

CALIFORNIA COASTAL COMMISSION

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Staff: S. Hudson
Staff Report: 10/26/00
Hearing Date: 11/16/00
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-00-199**APPLICANT:** City of Carpinteria**PROJECT LOCATION:** Carpinteria City Beach, Carpinteria; Santa Barbara County.

PROJECT DESCRIPTION: Construction of an approximately 1,450 ft. long, 12 ft. high, sand berm on Carpinteria City Beach involving approximately 26,000 cu. yds. of grading (13,000 cu. yds. of excavation and 13,000 cu. yds. of fill). The project will include maintenance of the berm until its removal in spring.

SUBSTANTIVE FILE DOCUMENTS: Letter from James Bailard, Ph.D. dated 8/22/00; Initial Study for Carpinteria Beach Winter Protection Berm by City of Carpinteria dated 8/12/94; Letter from Mathew Roberts, Director of City of Carpinteria Parks and Recreation Department dated 9/4/00; Beach Erosion and Pier Study for City of Carpinteria by Bailard/Jenkins Consultants dated April 1982; Biological Analysis by Vince Semonsen, Consulting Biologist for the City of Carpinteria dated 10/25/00; and Coastal Development Permit 4-95-207.

SUMMARY OF STAFF RECOMMENDATION

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

The proposed project is for the construction and maintenance of a protective sand berm at Carpinteria City Beach during the winter storm season. The berm is intended to protect existing beachfront development (including private residential development as well as public parking facilities and restroom facilities) on the project site from damage from wave action during the winter storm season.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-199 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 the issuance of the coastal development permit, the applicant shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director. The monitor shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. All berm construction, maintenance, and demolition activity shall be carried out consistent with the following:

- (a) No overnight stockpiling or storage of dirt, construction materials, or equipment shall occur on the beach seaward of the proposed berm location;
- (b) any and all debris that results from the construction period shall be immediately removed from the sandy beach;
- (c) the environmental resource specialist shall conduct a survey of the project site (donor site and receiver site) each day prior to commencement of any berm construction, maintenance, or demolition activity to determine whether any Snowy Plover (nesting or mating), Grunion, Pismo Clams, Globose Beetles, or any other sensitive wildlife species are present. In the event that any of the above species or other sensitive wildlife species are present on the project site, the environmental resource specialist shall require the applicant to cease work and immediately notify the Executive Director to determine an appropriate strategy to minimize any potential impacts to wildlife.
- (d) in the event that construction, maintenance, and/or berm removal activity will occur during the seasonally predicted run period and egg incubation period for California grunion as identified by the California Department of Fish and Game, then the environmental resource specialist shall be present on the project site each night from one hour before the beginning of each predicted grunion run until one hour after the end of each run to monitor the presence of any grunion present on the site. If any adult grunion are present on the project site beach, then no berm construction/removal activities shall be allowed within 100 ft. of any area (measured laterally along the beach and extending from the back of the beach to the water's edge) where grunion were observed until after the next predicted grunion run in which no adult grunion have been observed on the project site and it has been determined by the environmental resource specialist that all previously deposited grunion eggs have successfully incubated (allowing juvenile grunion to return to the ocean) or that the previously deposited eggs are no longer viable, or unless otherwise approved by the Executive Director. The environmental resource specialist will immediately notify the Executive Director after each monitored run whether grunion were found to be present.

2. Timing and Duration

This permit is only for the construction and maintenance of the proposed sand berm during the 2000/2001 winter storm season. The applicant shall remove the proposed sand berm and restore the beach to its pre-development condition no later than Memorial Day (May 28, 2001) unless additional time is granted by the Executive Director for good cause.

3. 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 (May 28, 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. The evaluation shall include, but not be limited to, the creation of a vegetated dune system utilizing sand from both onsite as well as an offsite source and the creation of a vegetated dune system by retaining the proposed sand berm in conjunction with planting of dune vegetation. The feasibility of dune system creation projects should be evaluated both in conjunction with and without a concurrent beach replenishment program).

4. 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 U.S. Army Corps of Engineers).

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 an approximately 1,450 ft. long, 12 ft. high, sand berm (not to exceed 18 ft. in height above mean sea level) on Carpinteria City Beach involving approximately 26,000 cu. yds. of grading (13,000 cu. yds. of excavation and 13,000 cu. yds. of fill). The project will include maintenance of the berm until its removal in spring.

