Fr 6d

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

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

RECORD PACKET COPY

Filed:	9/22/00
49th Day:	11/10/00
180th Day:	3/21/01
Staff:	S. Hudson
Staff Report:	9/28/00
Hearing Date:	10/13/00
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-193

APPLICANT: Santa Barbara County Department of Parks and Recreation

AGENTS: Moffatt & Nichol Engineers

PROJECT LOCATION: Goleta Beach County Park, Goleta; Santa Barbara County.

PROJECT DESCRIPTION: Construction of a 1,150 ft. long, 8 ft. high, sand berm involving 14,000 cu. yds. of grading (7,000 cu. yds. of excavation and 7,000 cu. yds. of fill). The project will include maintenance of the berm until its partial removal prior to Memorial Day 2001.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical and Engineering Analysis by Moffatt Nichol Engineers dated 9/18/00; Biological Analysis by Chambers Group dated 9/18/00.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with five (5) special conditions regarding project monitoring and responsibilities, removal of existing revetment, required approvals, evaluation of long-term solutions and alternatives, and assumption of risk.

The proposed project is for the construction of a 1,150 ft. long, 8 ft. high, sand berm at Goleta Beach County Park. An existing approximately 1,000 ft. long rock revetment is currently located on the subject site. Coastal Development Permit 4-00-118, which has been previously approved by the Commission, requires that the existing revetment on site be removed by November 30, 2000. The proposed sand berm is intended to protect the improved areas of Goleta Beach County Park from erosion by wave action after removal of the existing rock revetment.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-193 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

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

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Project Monitoring and Responsibilities

Prior to commencement of development, the applicant shall retain the services of an environmental resource specialist with appropriate qualifications acceptable to the Executive Director. The resource specialist shall be present on site to monitor all berm construction, demolition, and sand transportation activity. All berm construction, demolition, and sand transportation activity shall be carried out consistent with the following:

(a) no stockpiling of dirt or construction materials shall occur on the beach seaward of the proposed berm location;

(b) any and all debris that results from the construction period shall be immediately removed from the sandy beach;

(c) in the event that construction of a temporary berm across the mouth of Goleta Slough is necessary for transportation of sand from the donor site to the receiver site, then such berm shall not remain for a period of longer than 5 days. If sand transportation activities continue for longer than a 5-day period, then the temporary berm shall be removed at the end of construction activity each day. Upon completion of all sand transportation activity, the temporary berm shall be removed in its entirety and the mouth of Goleta Slough restored to its pre-construction condition;

(d) in the event that construction and/or berm removal activity will occur during the seasonally predicted run period and egg incubation period for California grunion as identified by the California Department of Fish and Game, then the environmental resource specialist shall be present on the project site each night, for the entire night, from one night before the beginning of each seasonally predicted grunion run until one night after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no berm construction/removal activities shall be allowed until after the next predicted grunion run in which no adult grunion have been observed on the project site beach unless otherwise approved by the Executive Director. The environmental resource specialist will immediately notify the Executive Director after each run during the construction/removal period whether adult grunion were found to be present.

The monitor shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to the beach, slough, or marine environment on site beyond the scope of work allowed for by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program shall be processed as an amendment to this coastal development permit.

2. Removal of Existing Revetment

The applicant shall remove the existing rock revetment located on the subject prior to construction of the sand berm, but no later than November 30, 2000, unless additional time is granted by the Executive Director for good cause.

3. Required Approvals

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for construction of the proposed sand berm (including the California Department of Fish and Game, California State Lands Commission, and the U.S. Army Corps of Engineers).

4. Evaluation of Long-Term Solutions and Alternatives

If the applicant proposes to expand or restore the approved berm, or construct a new berm, after Memorial Day 2001, then the applicant shall submit as part of any application to the Commission for such development a detailed evaluation of the feasibility of all long-term solutions and potential alternatives to the proposed project (including importation of donor sand material from an offsite inland source and coordination with the Santa Barbara County Flood Control District in order to utilize sand material from local dredging projects for construction of the berm).

5. Assumption of Risk, Waiver of Liability and Indemnity Agreement

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The proposed project is for the construction of a 1,150 ft. long, 8 ft. high, sand berm involving 14,000 cu. yds. of grading (7,000 cu. yds. of excavation and 7,000 cu. yds. of fill). The project will also include maintenance of the berm until its partial removal prior to Memorial Day 2001. The sand berm will be constructed on the back portion of the sandy beach immediately seaward of the existing lawn, picnic area, and parking lot areas on site as shown on Exhibit 2. The donor site for the 7,000 cu. yds. of sand material to be excavated is located approximately 1,200 ft. downcoast of the proposed berm site near the mouth of Goleta Slough. Sand at the donor site would be excavated to a depth of approximately 1 ft. over an approximately 200,000 sq. ft. area.

