a higher than

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-9

average rate due to weather, removal of seawall segments 3 and 4 could be required after a shorter time period. Portions of seawall segments 3 and 4 installed in areas with a narrower beach than the Norris site could be required to be removed sooner than the estimated 11.5 to 15 years, based upon the mitigation measure.

In addition to segments 3 and 4, Figure 8 also graphs the projected future loss in beach width for seawall segments 1 and 2 subsequent to their installation. For proposed seawall segment #2, removal would be required an estimated 26 years after installation. For proposed seawall segment #1, it is estimated that removal would be required approximately 58 years after installation. The longer periods of time before removal estimated for segments 1 and 2 are the result of a wider beach and a lower estimated retreat rate at these sites. *(Note that the beach width figures used for segments 1 and 2 are from Everts (2-15-96; Figure C-2) and include beach width associated with the sand overlying the terrace. The beach width measured from the MSL position on the bedrock terrace would be somewhat less than these figures.)* The modified mitigation measure is considered to be feasible to avoid significant impacts on recreation for proposed seawall segments 1 and 2.

Beach area exists below the Mean Sea Level contour and is exposed at low tides. This low tide beach area, however, is of much less value for recreational purposes than beach area above mean sea level because that area is available a small percentage on the time. Areas higher in elevation than MSL have a time availability (i.e. average percent of the time that the elevation contour is above the water line) of 50% to 100% in response to tidal fluctuations. Areas below MSL have a time availability of 0 to 50% in response to tides. Using the probability distribution of ocean tide elevation (Figure C-11 in Everts, 2-15-96), it can be calculated that the average time availability of beach area above MSL is almost five times greater than that of beach area below MSL. Thus, for practical purposes, the beach is the area above Mean Sea Level. Note that the beach width as defined here involves the "winter beach" in which little sand overlies the bedrock terrace (these conditions generally occur for more than half of the year). In terms of project impacts, the loss of beach width begins with encroachment of the seawall on the beach area with the highest elevation and the greatest time availability. As narrowing of the beach progresses with landward retreat of the MSL contour on the bedrock terrace surface (i.e. retreat of the shoreline), the areas with the highest remaining elevation contours on the bedrock terrace surface are lost in succession. Thus, the seawall affects the beach areas which have the greatest time availability first and to a greater degree than the remaining areas of the beach.

The definition of beach width as the distance between the MSL contour on the bedrock terrace and the toe of the bluff is considered appropriate for measuring impacts on recreation (i.e. lateral access). A 25% loss in lateral access, determined to represent a significant impact by the Board of Supervisors, can be related to a percentage loss in beach width as described in section c. of Mitigation Measure 2. Changes in beach width

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-10

can be readily measured in the future.

Note that the loss of percent of lateral access time (as calculated by Everts) occurs at a slower rate than the loss of beach width. This difference is because two different parameters (time and width) are being measured. The definition of lateral access used by Everts involves the time availability of a minimum one-foot wide strip of dry beach but does not address total width of the beach. The Everts model also incorporates seasonal fluctuations in shoreline position due to sand accumulation or depletion. The criteria included in the mitigation measure uses the winter beach and average conditions of beach width from Everts (2-15-96; Table C-2).

2. **Future determination of impact:** CEQA requires a determination of project impacts at the time of decision-making for the proposed project. The modified mitigation measure provides a clearly-defined threshold of significance and a clearly-defined methodology to measure project impacts. The determination of project impacts can occur prior to approval of the project.
3. **Pre-selected time period for action vs. episodic seacliff retreat:** The proposed modified mitigation measure does not involve a pre-selected time period for action. The removal requirement is based on changes in physical conditions on the project site, regardless of when they occur. Note that a 4-foot buffer of beach width (the 4 feet behind the seawall) is incorporated into the project design. This buffer accounts for potential episodes of rapid erosion.
4. **Future removal of the proposed seawall could involve substantial environmental effects:** The future removal of the seawall under the proposed mitigation measure would involve complete removal of all seawall components. Discussed below are the potential effects of complete removal of the seawall.

Complete removal is defined herein as the removal of all components of a segment of the seawall or the entire seawall, including all the concrete and timber material in the six-foot deep foundation trench. Excavation and removal of the concrete and timbers in the foundation trench would require substantial additional excavation of the bedrock terrace which supports the beach. It is anticipated that a 4 to 6-foot wide trench in the bedrock terrace would be created.

If the trench were backfilled with material less resistive to erosion than the surrounding bedrock, the erosion rate of the bedrock terrace near the trench could increase as ocean waves during storms remove some of the backfill and impinge on the sides of the trench. This increased erosion would represent an increase in the rate of bedrock terrace (shoreline) retreat. Segments of the trench where a substantial portion of the backfill material had been removed by erosion could form a public safety hazard on the beach. During winter conditions when little to no sand overlies the bedrock terrace, the trench

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-11

could form a long, non-linear depression on the exposed terrace. The presence of such a 4 to 6-foot wide trench on the public beach could adversely affect recreational use of the beach.