The project site is located at Carpinteria City Beach (Exhibit 1). The sand berm will be constructed on the back portion of the sandy beach immediately seaward of the existing residential development as shown on Exhibit 3. Approximately 13,000 cu. yds. of sand to construct the berm will be excavated (pushed by scraper/bulldozers) from the beach seaward of the proposed berm location. Periodic maintenance of the berm will involve pushing sand from the beach immediately seaward of the berm back onto the berm with bulldozers. In the event that the berm is completely destroyed by wave action during the winter season, then the berm would be reconstructed. The City proposes to remove the berm and restore the beach to its pre-development profile the following spring. Berm removal/demolition activity would involve using a bulldozer to evenly redistribute the berm sand immediately seaward of the berm's location.

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

Carpinteria City Beach is characterized as a moderately wide public beach approximately 1,450 ft. in length backed by both private residential development and public parking facilities at several street ends. Public access and recreation is available along the entire approximately 1,450 ft. length of the beach fronting the project site and the beach is a popular visitor destination within the Santa Barbara County area. The sandy beach on the subject site is most heavily used for public recreational use during the summer season but remains a popular visitor destination throughout the entire year. In addition, although the subject site is heavily utilized for public access and recreation, the entire beach has previously been designated as a significant biological resource area by the City's certified Local Coastal Program. The City's biologist has indicated that Carpinteria City Beach provides potential habitat for Western Snowy Plovers, California grunion, and Pismo clams (below the surf zone).

The project site has been subject to past Commission action. Coastal Development Permit (CDP) 4-95-207 was issued by the Commission for the same project in 1995 for

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

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 an approximately 1,450 ft. long, 12 ft. high, sand berm (not to exceed 18 ft. in height above mean sea level) on Carpinteria City Beach involving approximately 26,000 cu. yds. of grading (13,000 cu. yds. of excavation and 13,000 cu. yds. of fill). The berm will be constructed on the back portion of the sandy beach immediately seaward of the existing residential development as shown on Exhibit 3. Approximately 13,000 cu. yds. of sand to construct the berm will be excavated (pushed by scraper/bulldozers) from the beach seaward of the proposed berm location. Periodic maintenance of the berm will involve pushing sand from the beach immediately seaward of the berm back onto the berm with bulldozers. In the event that the berm is completely destroyed by wave action during the winter storm

season, then the berm would be reconstructed. The City proposes to remove the berm and restore the beach to its pre-development profile the following spring. Berm removal/demolition activity would involve using a bulldozer to evenly redistribute the berm sand immediately seaward of the berm's location.

The City Beach is backed by numerous private residences (single family residences, condominiums, and apartments) located on the seaward side of Sandyland Avenue, public parking facilities (located at several street ends), and a public restroom facility. The City has indicated that in recent years, during the winter storm season, wave action has resulted in damage to the existing private residences and public amenities (including public streets, parking lots, and a restroom facility) located on the back portion of Carpinteria City Beach. The proposed sand berm is intended to protect existing development on the project site from damage from wave action during the winter storm season. In a letter dated 9/4/00, the City states that:

[I]n 1987 and again in 1995, large wave events caused significant damage in Carpinteria. The 1987 event was characterized by locally generated high frequency storm waves driven by strong onshore wind. The home on 4709 Sandyland Road was knocked off its foundation by surf. This occurred during the period of one high tide.

***...
In early December of 1995, the winter protection berm had not yet been built when a severe wave event occurred. Hurricane force winds off of the southern Oregon and California Coast generated twenty foot surf off of the Carpinteria Beach. This resulted in several hundred thousands of dollars of damage to residential properties and public beach access improvements. This unfortunate event provided us with an example of the exposure to damage the City Beach possesses when unprotected. Further damage would have occurred, however, emergency crews went to work to erect the berm.***

Construction of a seasonal sand berm (as proposed by this application) on Carpinteria City Beach has been approved by the Commission in previous years. Most recently, Coastal Development Permit (CDP) 4-95-207 was issued by the Commission for essentially the same project in 1995. CDP 4-95-207 allowed for annual construction of the berm for a limited duration of time not to exceed 5 years. In its approval of CDP 4-95-207, the Commission found that the proposed sand berm was an environmentally preferable alternative to provide for protection of existing development in comparison to the construction of "hard" solutions such as the construction of a rock revetment or seawall.