Periodic maintenance of the berm will involve pushing sand from the beach immediately seaward of the berm back onto the berm with bulldozers. The County does not anticipate that sufficient damage will occur that would completely destroy the berm or necessitate complete reconstruction. However, in the event that extensive damage to the berm were to occur and insufficient quantities of sand were present at the beach immediately seaward of the berm, then more sand would be obtained from the original donor site. Partial removal of the berm would occur prior to Memorial Day 2001 and would involve lowering the crest elevation of the berm to the same elevation as the lawn and parking lot areas on site. The remaining portion of the berm would be recontoured, if necessary, to gently slope seaward to create a ramped surface for improved access between the beach and the improved portions of the park.

The project site is located at Goleta Beach County Park (Exhibit 1). Public access is available along the entire approximately 4/5 mile length of the park that is contiguous to the beach. All portions of the park located landward of the sandy beach are located on top of a clay-rich fill base placed after World War II by the federal government. Prior to placement of the fill after World War II, the subject site was a sandspit extending across the mouth of Goleta Slough subject to wave action and periodic erosion. Existing development on site consists of a restaurant, public restrooms, parking lots, lawn area, and picnic facilities. In recent years, and most notably during the 1999 winter storm season, erosion of the clay-rich fill underlying the park due to wave action has occurred forming a steep slope (or drop-off) approximately 4-5 ft. in height between the improved areas on site and the sandy beach.

The project site has been subject to past Commission action. An existing approximately 1,000 ft. long rock revetment is currently located on site. The revetment was constructed by Santa Barbara County Department of Parks and Recreation in February 2000 as an emergency measure to prevent further erosion of the improved areas of the park pursuant to Emergency Permit 00-EMP-002 issued by the County.

This action was appealed by two members of the Commission. Prior to the Commission's determination of whether substantial issue was raised by the appeal, the County submitted Coastal Development Permit (CDP) Application 4-00-118 for removal of the previously constructed rock revetment. CDP 4-00-118 was approved by the Commission on June 13, 2000, subject to a special condition requiring that the rock revetment be removed prior to August 31, 2000. Pursuant to a request by Santa Barbara County Department of Parks and Recreation, the time allowed to remove the rock revetment was extended by the Executive Director until November 30, 2000, in order to allow the County to avoid interference with the August grunion spawning cycle and to secure the necessary permits from other State and Federal agencies.

B. Hazards and Shoreline Processes

Section **30235** of the Coastal Act states:

> ***Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.***

Finally, Section **30253** of the Coastal Act states in part that new development shall:

> ***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
>
> ***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

Section 30235 of the Coastal Act allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. In addition, Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property.

The proposed project is for the construction of a 1,150 ft. long, 8 ft. high, sand berm involving 14,000 cu. yds. of grading (7,000 cu. yds. of excavation and 7,000 cu. yds. of fill). The project will also include maintenance of the berm until its partial removal prior to Memorial Day 2001. The sand berm will be constructed on the back portion of the sandy beach immediately seaward of the existing lawn, picnic area, and parking lot areas on site. The donor site for the 7,000 cu. yds. of sand material to be excavated is located approximately 1,200 ft. downcoast of the proposed berm site near the mouth of

Goleta Slough. Sand at the donor site would be excavated to a depth of approximately 1 ft. over an approximately 200,000 sq. ft. area.

All portions of the project site located landward of the sandy beach are located on top of a clay-rich fill base placed after World War II by the federal government. Prior to placement of the fill, the subject site was a sandspit extending across the mouth of Goleta Slough subject to wave action and periodic erosion. In recent years, and most notably during the 1999 winter storm season, erosion of the clay-rich fill underlying the park due to wave action has occurred forming a steep slope (or drop-off) approximately 4-5 ft. in height between the improved areas on site (the portion of the site constructed on fill) and the sandy beach. An existing rock revetment is currently located in the same approximate footprint as the proposed sand berm. The County is proposing, pursuant to the Commission's previous approval of Coastal Development Permit 4-00-118, to remove the existing rock revetment by November 30, 2000. The proposed sand berm will be located in the same general footprint as the existing rock revetment to be removed. The purpose of the sand berm is to protect the improved areas of the park from erosion by wave action after removal of the existing rock revetment. The Geotechnical and Engineering Analysis by Moffatt Nichol Engineers dated 9/18/00 states:

> ***The County is removing the temporary protective revetment in November of this year, which will leave existing County Beach Park facilities (parking lot, grass area, restroom building and picnic area) protected by only a very narrow beach that becomes narrower, or non-existent in winter. In our judgement, the existing beach will not provide sufficient protection to the Park, especially considering the damage that occurred in early 2000 after a mild winter. The Park will likely experience more extensive damage without some form of protection in place. A sand dike is proposed to provide the added protection without creating the potential impacts of a hard structure.***