If the trench were filled with material more resistive to erosion, the backfill material required under mitigation measure 2 above would form a protruding obstruction constituting a potential safety hazard to beach users, swimmers and surfers. This situation would be the same as for incomplete removal of the seawall (refer to discussion of incomplete removal in a previous section of this document).

Based on the evidence provided by the applicant, the Board of Supervisors determined that it is feasible to backfill the trench remaining on the bedrock terrace after seawall removal with material which would match the erosion characteristics of the surrounding undisturbed bedrock. The evidence upon which the Board made this determination is contained in letters by Harry P. Fowler of Penfield & Smith (dated June 10, 1996), Mark Sauter of Carter, Inc. (dated June 10, 1996) and David J. Pahler of Coast Seawalls (dated June 7, 1996).

Based on the determination that backfill of the trench with material which matches the erosion rate of the native undisturbed bedrock is feasible, the requirement of a removal plan to address trench maintenance and the provision of a financial security to ensure filling of the trench, long-term impacts of complete removal are considered potentially significant but subject to mitigation (Class II)

In addition, seawall removal activities would involve short-term potentially significant effects on the use of the beach for recreation. Necessary heavy equipment operations on the public beach would potentially cause safety hazards to beach users and temporary losses of lateral access across demolition sites. These impacts are addressed through Mitigation Measure 1.

5. **Certainty of the Impact:** The proposed mitigation measure is designed avoid a significant impact on recreation as a result of a certain project effect on lateral access time (measured in terms of beach width) due to the proposed seawall. Removal of the seawall would be required based on changes in the physical conditions on the project site, regardless of when they occur.

Residual Impact

The modified mitigation measure presented above is considered adequate to assure that a significant impact on recreation would be avoided.

Impacts of the proposed seawall on recreation are considered to be potentially significant but subject to mitigation (Class II).

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-12

7. *Page 23 to Page 29, Consistency of the project with Coastal Land Use Plan policies:*

This section is replaced in its entirety by the discussion of policy consistency included in the Board of Supervisors findings of approval. This discussion is reproduced below.

The project is in conformance with all applicable provisions and policies of the Coastal Land Use Plan, as specifically addressed below.

Coastal Plan Policy 3-1:

Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provisions for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

Consistent: The timber seawall was reviewed and compared to alternative methods of seacliff protection such as concrete or rock rip rap walls, and no other feasible and less environmentally damaging coastal protection structure alternatives appear available at this time. The timber seawall design was deemed the preferable design through a community review process which took place between 1980 and 1984. The seawall design respects natural landforms and is composed of buff-colored timbers which will minimize visual aspects of the project. The project provides for lateral access through a condition requiring dedication of public access easements and contains a removal condition which provides for removal of any segment of seawall prior to any adverse impact to lateral beach access, defined by the Board as a 25% loss in currently available lateral access. The 75% of the currently available lateral access time remaining after seawall removal is determined by the Board of Supervisors to adequately provide for lateral beach access.

Alternatives studied in the environmental documents include: no project, demolition and relocation of endangered structures elsewhere in Isla Vista, removal of endangered structures with partial reconstruction within 75-year bluff setbacks, beach nourishment, and a continuous seawall/french drain. A french drain alone has also been discussed as an alternative to the seawall project.

The no project alternative would remove all impacts but forestall all beneficial impacts as well. The 114 units along Del Playa Drive could possibly be replaced elsewhere within Isla Vista. However, the owners do not currently own these vacant parcels. Phased

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-13

demolition with some reconstruction within bluff setbacks would leave four properties without any buildable area, and many others would be severely constrained without modifying current LCP policies and the Coastal Zoning Ordinance standards. Beach nourishment (through the BEACON program) was also reviewed and found to be infeasible due to the uncertain effectiveness, substantial cost and the need to construct control groins to hold the sand. The french drain alternative is found to be infeasible because it would not stop erosion at the toe of the bluff and therefore, could cause hazards on the beach and to the structures on the top of the bluff due to steepening of the bluff. The french drain in conjunction with modification of Local Coastal Program and Coastal Zone Ordinance standards to allow relocation further from the bluff edge would extend the time before this potential hazard affects the structures. Although the seawall/french drain alternative would provide a more complete method for reducing erosion along Del Playa, the alternative would not reduce impacts to lateral access and visual resources.

Coastal Plan Policy 3-2:

Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

Consistent: The impacts of the proposed project on sand supply are considered to be less than significant in 96-SD-1. Thus, the finding can be made that the project is designed to mitigate adverse impacts on local shoreline sand supply. The project is also designed to be located a maximum of 3.5-4 feet from the base of the bluff and will not be installed across the large natural promontories that currently impede lateral access at high tide. With the offers to dedicate lateral access, the project is consistent with this policy.

The seawall would extend seaward a distance of approximately 3.5-4 feet from the toe of the bluff, consequently resulting in the narrowing of the present beach width. Long-term impacts are expected as the adjacent unprotected bluffs in the area continue to retreat and the seawalls could become more prominent headlands with more frequent wave runup. However, offers to dedicate lateral access easements and the removal condition would assure that those long-term impacts remain less than significant. (A significant impact is determined to be a 25% loss in the currently available average lateral access time.)