However, the Commission also found that disturbance from construction, maintenance, and demolition of the berm on an annual basis would still result in some potential adverse effects to the habitat resources on site. As such, the Commission also found that a complete analysis of other potential "soft" solutions such as dune creation, beach replenishment, etc. should be prepared. However, because the application for CDP 4-95-207 had not been submitted by the applicant until October of that year, the Commission noted that, due to the impending storm season, delay of the approval of the proposed sand berm may result in potential hazards to existing development on the project site.

Therefore, the Commission's approval of CDP 4-95-207 included a specific special condition which required the City to submit, as part of any future permit applications for construction of a sand berm (such as this application) a report containing technical studies prepared by qualified professionals to evaluate alternative long-term solutions to beach management including, but not limited to, dune creation, retention of the berm and planting berm with dune vegetation, beach nourishment, use of sand from alternative suitable sources, and participation in a regional sand supply mitigation program, etc.

Although, an adequate evaluation of alternative long-term solutions prepared by a qualified coastal engineer was not submitted as part of this application, the City did submit a Beach Erosion and Pier Study by Bailard/Jenkins Consultants dated April 1982 which indicates that creation of a vegetated dune system on Carpinteria City Beach is a feasible alternative to annual construction and demolition of the berm. The report states:

One measure of which can be used to help prevent further problems is to preserve and stabilize the beach dune [berm] created in front of the homes this past winter. If the present mild wave conditions continue, the beach will have enough sand at the start of summer so that that the dunes can be left in place. The next step would be to vegetate the dunes...If an acceptable source of borrow sand can be located...proceed with a limited beach nourishment program...it is recommended that a 1-2 foot layer of sand be distributed over the upper beach face to cover any exposed cobble beds...It is estimated that for the entire Carpinteria City Beach area a volume of 5,000 cubic yards would be sufficient to cover the upper beach to a depth of 1 ft....The purpose of the recommended sand nourishment is to allow the sand dunes which were created in the fall to be stabilized by vegetation and to become a semi-permanent feature of the beach.

Although the above Beach Erosion and Pier Study by Bailard/Jenkins Consultants dated April 1982 indicates that a dune creation project is feasible, the City has stated in a letter dated 9/4/00 that City staff do not agree that creation of dunes on site are feasible. In addition, the City has also submitted a brief letter from James Bailard, Ph.D. dated 8/22/00, which generally asserts that Carpinteria City Beach is not believed to be wide enough to support a viable dune system without implementation of a concurrent beach nourishment program. City staff has further stated that the Beach Erosion and Pier Study is over 18 years old and that its conclusion regarding the feasibility of a dune system on site is no longer valid. However, neither the letter dated 9/4/00 by the City or the letter by Dr. Bailard dated 8/22/00 include either a detailed alternatives analysis or any supporting information/studies to determine feasibility as required by Special Condition Five (5) of CDP 4-95-207. As such, the Commission notes that the materials submitted by the City regarding potential alternatives to the proposed project are not adequate to determine the feasibility of such alternatives.

The Commission notes that the City has indicated an intent to pursue long-term solutions to protecting existing beachfront development on site through participation in BEACON (Beach Erosion Authority for Clean Oceans and Nourishment) a local task force comprised of representatives from local, state, and federal government agencies whose goal is to develop a regional beach replenishment program. In addition, the City

has also indicated that they are actively pursuing approval for the Army Corps of Engineers to prepare a Feasibility Study of long-term solutions to protecting beachfront development in Carpinteria. As such, the Commission notes that the City of Carpinteria continues to show interest in developing a long-term solution to protecting existing beachfront development along Carpinteria City Beach.

Further, the City has indicated to staff that they have recently contacted a qualified engineering firm (MNS Engineers) to prepare a feasibility analysis of alternatives to the proposed berm in order to satisfy the requirements of Special Condition Five (5) of CDP 4-95-207. However, the City has also indicated that, due to timing constraints, completion of such analysis is not possible prior to the 2000/2001 winter storm season. In addition, the City has also indicated that if the proposed berm is not constructed in a timely manner this year, existing private residential development and public improvements located on the back of the beach may be subject to potential hazard by winter storm activity. Therefore, in order to allow the City to proceed with construction of the berm in a timely manner prior to commencement of the 2000/2001 winter storm season, Special Condition Two (2) limits the duration of the effectiveness of this permit to the 2000/2001 winter storm season. The Commission notes that this condition will allow the City to construct the proposed protective berm during the 2000/2001 winter storm season, as well as allow the City adequate time to prepare a long-term solutions and alternatives analysis for any subsequent applications for construction of a berm after 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, including dune creation, 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 Three (3) has been required to ensure that in the event that the City 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 Carpinteria City Beach after Memorial Day 2001 (May 28, 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. The evaluation shall include, but not be limited to, the creation of a vegetated dune system utilizing sand from both onsite as well as an offsite source and the creation of a vegetated dune system by retaining the proposed sand berm in conjunction with planting of dune vegetation. The feasibility of dune system creation projects should be evaluated both in conjunction with and without a concurrent beach replenishment program.