The applicant's geotechnical engineering consultant has indicated that the proposed project will serve to increase the stability of the improved areas of the park where the sand berm will be located and will not result in any adverse effects to the proposed donor site (where the 7,000 cu. yds. of donor material will be excavated from) or other downcoast areas from increased erosion. The Geotechnical and Engineering Analysis by Moffatt Nichol Engineers dated 9/18/00 states:

> ***Impacts to the sand donor site will be minimal, short-term, and imperceptible over time. Impacts will consist of a temporary lowering of the surface elevation of the spit by one to two feet from its existing elevation of approximately eight feet above National Geodetic Vertical Datum (near Mean Sea Level)...No long-term changes are expected because sand from upcoast will be delivered to the spit over time and replace sand removed for the project....The project will not cause increased erosion to the donor beach or adjacent beaches. It will also not cause increased breaching of the entrance to Goleta Slough...Finally, the project will have no effect on the bluffs downcoast of the site due to the insignificant changes to the donor beach that will occur.***

The Commission notes that interference by shoreline protective devices, such as the existing rock revetment on site, may result in a number of adverse effects on the dynamic shoreline system including increased scour and erosion of the sandy beach directly seaward of the device as a result of reflected wave energy, as well as increased scour and erosion both upcoast and downcoast of the device from end effects (refracted wave energy). Changes in the shoreline profile from increased erosion and scour reduce the usable area of the sandy beach available for public use. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. (effectively reducing the actual area of beach able to be utilized by beach users and members of the public). In addition, erosion is expected to occur at an increased rate over time as the device is acted upon by wave action more frequently as result of changes in the shoreline profile and the corresponding reduction in beach width.

As such, the Commission notes that removal of the existing rock revetment, as previously required by Special Condition One (1) of Coastal Development Permit 4-00-118, will serve to minimize adverse effects to shoreline sand supply and coastal processes. In addition, the Commission also notes that although the County is already required to remove the existing bulkhead by November 30, 2000 (pursuant to Special Condition One of CDP 4-00-118) removal of the existing rock revetment, which is generally located in the same footprint as the proposed sand berm, is inherently related to the proposed project. Therefore, in order to ensure compliance with the requirements of previously issued CDP 4-00-118, as well as to ensure that the proposed project will serve to minimize adverse effects to coastal processes, shoreline sand supply, and public access, Special Condition Two (2) requires the applicant to remove the existing rock revetment located on the subject site prior to the construction of the sand berm, but no later than November 30, 2000, unless additional time is granted by the Executive Director for good cause.

In addition, the Commission notes, based on the information submitted by Santa Barbara County Department of Parks and Recreation, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from wave action during the winter storm season. As discussed above, Goleta Beach County Park has previously been subject to substantial damage as the result of storm and flood occurrences--most recently, and perhaps most dramatically, during the 1999 winter storm season. As such, the Commission notes that evidence exists that the project site is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

The Commission further notes that although the proposed project will increase the stability of the developed portions of the subject site in relation to wave-caused erosion, there remains some inherent risk to development on such sites. The Coastal Act recognizes that certain types of development, such as the proposed project to protect existing park facilities from storm waves, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk

acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of liquefaction, storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Five (5) requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

In addition, the Commission also notes that the proposed project will involve approximately 14,000 cu. yds. of grading and the use of construction equipment on the sandy beach. As such, the Commission further notes that the proposed project will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately/unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse effects to the marine environment are minimized, Special Condition one (1), requires the applicant to ensure that no stockpiling of dirt or construction materials shall occur on the beach seaward of the proposed berm location and the any and all debris that results from the construction period shall be immediately removed from the sandy beach.

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

C. Environmentally Sensitive Habitat and Marine Resources

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

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

Section **30231** of the Coastal Act states that:

> ***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms***

and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges- and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes.

The proposed project is for the construction of a 1,150 ft. long, 8 ft. high, sand berm involving 14,000 cu. yds. of grading (7,000 cu. yds. of excavation and 7,000 cu. yds. of fill). The project will also include maintenance of the berm until its partial removal prior to Memorial Day 2001. The sand berm will be constructed on the back portion of the sandy beach immediately seaward of the existing lawn, picnic area, and parking lot areas on site. The donor site for the 7,000 cu. yds. of sand material to be excavated is located approximately 1,200 ft. downcoast of the proposed berm site near the mouth of Goleta Slough. Sand at the donor site would be excavated to a depth of approximately 1 ft. over an approximately 200,000 sq. ft. area.