Coastal Plan Policy 7-3:

For all new development between the first public road and the ocean, granting of lateral access easements to allow for public access along the shoreline shall be mandatory. In coastal areas where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated...At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall be dedicated

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-14

easement be required to be closer than 10 feet to a residential structure...

Consistent: The project conditions of approval require the dedication of lateral access easements along the entire beach seaward of the base of the bluff prior to issuance of a CDP/LUP as a mitigation measure. The wall itself will impact lateral access, however the removal condition will assure that those impacts will not become significant. Therefore, the conditions of approval of the permit will ensure consistency with this portion of the policy.

In some areas of the project, the existing promontories already block lateral access during periods of high tide. In those cases, since it is not possible to dedicate an easement which will provide for lateral access during high tide, the project is consistent with this portion of the policy.

Public Resources Code Section 30253:

New development shall:

1. *Minimize risks to life an property in areas of high geologic, flood, and fire hazard.*
2. *Ensure 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.*

Consistent: Development of the seawall will decrease the rate of bluff erosion due to wave attack at the toe of the seacliff and will not contribute to the instability of the area. Therefore, the project is consistent with this section of the Coastal Act. The Board found based upon substantial evidence contained in the letters submitted by the applicant from John Carter-General Contractor dated June 10, 1996, from Penfield and Smith dated June 10, 1996, and from Coast Seawalls dated June 7, 1996, that the potentially significant effects of removal of the seawalls could be avoided.

Public Resources Code Section 30251:

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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Consistent: Although the proposed seawall would alter the existing visual character of the seacliff, it would not substantially affect views to and along the ocean. The seawall

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-15

would be visually compatible with the urban character of the surrounding areas given the high level of blufftop development and the existing seawalls on the beach. The alteration of natural landforms would be the minimum necessary to accomplish the project, therefore the project would be consistent with this policy.

Public Resources Code Section 30210:

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.

Consistent: The project provides a public safety benefit through incorporation of the existing public access stairways (to protect them from wave attack) and will provide for a new public access stairway to an existing pocket beach which is inaccessible at high tide. The project is required to dedicate lateral access easements along the entire length of the project. These project components, along with the need to protect the rights of private property owners, allow the project to be found consistent with this policy.

Public Resources Code Section 30211:

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

Consistent: The proposed seawall will intrude seaward into an area of public use and will adversely affect access. Therefore, a removal condition has been included in the conditions of approval for the project which will reduce these impacts to insignificance, based upon the Board of Supervisors' determination that a significant effect will not occur until 25% of currently available lateral access time is lost. Adequate lateral access will be maintained.

Public Resources Code Section 30235:

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...

Consistent: The proposed seawall is intended to protect approximately 114 existing residential units serving approximately 700 student residents. The seawall is designed to

Del Playa Seawall, 95-CP-019
Attachment C: Final revisions to 96-SD-1
Page C-16

allow for the passage of sand and the eroding bluff does not contribute a significant amount of sand to the beach, as determined in the certified EIR. Therefore, the project is consistent with this policy.

Coastal Plan Policy 3-13:

Plans for development shall minimize cut and fill operations. Plans for requiring excessive cutting or filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

Consistent: The design of the seawall is considered to involve the minimal amount of grading required to install a seawall. The alteration of the natural terrain would be in the minimal range for a 2,200 foot long seawall, therefore the project is consistent with this policy.

Coastal Plan Policy 3-14:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of know soils, geologic, flood, erosion, or other hazards shall remain in open space.

Consistent: A seawall, by definition, would be suited to the project site (all seawalls are located at the coast). The alteration of the natural terrain would be in the minimal range for a 2,200 foot long seawall.

8. **Figure 8:** A revised Figure 8 (graph of Beach Width Loss vs. Time) is included in the Final SEIR, 96-SD-1. The slight difference between the Norris Seawall and Seawall segments 3 and 4 shown in the revised graph is due to a 1-foot difference in the amount of encroachment and a 0.1 feet/year difference in seacliff retreat rate.

CALIFORNIA COASTAL COMMISSIONSOUTH CENTRAL COAST AREA
87 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 441-0142APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**EXHIBIT NO. 9**

APPLICATION NO.

A-4-STB-98-104

Isla Vista Seawall

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Surfrider Foundation c/o Environmental Defense Center

906 Garden Street

Santa Barbara, CA 93101

(805) 963-1622

Zip

Area Code

Phone No.

Page 1 of 13

SECTION II. Decision Being Appealed1. Name of local/port
government: County of Santa Barbara2. Brief description of development being
appealed: Del Playa Seawall Project (95-CP-019)3. Development's location (street address, assessor's parcel
no., cross street, etc.): 6567 to 6779 Del Playa Dr., Santa Barbara
(see attached Notification of Appeal Period for APN(s))

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

NS: 4/88

RECEIVED

MAR 31 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: 3/17/98

7. Local government's file number (if any): 95-CP-019; App. #4-STB-98-027

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

- a. Name and mailing address of permit applicant:

Craig Palonen, Pres., GHAD	Kathleen Weinheimer
567 Parra Grande	1020 Calle Mataga
Santa Barbara, CA 93108	Santa Barbara, CA 93109

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See attached list of interested parties.