In addition, the Commission also notes that the proposed project will involve approximately 26,000 cu. yds. of grading and the use of construction equipment on the sandy beach. As such, the Commission further notes that the proposed project will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately/unsafely

exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse effects to the marine environment are minimized, Special Condition One (1), requires the applicant to ensure that no stockpiling or storage of dirt, construction materials, or equipment shall occur on the beach seaward of the proposed berm location and the any and all debris that results from the construction period shall be immediately removed from the sandy beach.

The Commission notes, based on the information submitted by the City of Carpinteria, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from wave action during the winter storm season. As discussed above, the existing private residences and public facilities located along Carpinteria City Beach have previously been subject to substantial damage as the result of storm and flood occurrences--most recently, and perhaps most dramatically, during the 1995 winter storm season. As such, the Commission 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 provide some level of protection for the developed portions of the subject site from wave-caused erosion, there remains some inherent risk to development on such sites. The Coastal Act recognizes that certain types of development, such as the proposed project to protect existing 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 proposed development, will also require approval from the United States Army Corps of Engineers. Therefore, Special Condition Four (4) requires the applicant to agree to obtain all necessary approvals from the U.S. Army Corps of Engineers for the proposed project.

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 sand berm will involve approximately 26,000 cu. yds. of grading on the sandy beach between the backbeach area and the surfzone along Carpinteria City Beach. Carpinteria City Beach, including the entire project site, has previously been designated as a significant biological resource area by the City's certified Local Coastal Program. The City of Carpinteria General Plan states specifically states:

The Carpinteria state and city beaches are not only a unique environment, but also provide valuable resources. The beaches and shoreline provide recreation and scenic beauty to city residents and visitors. They are also important because the combined shoreline of the two beaches covers the entire southern boundary of the city, 2.5 miles, and is critical for maintaining sensitive habitat areas along the coast that support many forms of life, including some rare and endangered species.

The applicant has submitted a Biological Analysis by Vince Semonsen, the Consulting Biologist for the City of Carpinteria dated 10/25/00 which indicates that the subject beach is known to provide habitat for several endangered species and species of concern including: Western Snowy Plover, California grunion, Pismo Clams, and possibly the Globose Dune Beetle. The analysis also indicates that disturbance of the beach habitat from construction, maintenance, and demolition of the proposed berm on an annual basis may result in several potential impacts to biological resources on site and that such impacts may be minimized through proper mitigation measures and monitoring. The report states:

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

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

In addition, the sandy beach on the subject site has been identified as a potential grunion spawning location. Construction of the proposed berm is expected to occur outside the seasonally predicted run period and egg incubation period of the California grunion and will not result in any adverse effects to grunion spawning activities. However, maintenance activities and removal of the berm the following spring may

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

As previously discussed, construction of a seasonal sand berm (as proposed by this application) on Carpinteria City Beach has been approved by the Commission in previous years. Most recently, Coastal Development Permit (CDP) 4-95-207 was issued by the Commission for essentially the same project in 1995. CDP 4-95-207 allowed for annual construction of the berm for a limited duration of time not to exceed 5 years. In its approval of CDP 4-95-207, the Commission found that the proposed sand berm was an environmentally preferable alternative to provide for protection of existing development in comparison to the construction of "hard" solutions such as the construction of a rock revetment or seawall. However, the Commission also found that disturbance from construction, maintenance, and demolition of the berm on an annual basis would still result in some potential adverse effects to the habitat resources on site. As such, the Commission also found that a complete analysis of other potential "soft" solutions such as dune creation, beach replenishment, etc. should be prepared. Therefore, the Commission's approval of CDP 4-95-207 included a specific special condition which required the City to submit, as part of any future permit applications for construction of a sand berm (such as this application), a report containing technical studies prepared by qualified professionals to evaluate alternative long-term solutions to beach management including, but not limited to, dune creation, retention of the berm and planting berm with dune vegetation, beach nourishment, use of sand from alternative suitable sources, and participation in a regional sand supply mitigation program, etc.