The applicant has submitted a Biological Analysis by Chambers Group dated 9/18/00 which indicates that construction of the berm will not result in any significant adverse effects to beach habitat. The proposed sand berm will be constructed on the backbeach (the receiver site) where the existing rock revetment to be removed is currently located and will not result in the displacement of any existing beach habitat. The report also indicates that although some adverse effects to the habitat value of the area of beach where excavation will occur (the donor site) will result from the excavation of 7,000 cu. yds. of sand; these impacts will be temporary in nature and the habitat value of the site is expected to return to its pre-development condition by the following spring. The Biological Analysis by Chambers Group dated 9/18/00 states:

Excavation of about 1 foot of sand from the donor site would destroy most of the organisms within the excavation areas. Sandy beach species are adapted to dramatic seasonal movements of sand...Recolonization of the disturbed area would begin immediately after the end of the excavation, as mobile species would be expected to

move into the disturbed area from the adjacent undisturbed beach. By the following spring, the community would be expected to be similar to the pre-disturbance condition.

Shorebirds and gulls would avoid the donor site while the excavation was taking place but would reoccupy the area as soon as the excavation was ended. Snowy plovers may at times forage at Goleta Beach, but because the excavation area is not within designated Critical Habitat for this species, the temporary disturbance of a small amount of potential foraging area would not be significant.

The applicant has submitted an alternatives analysis which indicates that the proposed project is the only feasible alternative that would provide for protection of existing park facilities concurrent with removal of the existing rock revetment by November 30, 2000. As part of the submitted alternatives analysis, the County has indicated that importation of sand material from an offsite inland source is a potential alternative that would reduce adverse effects to beach habitat on site by eliminating the necessity for the proposed 7,000 cu. yds. of excavation on the sandy beach immediately downcoast of the berm site. However, the County has indicated that this alternative is less desirable due to the increased cost of purchasing and transporting the sand material. Although cost is not necessarily a factor in determining the feasibility of an alternative, the County has also indicated that because a suitable offsite donor source for sand has not yet been determined, identification of a suitable source for sand material, in addition to acquiring the necessary permits from the County and the Army Corps of Engineers, would delay the project by several months and would, therefore, not allow for construction of the berm concurrent with removal of the existing rock revetment by November 30, 2000.

The County has also indicated that use of sand material dredged from the adjacent Goleta Slough is also a potential alternative. Similar to importation of sand from an offsite source, this alternative would also reduce adverse effects to beach habitat on site by eliminating the necessity for the proposed 7,000 cu. yds. of excavation on the sandy beach immediately downcoast of the berm site. Staff notes that on September 13, 2000, the County submitted a new separate application for dredging 20,000 – 150,000 cu. yds. of material from Goleta Slough and its associated creeks for purposes of flood control to be placed on the sandy beach near the mouth of Goleta Slough (near the location where the proposed 7,000 cu. yds. of excavation will occur as part of this application). The County Department of Parks and Recreation has asserted that use of material from Goleta Slough is undesirable for construction of the berm due to its high content of fine-grained particles and organics. However, the County Department of Parks and Recreation has not submitted the analysis necessary to determine the characteristics of the dredged material. Further, staff notes that potential adverse effects to wetland habitat in Goleta Slough must aiso be analyzed in relation to the separate dredging project. Although it is expected that the separate permit application for dredging within Goleta Slough will be processed as expediently as possible prior to the 2000 winter storm season, due to timing constraints, implementation of the separate dredging project will likely not occur prior to removal of the existing rock revetment on the project site by November 30, 2000. As such, the County Department of Parks and

Recreation has indicated that they wish to pursue construction of the berm as a separate permit application item. The Geotechnical and Engineering Analysis by Moffatt Nichol Engineers dated 9/18/00 states:

> ***The County's goal is to gain the needed protection from the dike, while not having to depend on other actions to implement their project...The County therefore has chosen to pursue a separate project, although the two efforts will be coordinated to the greatest degree and will compliment each other rather than interfering with each other***

The Commission finds that the alternatives analysis submitted by the County indicates that the identified alternatives are not feasible to implement by November 30, 2000 (concurrent with removal of the rock revetment). The Commission also notes that the proposed project is for the construction of a temporary sand berm only during the 2000/2001 winter storm season. Any future construction of a sand berm after the 2000/2001 winter storm season will require the issuance of a new coastal development permit. As such, the Commission notes that the above identified alternatives may be feasible in the event that a sand berm is proposed at a future point in time on the project site. Therefore, Special Condition Four (4) has been required to ensure that in the event that the County submits a future application to the Commission for the construction of a new sand berm, or restoration or expansion of the currently proposed sand berm at Goleta Beach County Park after Memorial Day 2001, such application shall include a detailed evaluation of the feasibility of all long-term solutions and potential alternatives to the proposed project (including importation of donor sand material from on offsite inland source and coordination with the Santa Barbara County Flood Control District in order to utilize sand material from local dredging projects for construction of the berm).