- (2) _____

- (3) _____

- (4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Kerik Rudona

Signature of Appellant(s) or Authorized Agent

Date 3/30/98

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

APPEAL TO THE CALIFORNIA COASTAL COMMISSION: DEL PLAYA SEAWALL PROJECT (95-CP-019)

This appeal is based upon the following grounds:

1. The proposed development fails to provide adequate physical access to or along the shoreline.
2. The proposed development fails to protect public views from a public beach and recreation area.
3. The proposed development may significantly alter existing natural landforms.
4. The proposed development does not comply with shoreline erosion and geologic setback requirements.
5. The proposed development does not conform to Santa Barbara County's certified local coastal program (LCP).

INTRODUCTION

SURFRIDER FOUNDATION appeals the County of Santa Barbara's approval of a Coastal Development Permit for the proposed Del Playa Seawall Project (95-CP-019) in Isla Vista, Santa Barbara County. Seawalls have proven to be ineffective remedies to bluff erosion in Isla Vista, and have imposed a detrimental effect on the public's ability to access and use the beach. Other alternatives have been proposed that would more effectively reduce the rate of bluff erosion without imposing any impact on beach access. Despite the efforts of the Surfrider Foundation, Isla Vista Recreation and Park District, and other community representatives, many of the property owners refuse to consider long-term effective solutions to bluff erosion in Isla Vista, and instead seek a temporary remedy that will impair public access to the coast.

The proposed seawall would be installed in four segments, covering over 2,200 linear feet of beach, and leaving "gap" areas in front of publicly-owned open space parcels. A similar project was denied by the County in 1992 due to the Class I (significant and unavoidable) impacts on recreation (loss of public lateral beach access) and geologic processes (accelerated erosion in the gaps of the seawall). (See letter from Albert J. McCurdy, County of Santa Barbara, to Leslie Monser and Nigel Buxton, dated August 20, 1992, with attached Final Findings In Support Of Denial Of 90-CP-051, attached hereto as Exhibit "A."¹) At that time, the property owners were directed to pursue environmentally preferable alternatives such as a french drain system.

¹ / The County administrative record, including the Environmental Impact Report and all testimony and documentation submitted in reference thereto, is hereby incorporated by reference. The record contains substantial evidence regarding the potential impacts of the proposed seawall project (in particular, impacts to lateral beach access, gap and downcoast erosion), available alternatives, as well as the ineffectiveness of seawalls in preventing bluff erosion.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 2

Instead, the owners sued the County and ultimately negotiated a settlement which led to the submittal of the current proposal.

The County Planning and Development Department prepared an Environmental Impact Report for the new proposal and determined that once again, adverse impacts to public beach access would be Class I.² As set forth in the attached staff report dated May 16, 1996, the renewed application was determined to still violate County policies and to result in a Class I impact on recreational resources. As in 1992, several alternatives were proposed to address the bluff erosion problem in Isla Vista. (See Exhibit "B.") However, rather than pursue these alternatives (see discussion below), the owners continued to press for approval of the seawall. The Board of Supervisors conditionally approved the project on a 3-2 vote on January 20, 1998, based upon a new condition requiring future removal of the seawall to allegedly avoid significant impacts to beach access. Specifically, the new condition requires the owners to remove the seawall when 25% of average lateral beach access time is lost.

As stated herein, the County's approval of the seawall project violates the California Coastal Act and County of Santa Barbara Local Coastal Program ("LCP") because:

- (1) the seawall project will result in an irreversible loss of beach and beach access;
- (2) the removal mitigation measure adopted by the County is speculative and inadequate to provide adequate lateral beach access;
- (3) other less environmentally damaging alternatives are available to address bluff erosion along Del Playa; and
- (4) construction of the seawall will increase geologic instability in the unprotected "gap" and downcoast areas.

STANDARD OF REVIEW

The standard of review for appeal of a local agency's approval of a CDP is whether the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal Act. (Coastal Act §30603.³)

² / The County found that geologic impacts were reduced from Class I (significant and unavoidable) to Class III (insignificant, not requiring any mitigation) despite the fact that only one out of four "gaps" would be eliminated, thus leaving three gaps and the downcoast bluff exposed to increased erosion impacts. Moreover, the County failed to account for the fact that the new removal condition (requiring removal on a parcel-by-parcel or segment-by-segment basis) will create additional gap areas that will be affected by increased erosion.

³ / Coastal Act citations are located in the California Public Resources Code.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 3

GROUNDS FOR APPEAL

The grounds set forth herein are based upon Coastal Act §30603 and the Coastal Commission appeal form.