Although, an adequate evaluation of alternative long-term solutions prepared by a qualified coastal engineer was not submitted as part of this application, the City has indicated to staff that they have recently contacted a qualified engineering firm (MNS Engineers) to prepare a feasibility analysis of alternatives to the proposed berm in order

to satisfy the requirements of Special Condition Five (5) of CDP 4-95-207. However, the City has also indicated that, due to timing constraints, completion of such analysis is not possible prior to the 2000/2001 winter storm season. In addition, the City has also indicated that if the proposed berm is not constructed in a timely manner this year, existing private residential development and public improvements located on the back of the beach may be subject to potential hazard by winter storm activity. Therefore, in order to allow the City to proceed with construction of the berm in a timely manner prior to commencement of the 2000/2001 winter storm season, Special Condition Two (2) limits the duration of the effectiveness of this permit to the 2000/2001 winter storm season. The Commission notes that this condition will allow the City to construct the proposed protective berm during the 2000/2001 winter storm season, as well as allow the City adequate time to prepare a long-term solutions and alternatives analysis for any subsequent applications for construction of a berm after the 2000/2001 winter storm season.

In addition, the Commission notes that 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 also notes that the above identified alternatives, including dune creation, 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 Three (3) has been required to ensure that in the event that the City 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 Carpinteria City Beach after Memorial Day 2001 (May 28, 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 in order to ensure that any potential adverse effects to the sensitive habitat and wildlife on site are minimized. The evaluation shall include, but not be limited to, the creation of a vegetated dune system utilizing sand from both onsite as well as an offsite source and the creation of a vegetated dune system by retaining the proposed sand berm in conjunction with planting of dune vegetation. The feasibility of dune system creation projects should be evaluated both in conjunction with and without a concurrent beach replenishment program.

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 on the back portion of the City of Carpinteria Beach. Public access is available along the entire approximately 1,450 ft. length of the project area. The proposed project involves the construction of an approximately 12 ft. high sand berm immediately seaward of the existing residential development and public street ends located on site. The crest of the proposed berm will not extend above 18 ft. in elevation above mean sea level (approximately only 12 ft. above the typical ground elevation of the sandy beach).

The proposed berm would result in some limited temporary adverse effects to public access and views. Beachgoers will be required to traverse the sand berm, approximately 12 ft. higher than the elevation of the backbeach, in order to access the beach. However, the Commission notes that access over the proposed berm will not be blocked or result in an impassable barrier for the average beachgoer. In addition, the City creates "ramped" areas to the top of the berm at several of the public street ends and parking lots in order to facilitate public access. Public views of the beach from public viewing areas located along city streets would be limited by the proposed berm. However, the proposed project is temporary in nature and includes removal of the berm in the following spring. In order to ensure that any potential adverse effects to public views and access are minimized, Special Condition Two (2) has been required to ensure that the berm is removed prior to Memorial Day 2001, unless additional time is allowed by the Executive Director for good reason. Removal of the berm would involve redistributing sand seaward of the berm and restoring the beach to its pre-development profile.