The 7,000 cu. yds. of sand collected from the excavation site (the donor site) for construction of the berm will be transported to the berm site (the receiver site) via scrapers and/or dumptrucks. The donor site is located near the mouth of Goleta Slough. The County has indicated that the slough mouth periodically closes under normal conditions and tends to migrate at a rate of approximately 6 ft. per day. The County has also indicated that they expect that the mouth of the slough will likely be located east (downcoast) from the proposed donor area at the time of excavation. However, in the event that the migratory mouth of the slough is located west (upcoast) of all, or a portion of, the donor site (between the donor site and the receiver site) at the time that excavation occurs, then the County notes that construction of a temporary berm across the mouth of the slough may be necessary to allow for transportation of the collected sand material to the receiver site. The Biological Analysis by Chambers Group dated 9/18/00 states:

> ***If the opening to Goleta Slough is to the west of the excavation site, equipment will have to cross the opening of the slough to deliver the material to the receiver site. A temporary sand berm would be constructed across the slough opening to facilitate this crossing. The mouth of Goleta Slough closes periodically and is reopened. Closure of the mouth for the 3 to 5 days anticipated to construct the berm is not expected to impact the biological resources of Goleta Slough. However, a more extended closure would interfere with the ability of fishes to move in and out of the slough.***

...
If a berm is constructed across the mouth of Goleta Slough to move material from the excavation site to the receiver site and construction lasts more than 5 days, it is recommended that the berm be removed at night to allow the passage of fishes in and out of the slough.

The Commission notes that the Biological Analysis by Chambers Group dated 9/18/00 indicates that the slough mouth periodically closes naturally and that temporary closure of the slough mouth is not expected to result in any adverse effects to the biological resources of the slough. However, the analysis also indicates that adverse effects to slough habitat may occur if the berm is not removed in a timely manner. Therefore, to ensure that the recommendations of the consulting biologists are properly implemented and to ensure that adverse effects to the biological resources of Goleta Slough are minimized, Special Condition One (1) requires that in the event that construction of a temporary berm across the mouth of Goleta Slough is necessary for transportation of sand from the donor site to the receiver site, then such berm shall not remain for a period of longer than 5 days. If sand transportation activities continue for longer than a 5-day period, then the temporary berm shall be removed at the end of construction activity each day. Upon completion of all sand transportation activity, the temporary berm shall be removed in its entirety and the mouth of Goleta Slough restored to its pre-construction condition. In addition, the construction of a temporary berm across the mouth of Goleta Slough will involve work within a stream. Any changes or alterations within a streambed require a streambed alteration agreement from the California Department of Fish and Game. In addition, the proposed development, will also require approval from the United States Army Corps of Engineers and from the California State Lands Commission. Therefore, Special Condition Three (3) requires the applicant to agree to obtain all necessary approvals from the California Department of Fish and Game, California State Lands Commission, and the U.S. Army Corps of Engineers for the proposed project.

The Commission notes that the proposed project has been designed in a manner to minimize adverse effects to the sensitive beach, slough, and marine resources on the subject site. However, the Commission also notes that the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and grading activity. Therefore, to ensure that all recommendations of the environmental consultant are properly implemented, and to ensure that any potential adverse effects to beach, slough, and marine environment are minimized, Special Condition One (1) requires that a qualified environmental resource specialist shall be present on site to monitor all berm construction, demolition, and sand transportation activity. The monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to the beach, slough, or marine environment on site beyond the scope of work allowed for by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental,

restoration program shall be processed as an amendment to this coastal development permit.

The sandy beach on the subject site has been identified as a potential grunion spawning location. Construction of the proposed berm is expected to occur outside the seasonally predicted run period and egg incubation period of the California grunion and will not result in any adverse effects to grunion spawning activities. However, removal of the berm the following spring may result in potential adverse effects to grunion spawning activities on site. In order to ensure that construction, maintenance, or removal of the proposed sand berm does not adversely affect grunion spawning events, Special Condition One (1) also requires that in the event that construction and/or berm removal activity will occur during the seasonally predicted run period and egg incubation period for California grunion as identified by the California Department of Fish and Game, then an environmental resource specialist shall be present on the project site each night, for the entire night, from one night before the beginning of each seasonally predicted grunion run until one night after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no berm construction/removal activities shall be allowed until after the next predicted grunion run in which no adult grunion have been observed on the project site beach unless otherwise approved by the Executive Director. The environmental resource specialist will immediately notify the Executive Director after each run during the construction/removal period whether adult grunion were found to be present.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30235 of the Coastal Act.

D. Public Access and Visual Resources

Coastal Act Section **30210** states that:

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

Coastal Act Section **30211** states:

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

In addition, Section **30251** of the Coastal Act states that:

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

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. In addition, Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The project site is located within a county-operated park available for public use. Public access is available along the entire approximately 4/5 mile length of the park that is contiguous to the beach. The proposed project involves the construction of an approximately 8 ft. high sand berm between the lawn and parking lot areas on the project site and the sandy beach. The elevation of the lawn and parking lot areas on the project site is approximately 12.5 ft. above mean sea level. The crest of the proposed berm will not extend above 15 ft. in elevation above mean sea level (approximately only 2.5 ft. above the ground elevation of the lawn, picnic, and parking lot areas on the project site) and will not, therefore, significantly obstruct public views of the beach and ocean from any portion of the park located landward of the berm.