1. **THE PROPOSED DEVELOPMENT FAILS TO PROVIDE ADEQUATE PHYSICAL ACCESS TO OR ALONG THE SHORELINE.**

A paramount goal of the California Coastal Act is to preserve public beach access. As stated in Section 30210, the Coastal Act is intended to carry out the constitutional right of maximum public access and recreational opportunities.⁴ In addition, Section 30211 protects historic public access by providing that "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." Other Coastal Act provisions require the inclusion of vertical and lateral beach access dedications in new coastal development projects.⁵

It is undisputed that construction of the Del Playa Seawall will result in the irreversible loss of the beach and related shoreline public access. Both the 1992 and 1996 EIR's confirm this fact. The County attempted to mitigate this impact by requiring removal of the seawall, ostensibly before the impact becomes "significant and unavoidable" under CEQA. However, this mitigation measure is inadequate to protect public beach access as required by the Coastal Act and County LCP.

First, the parameter utilized in the EIR for determining residual beach access is based upon a one-foot wide path on the beach. One foot is not adequate to provide beach access and recreational opportunities such as sunbathing, reading, drawing, picnicking, playing frisbee and other beach sports.

Second, for some segments of the seawall, a 25% loss in existing beach access time will restrict the public's use of a one-foot wide section of the beach to an average of only three hours per day (meaning that oftentimes the beach will be accessible less than three hours per day). Three hours of beach access per day is woefully inadequate for a public beach that serves over 20,000 immediate residents.

Third, removal of the seawall is at best speculative and at worst, infeasible. In either case, the County cannot rely on removal as a meaningful mitigation measure for the loss of public access.

⁴ / "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."

⁵ / See Coastal Act Section 30212.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 4

Given that the seacliff will continue to erode, even with the construction of a seawall, it is highly unlikely that the property owners will agree to remove the seawall in the future. Instead, they will most likely return to the County and request a waiver or extension of this requirement.

According to the evidence before the County, the Isla Vista bluff erodes primarily from surface and subsurface factors. The County's 1992 Findings (attached hereto as Exhibit "A") state that "At least 50% of the erosion in the Isla Vista bluffs area can be attributed to erosion factors other than direct wave attack at the cliff base. The other erosion factors include salt spray from waves, rainwater and surface drainage water, and groundwater seepage (spring sapping)." Subsequent to that determination, Dr. Robert Norris, a retired UCSB geology professor who has studied the Isla Vista bluff for approximately thirty years, submitted evidence to the County that actually ~~75-~~ 80% of the bluff erosion along Del Playa occurs as result of non-marine processes. (See attached Exhibit "C".) Therefore, even with the construction of the seawall, the bluff will continue to retreat. If the property owners believe that they need a seawall *now*, it is highly unlikely that they will agree to remove the seawall after *further* erosion occurs.

According to the County's analysis, removal of the western portion of the seawall will be required after 10 years. (See attached Exhibit "D.") From a political and practical perspective, it is highly infeasible that the owners will remove the seawall after 10 years of continued bluff retreat and further exposure of risk to the blufftop structures. It is much more likely that the owners will return to the County for relief from this condition.

Neither is there any evidence in the record that removal of the seawall is physically or technologically feasible. According to the County's permit, the seawall will not be removed until an average of one foot of beach is accessible a few hours of day. There is no evidence in the record that the applicants will be able to bring the necessary equipment onto the beach to remove the wall. In fact, the applicant's own Draft Removal Plan relies upon a six-hour work day on the beach to remove the wall.

Furthermore, removal of the seawall requires backfilling a 2,200 foot long, seven-foot deep trench on the beach. As stated in the County's analysis, backfilling the trench will result in an adverse impact to the beach because there is no evidence that the backfill material will match the erodibility of the existing beach bedrock. Instead, the evidence demonstrates that the backfill material will either be less erodible than the current beach bedrock and thus will form dangerous promontories, or the material will be more erodible than the current beach bedrock and will form depressions in the beach. (See County staff report dated January 9, 1998.) Accordingly, the mitigation measure itself is flawed because it will result in an adverse significant environmental effect and render beach access unsafe.

Most importantly, the County Board of Supervisors has not considered or approved a final seawall removal plan, and NO evidence was submitted to the County that demonstrated the feasibility of removing the seawall. According to the testimony presented to the County, none of the applicants' consultants has ever removed a seawall! In sum, there is no evidence that the

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 5

seawall will be removed, thereby mitigating the loss of public beach access. The result will be a permanent loss of beach width and access.

Even if the seawall is ultimately removed, the previous loss of beach width and sand supply will result in an irreversible loss of physical shoreline access. As stated above, the County's seawall removal plan will limit access to large portions of the Isla Vista Beach to less than three hours per day. Such a plan does not provide "adequate physical access to or along the shoreline" as required by the Coastal Act.

2. THE PROPOSED SEAWALL DEVELOPMENT FAILS TO PROTECT PUBLIC VIEWS FROM A PUBLIC BEACH AND RECREATION AREA.

Coastal Act Section 30251 provides that: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...."

The proposed seawall project would replace a natural bluff face with an artificial seven-foot high timber seawall, thus destroying the natural coastal scenery of the public beach area. Most people go to the beach to enjoy the natural beauty of the shoreline. Constructing a non-natural structure along 2,200 feet of the beach will interfere with public views from a heavily used public beach and recreation area.