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

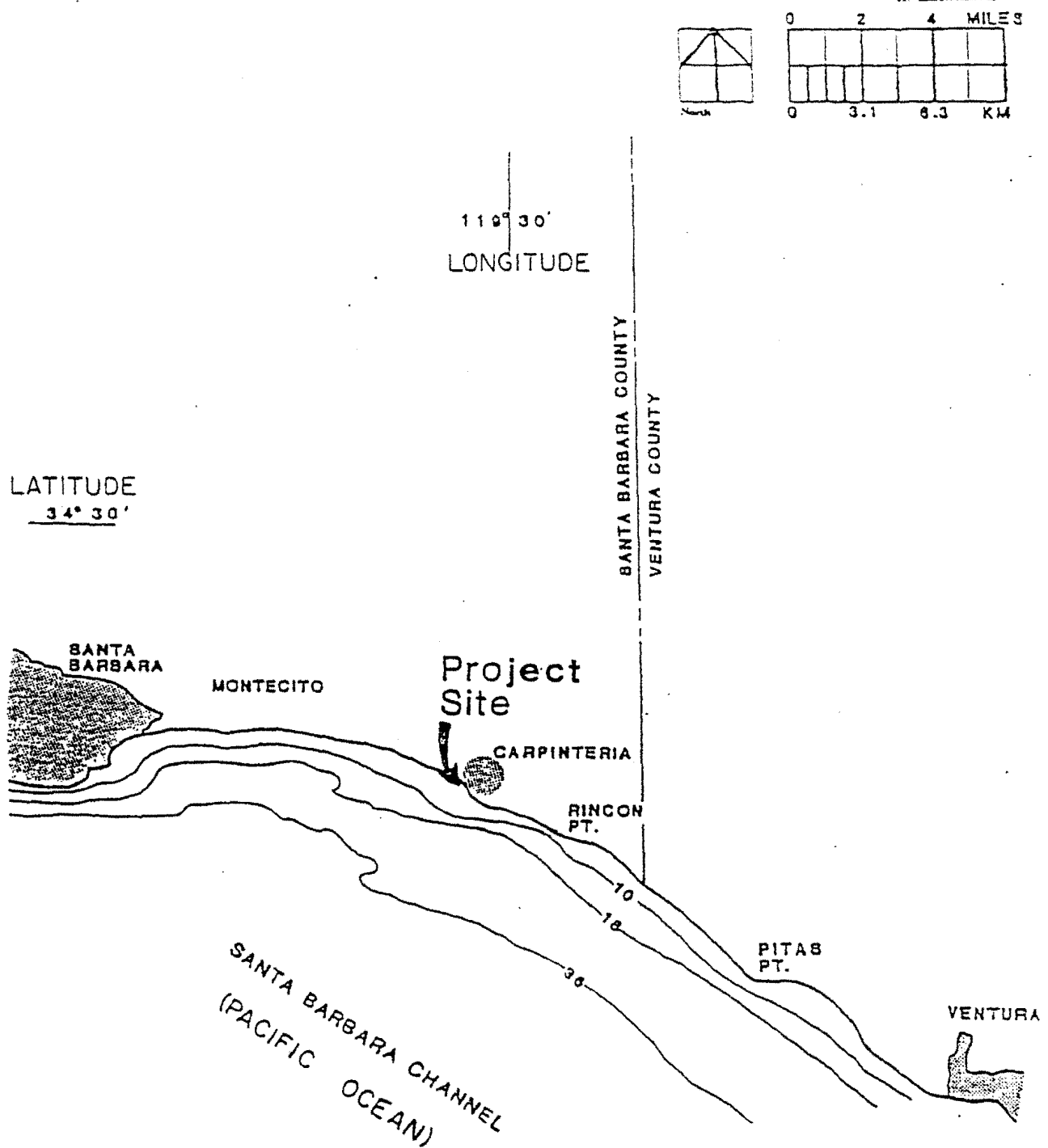
E. CEQA

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.

SMH-VNT

File:smh/permits/regular/4-00-199 carpinteria report



VICINITY MAP

EXHIBIT 1

CDP 4-00-199 (City of Carpinteria)