In recent years, and most notably during the 1999 winter storm season, wave-caused erosion of the clay-rich fill underlying the park has occurred forming a steep slope (or drop-off) approximately 4-5 ft. in height between the improved areas on site (the portion of the site constructed on fill) and the sandy beach. An existing rock revetment is currently located in the same approximate footprint as the proposed sand berm. The County is proposing, pursuant to the Commission's previous approval of Coastal Development Permit 4-00-118, to remove the existing rock revetment by November 30, 2000. The proposed sand berm will be located in the same general footprint as the existing rock revetment to be removed.

Although removal of the existing rock revetment will serve to increase the public's ability to access the beach, the Commission notes that such access would still entail some difficulty due to the steep drop-off to the beach from the lawn and parking lot areas on site. Construction of the proposed berm will also result in some adverse effects to the public's ability to access the sandy beach since beachgoers would be required to traverse a sand berm approximately 2.5 ft. higher than the elevation of the lawn and parking lot areas on site. However, due to the presence of the steep drop-off to the

beach from the lawn and parking lot areas on site, the Commission notes that construction of the proposed berm will not create any greater difficulty for members of the public to access the sandy beach than if the berm is not constructed. In addition, the proposed project includes the partial removal of the berm prior to Memorial Day 2001. Partial removal of the berm would involve lowering the crest elevation of the berm to the same elevation as the lawn and parking lot areas on site. The remaining portion of the berm would be recontoured, if necessary, to gently slope seaward to create a ramped surface for improved access between the sandy beach and the improved portions of the park.

The proposed project site is located on an area of sandy beach subject to tidal influence and wave action. As such, the Commission notes that the proposed project will require a lease or other form of approval from the California State Lands Commission (CSLC). The applicant has already submitted an application for the proposed project to the CSLC and the CSLC has indicated in a letter dated September 22, 2000, that the project is currently being reviewed. Therefore, Special Condition Three (3) requires the applicant to agree to obtain approval from the California State Lands Commission for construction of the proposed sand berm.