3. THE PROPOSED SEAWALL DEVELOPMENT MAY SIGNIFICANTLY ALTER EXISTING NATURAL LANDFORMS.

The proposed seawall will alter the existing natural bluff landform in Isla Vista. The seawall will increase bluff erosion in gap and downcoast areas. In addition, the removal plan will alter the natural composition of the beach itself.

4. THE PROPOSED SEAWALL DEVELOPMENT DOES NOT COMPLY WITH SHORELINE EROSION AND GEOLOGIC SETBACK REQUIREMENTS.

The seawall will increase the geologic instability of adjacent unprotected properties by increasing shoreline erosion in gap and downcoast areas. The construction of the seawall also perpetuates the life of bluff-top structures that do not conform to the County's geologic setback requirements. The County's current Coastal Zoning Ordinance (CZO) requires a minimum 75-year setback, with possible adjustment to a 50-year setback. The properties included in the seawall project contain structures that violate this setback requirement.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 6

5. THE PROPOSED SEAWALL DEVELOPMENT DOES NOT CONFORM TO SANTA BARBARA COUNTY'S CERTIFIED LCP.

The proposed seawall project violates many land use policies and zoning ordinance requirements contained in the County's LCP. These provisions deal with protection of lateral beach access; requirement for less environmentally damaging alternatives; protection of shoreline sand supply and geologic stability; and requirements for approval of conditional use permits in the coastal zone.

a. Lateral Beach Access

Santa Barbara County LCP Policies 3-1, 3-2, and 7-3 all require protection of adequate public beach access.

LCP Policy 3-1 provides that: "Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials."

LCP Policy 3-2 states that: "Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access."

LCP Policy 7-3 states that: "For all new development between the first public road and the ocean, granting of lateral easements to allow the public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County, based on findings reflecting historic use, existing and future public recreational needs, and coastal resource protection. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval." (Emphasis added.)

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 7

As noted above, the proposed seawall project will eliminate all beach access except a one-foot wide path an average of three hours per day. This situation will result in the beach being inaccessible most of the time, especially during the winter and periods of high tide.

b. Less Environmentally Damaging Alternatives

Santa Barbara County LCP Policy 3-1 provides that:

"Seawalls shall not be permitted unless the County has determine that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials." (Emphasis added.)

In this case, several alternatives have been suggested that would reduce bluff erosion without creating any adverse environmental effects. As far back as 1978 the applicant's own consultant, Penfield & Smith, recommended constructing a french drain system to divert surface and subsurface drainage away from the bluff. According to expert testimony, this measure would stop up to 80% of the bluff erosion in Isla Vista.

Previous and current EIR's for the proposed Del Playa Seawall Project evaluated various alternatives, including:

1. French drain
2. Beach replenishment
3. Construction of groins to trap beach sand
4. Formation of a Redevelopment Agency to buy existing blufftop properties and relocate housing units inland
5. Phased demolition of cliff top structures and reconstruction elsewhere in Isla Vista
6. Demolition of buildings as they become uninhabitable and some reconstruction of units along Del Playa with a 75-year setback (according to the EIR, all but four properties would have adequate buildable areas with a 75-year setback; County policies also allow an optional 50-year setback if a 75-year setback is infeasible)
7. A continuous seawall without gaps.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 8

Additional alternatives that have been suggested to the County include:

8. Other surface drainage improvements (e.g. directing drainage away from the bluff)
9. Requiring landscaping that minimizes irrigation and enhances bluff erosion control
10. Jute netting on the side of the bluff
11. Caissons to support structures close to the edge of the cliff.

All of these alternatives would reduce project impacts, and all except #7 would avoid impacts to beach access. Some owners have already implemented several of these measures, including: remodeling buildings to increase bluff setback, redirecting surface drainage, removing vegetation that exacerbates bluff "sloughing," landscaping with plants that do not require irrigation and that have a root system that enhances the stability of the bluff, applying jute netting on the bluff, and constructing caissons to support buildings that are close to the bluff edge.

A recent article from the Santa Barbara News-Press, dated March 26, 1998, confirmed that alternatives such as remodeling buildings to accommodate a bluff setback and installing improved drainage systems are effective and available solutions to address the Isla Vista bluff erosion problem. The News-Press article described the County's efforts to condemn certain Del Playa blufftop structures because the recent storms caused substantial erosion of the bluffs and now jeopardize the safety of the buildings. The newspaper article points out that the affected property owners had already obtained permits to "slice off" 15 feet from the seaward end of one of the buildings. As stated by owner Ron Gelb, by spending now to cut off the endangered part of a building, and properly draining the land to reduce future erosion, "it'll be good for another 20 years." Thus, the improvements achieved by remodeling the building and improving drainage on the property will last longer than the proposed seawall. (See article attached hereto as Exhibit "E." Note that the photograph in the article also shows that the buildings are in danger despite the existence of a seawall on the beach below.)