Regional Map

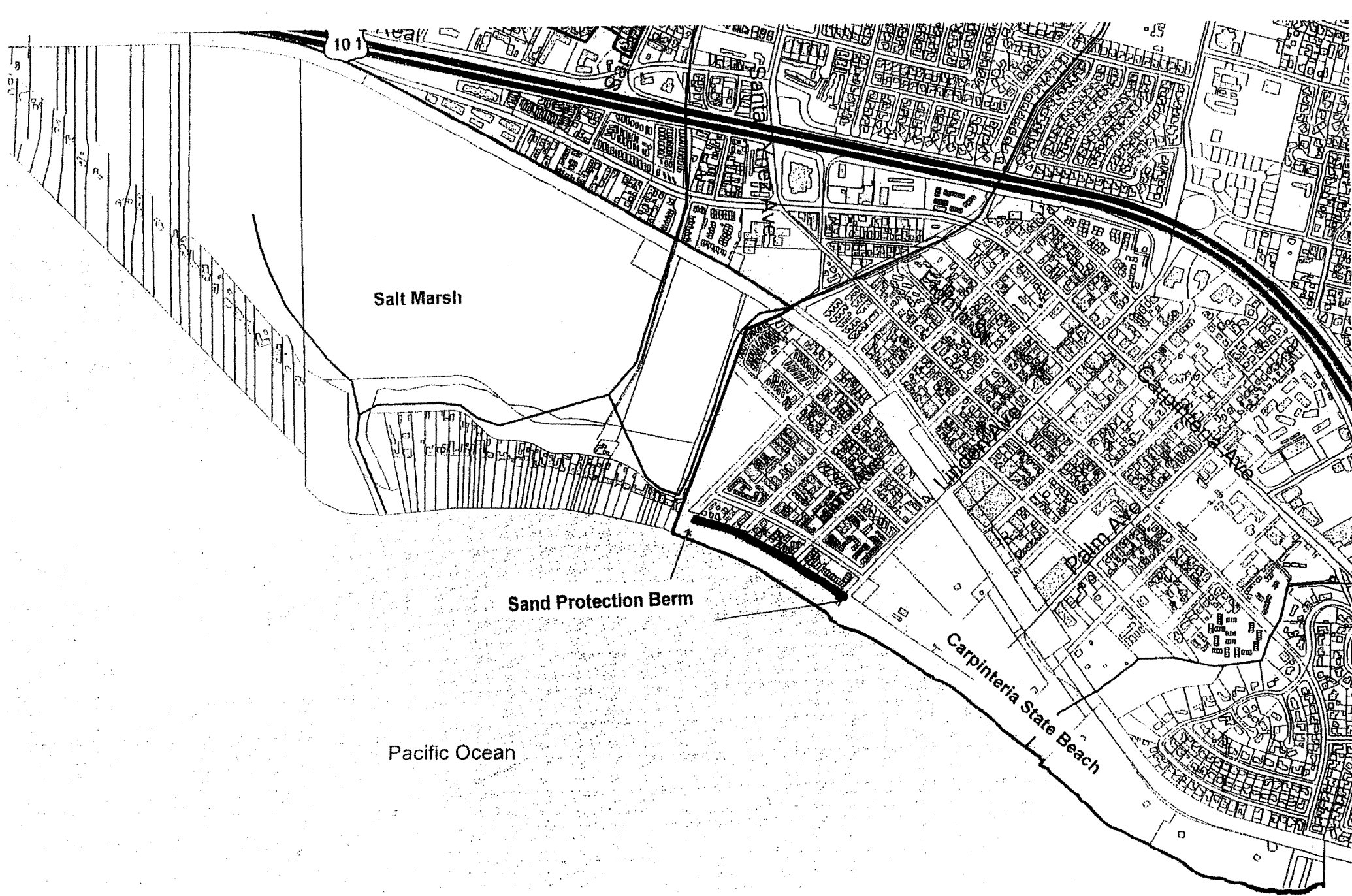
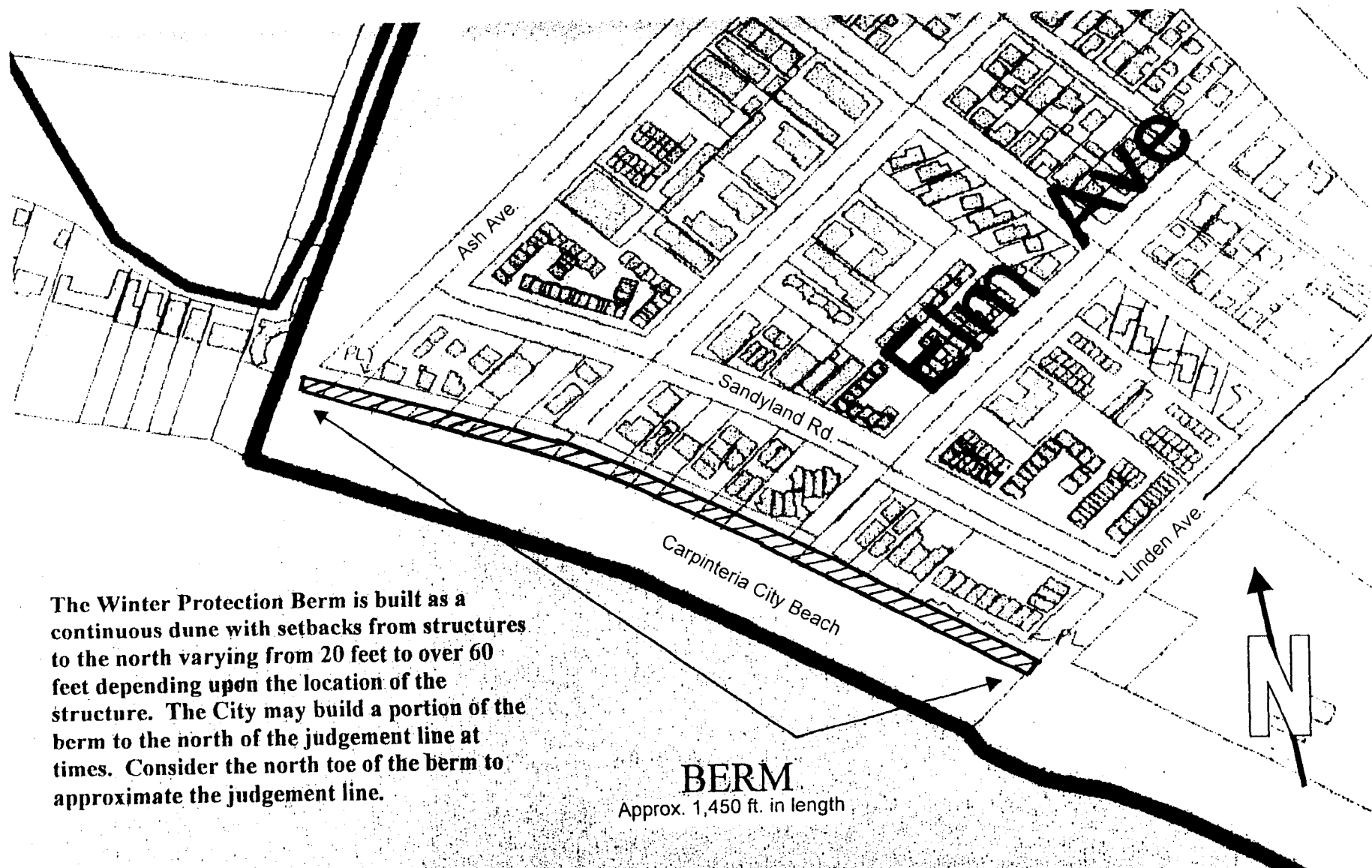