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

E. CEQA

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

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

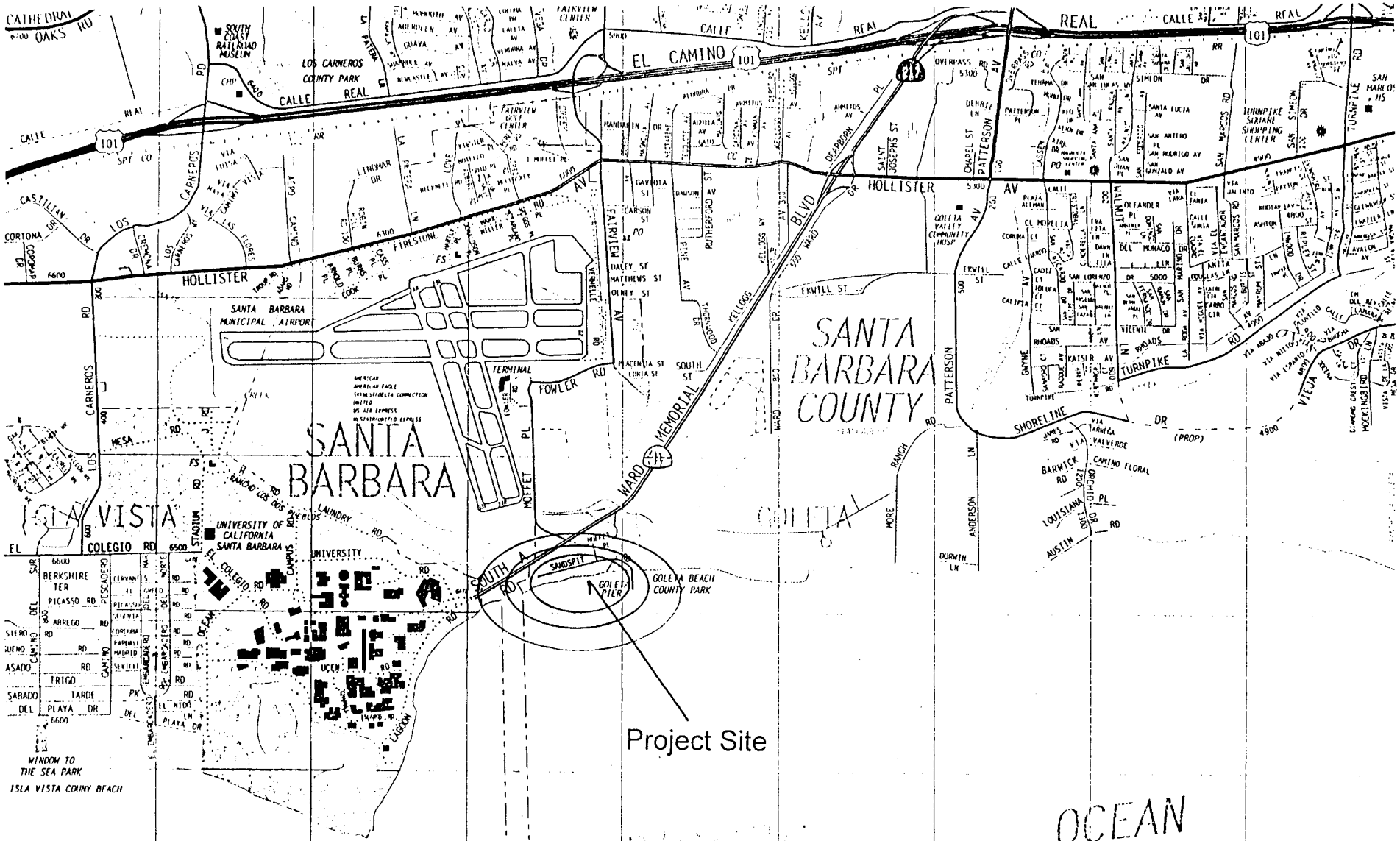
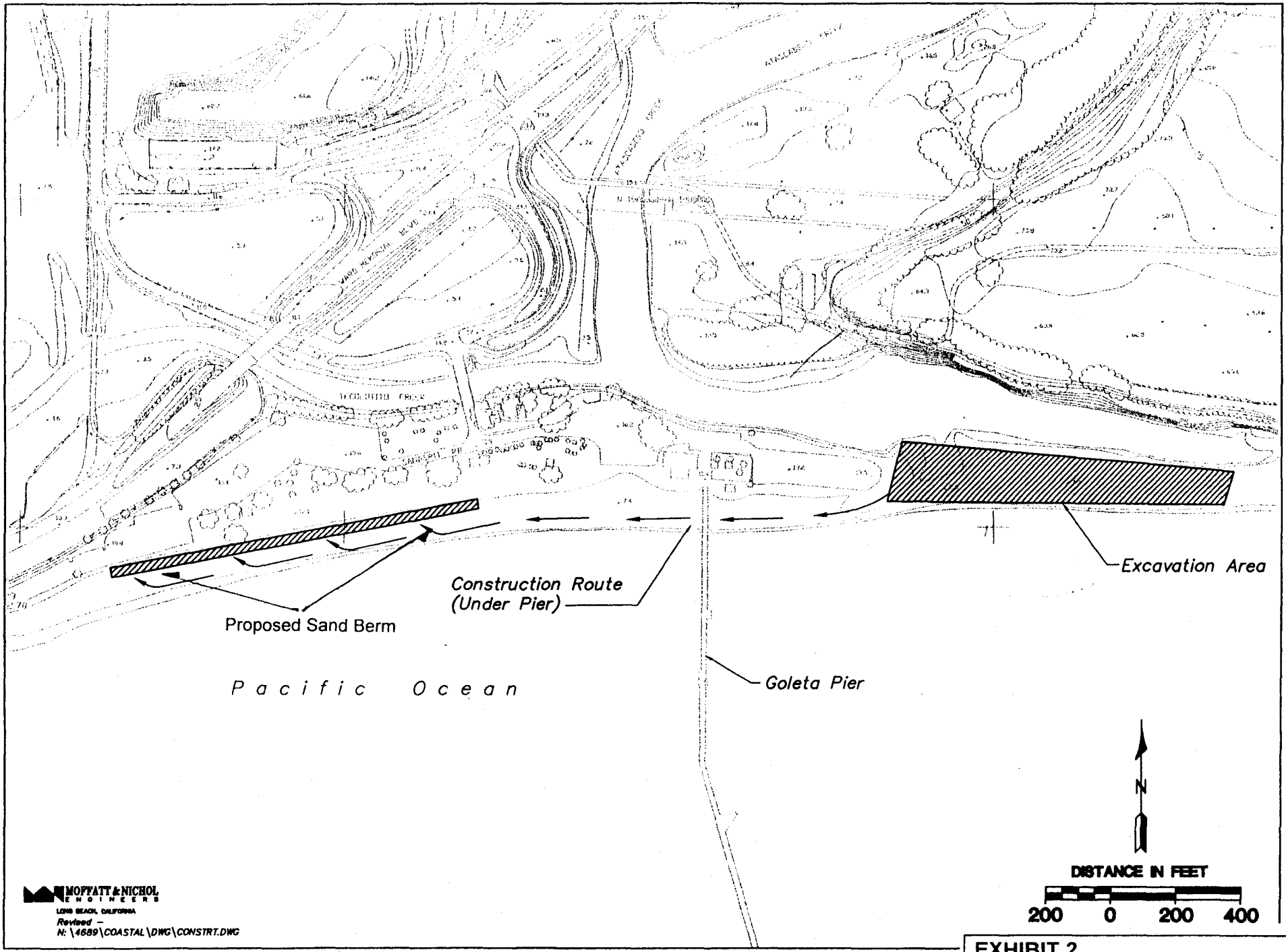