Clearly, the County has an obligation pursuant to LCP Policy 3-1 to select an environmentally less damaging alternative(s) that provides for adequate lateral beach access.

c. Shoreline Sand Supply

Santa Barbara County LCP Policy 3-2 states that: "Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access." (See also Coastal Act §30235.)

The proposed seawall will negatively impact local shoreline sand supply by increasing scour and interfering with the littoral drift along Isla Vista. As the beach becomes narrower and steeper, these impacts will only increase.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 9

d. Geologic Stability

Santa Barbara County LCP Policy 3-14 provides that "All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible..." (See also Coastal Act Section 30253.)

The proposed seawall project will erode the existing beach, resulting in a loss of at least 50% of beach width, and will cause increased erosion on adjacent (gap and downcoast) unprotected properties. In addition, backfilling the seawall trench will adversely affect the existing topography, soils and geology of the Isla Vista Beach.

e. CUP Findings

Pursuant to CZO Section 35-172.8, a Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The Isla Vista beach is not adequate in size, shape, location or physical characteristics to accommodate the proposed seawall project. The seawall will cause the beach to erode to the point that it will become virtually inaccessible.

2. That adverse environmental impacts are mitigated to the maximum extent feasible.

As stated above, other measures and alternatives are available that would mitigate (in many cases, completely avoid) the project's adverse environmental impacts. Some property owners are already making use of such alternatives to extend the life expectancy of their buildings.

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

By reducing beach availability, the project will be detrimental to the health, safety, comfort, convenience and welfare of the Isla Vista community by eliminating a critical public recreational resource.

6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.

As stated above, the project is not in conformance with several LCP policies and provisions.

Appeal from Coastal Permit Decision: Del Playa Seawall
Attachment 1, page 10

7. That the project will not conflict with any easements required for public access through, or public use of the property.

Finally, the project will conflict with historic public beach access easements. The project would result in a significant loss of beach accessibility. Much, if not all, of the project site exists on public tidelands; hence, the loss of the beach and coastal access also violates the Public Trust Doctrine.

EXHIBIT NO. 10

APPLICATION NO.

A-4-STB-98-104

Isla Vista Seawall

COUNTY OF SANTA BARBARA

Planning and Development Memorandum

To: Mark Capelli
California Coastal Commission

From: Brian R. Baca *B.R. Baca*
County of Santa Barbara P&D

Date: June 29, 1998

Re: Del Playa Seawall, 95-CP-019: Clarification of seawall removal condition.

Provided below is the information you requested to clarify the seawall removal condition included in the Conditional Use Permit (95-CP-019) for the Del Playa Seawall. The table presented below is intended to augment the table presented on page 11 of the 6-24-98 staff report to the Coastal Commission.

**Table of Beach Width and Lateral Access Time Losses
at the time of Seawall Removal required under 95-CP-019**

Seawall Segment #	Existing Beach Width	Loss in Beach Width		Existing Lateral Access time	Loss in Lateral Access time		Estimated time to seawall removal
	(feet)	(%)	(feet)	(min/day)	(%)	(min/day)	(years)
1	136	40	54	1328	25	332	61
2	75	35	26	1108	25	277	27
3	43	51	22	940	25	235	15.0
4	43	41	18	624	25	156	11.3

Notes:

1. The figures listed above for existing lateral access time at each seawall segment refer to the average number of minutes per day in which the width of the dry sand beach exceeds one (1) foot. The one-foot beach width was chosen as the point of transition between lateral access being available and lateral access being unavailable in any particular tidal cycle as part of the technical analysis included in Supplemental EIR 96-SD-1. Either under current conditions or after the required removal, average beach width during the periods in which lateral access is available would substantially exceed one foot. For example, beach width would range from 1 to 43 feet in the segment 3 area during the 940 minutes per day that lateral access is available under current conditions.
2. Beach width is defined as the distance from the toe of the coastal bluff (or the base of the seawall after installation) to the mean sea level contour on the gently-sloping bedrock terrace.

CALIFORNIA COASTAL COMMISSION

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



EXHIBIT NO. 11

APPLICATION NO.

A-4-STB-98-104

Isla Vista Seawall

July 28, 1998

Page 1 of 5

Charles Delle Donne
 Acting President, Isla Vista Geologic Hazard Abatement District
 4157 Nogales Drive
 Tarzana, California 91356

Dear Mr. Donne:

Re: Appeal A-4-STB-98-104 (Isla Vista Geologic Hazard Abatement District)

Attached is the Commission Notification of Final Appeal Action on the above matter. As noted in the Notification, the Commission found the appeal of the Isla Vista seawall raised substantial issue with respect to the grounds on which the appeal has been filed (i.e., inconsistency with the applicable public access and resource protection policies and related zoning standards of the County of Santa Barbara's certified Local Coastal Program as well as the access policies of the California Coastal Act).

The Commission did not take any action on the merits of the project itself but has deferred a *de novo* public hearing on the matter for a future Commission meeting.