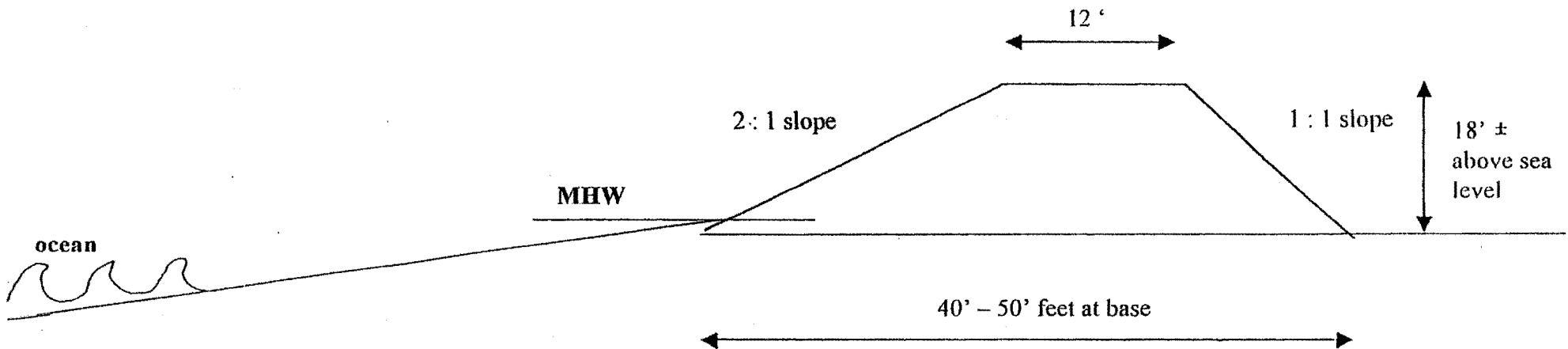
EXHIBIT 2
CDP 4-00-199 (City of Carpinteria)
Area Map



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

BERM
Approx. 1,450 ft. in length

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



Typical Cross section,

No Scale

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

Notes:

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

EXHIBIT 4

CDP 4-00-199 (City of Carpinteria)

Berm Cross Section