EXHIBIT 1
CDP 4-00-193 (S.B. County)
Area Map

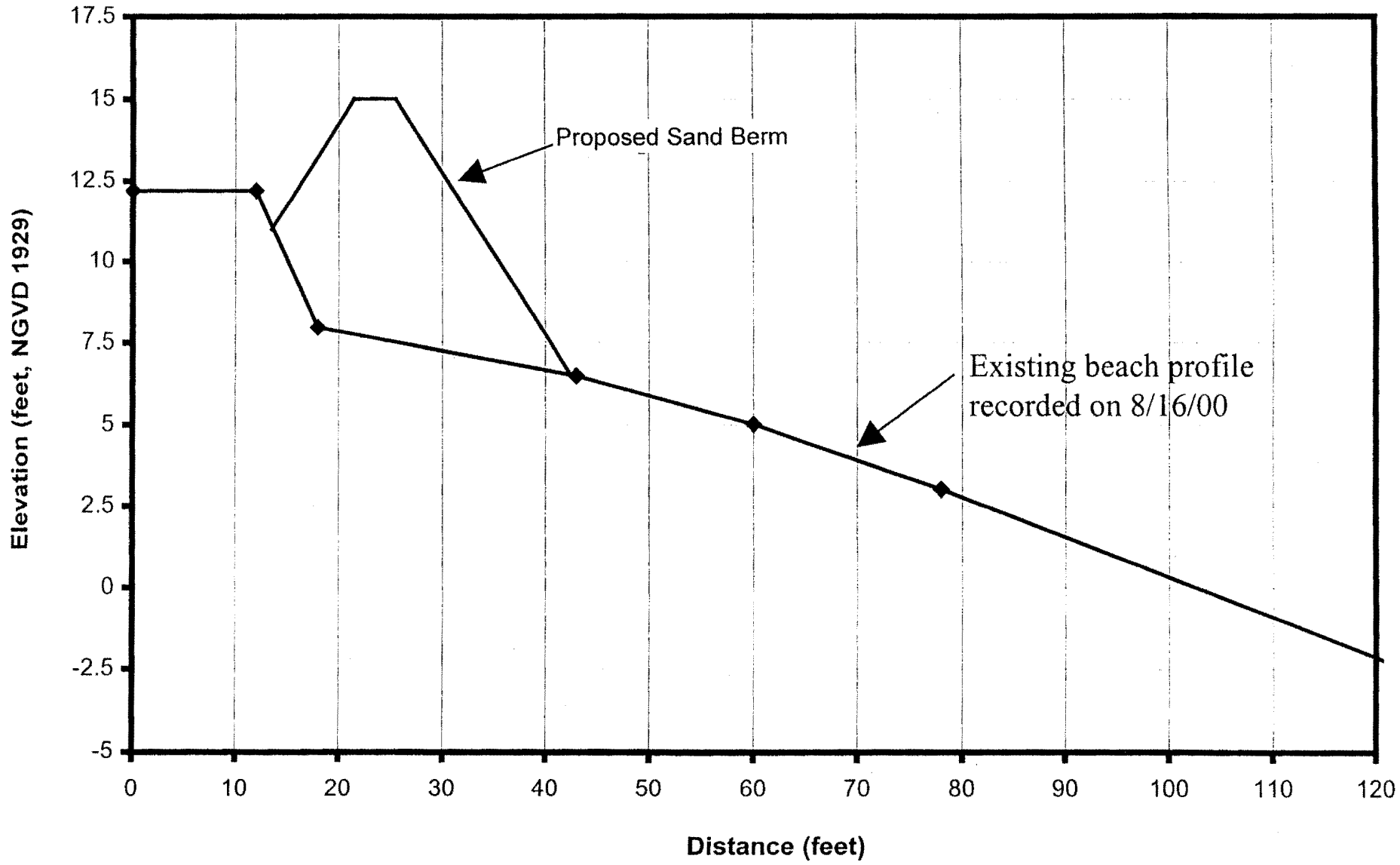


MOFFATT & NICHOL ENGINEERS
LONG BEACH, CALIFORNIA
Revised –
N: \4689\COASTAL\DWG\CONSTRT.DWG

LETA BEACH WINTER DIKE PROJECT

CONSTRUCTION ROUTE

EXHIBIT 2
CDP 4-00-193 (S.B. County)
Site Plan



Moffatt & Nichol Engineers
Revised August 23, 2000
4689\Coastal\dike cross_section.ppt

GOLETA BEACH WINTER DIKE PROJECT	GOLETA BEACH DIKE DESIGN CROSS	EXHIBIT 3 CDP 4-00-193 (S.B. County) Berm Cross Section