The Commission's substantial issue determination applies only to that portion of the seawall which is landward of the mean high-tide line and seaward of the first public road paralleling the sea (Del Playa Drive), which is therefore within the County of Santa Barbara's original permit jurisdiction and the Commission's appeal jurisdiction. As a result, the Commission's action on appeal affects only small portions of the proposed seawall at the east and west ends, and in intervening sections which would be built through small rock outcrop or promontories (totaling approximately 100 feet of the 2,200 foot seawall). The remaining portions of the proposed seawall are within the Commission's original permit jurisdiction and will require a Coastal Development Permit from the Commission.

Because a majority of the proposed seawall would be within the Commission's area of retained original permit jurisdiction and because the proposed seawall is not practically segregable for the purpose of analyzing the project's impacts and consistency with the County's Local Coastal Program and the access and resource protection policies of the Coastal Act, the applicant (Isla Vista Geologic Hazard Abatement District) should submit

Appeal A-4-STB-98-104

Page 2

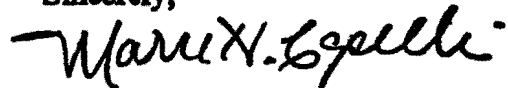
an application for a Coastal Development Permit for the proposed Isla Vista seawall directly to the Commission.

The Commission will defer the *de novo* public hearing on the matter to allow the applicant to submit a Coastal Development Permit application, so that the hearing on the permit application and the *de novo* public hearing on appeal may be conducted at the same public meeting. However, you are urged to submit your application at your earliest possible convenience to ensure a timely resolution of the matter.

Enclosed for your use is a copy of the Commission's Coastal Development Permit Application form. Please note that where the applicant is not the fee owner of the property on which the development is to be located, it must demonstrate a legal right, interest, or entitlement to use the property for the proposed development, notify the owners of the affected property in writing of the permit application, and invite them to join as co-applicant (14 C.C. R. Section 30601.5)

If you should have any questions regarding this matter, please feel free to contact me at the above number.

Sincerely,



Mark H. Capelli

Coastal Program Analyst

MHC/
enclosure

CALIFORNIA COASTAL COMMISSION

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

Date July 23, 1998Commission Appeal # A-4-STB-98-104**COMMISSION NOTIFICATION OF FINAL APPEAL ACTION**

TO: Interested Parties

FROM: Mark H. Capelli

RE: Appeal of Local Permit # 95-CP-019 to the California Coastal Commission.Name of Applicant Isla Vista Geologic Hazard Abatement District

Project Description,
 Location Construction of a 2,200 foot seawall along the Isla Vista bluffs, 6567-
6779 Del Playa Drive, Isla Vista, Santa Barbara County

Local Decision Approve with conditions

Please be advised that the California Coastal Commission, on July 7, 1998
 and by a vote of 9 to 0, took the following final action on this
 appeal:

- a. substantial issue
- b. approval
- c. approval with conditions
- d. denial

Any terms and conditions of the local decision remain unchanged where the Commission vote is "no substantial issue". Where the Commission vote is for "approval" or "approval with conditions", terms and conditions of a local approval decision, unless specifically deleted, are still effective. The approval may also include modified or Commission-imposed conditions; if so, they are attached.

Please contact us if you have any questions.

CALIFORNIA COASTAL COMMISSION

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



October 15, 1998

Craig Palonen, President
Isla Vista Geological Hazard Abatement District
567 Parra Grande Lane
Montecito, CA 93108

Dear Mr. Palonen:

RE: Appeal A-4-STB-98-104 (Isla Vista Geologic Hazard Abatement District)

Attached is a copy of a letter we sent to Charles Delle Donne, past Acting President of the Isla Vista Geological Hazard Abatement District.

I am transmitting this to you in the event you have not received a copy from Mr. Donne.

If you should have any questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mark H. Capelli".

Mark H. Capelli
Coastal Program Analyst

MHC/

Attachment

CALIFORNIA COASTAL COMMISSION

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



December 8, 1998

Sherman Stacey
Attorney at Law
21700 Oxnard Street, Suite 1750
Woodland Hills, CA 91367

Dear Sherman—

This letter follows up my telephone message earlier today. Enclosed are copies of the two letters we have written to the past and current president of the Isla Vista Geologic Hazard Abatement District regarding the status of the proposed I.V. Seawall appeal and application.

We have indicated that we have deferred the de novo hearing on the appealable portion of the project (which comprise only about 10% of the total project) to allow the applicant to submit a Coastal Development Permit application on the remaining portion of the project which falls within the Commission's retained original permit jurisdiction. To date, however, we have not received any response to our two letters and do not know what the intentions of the applicants (Isla Vista Geologic Hazard Abatement District) may be.

As the representative of the applicants could you advise the Commission when or if the Isla Vista Geologic Hazard Abatement District intends to submit an application to the Commission for that portion of the project which falls within the Commission's retained original permit jurisdiction.

The Commission staff wishes to schedule the item for a Commission hearing as soon as practicable to resolve this matter.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Mark H. Capelli".

Mark H. Capelli
Coastal Program Analyst

MHC/

Cc: Craig Palonen, President, Isla Vista Hazard Abatement District