

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

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Staff: S. Haswell  
Staff Report: 05/24/01  
Hearing Date: 06/15/01

**STAFF REPORT: APPEAL**  
**DE NOVO REVIEW**

**LOCAL GOVERNMENT:** County of Santa Barbara

**LOCAL DECISION:** Approval with Conditions

**APPEAL NO.:** A-4-STB-01-021 and 022

**APPLICANT:** Ed St. George

**AGENT:** Holle Brunsky

**APPELLANTS:** Commissioners Sara Wan and Pedro Nava

**PROJECT LOCATION:** 6583 (Lots 1 and 2) Del Playa Drive, Isla Vista, Santa Barbara County

**PROJECT DESCRIPTION:** Demolition of an existing single family residence and detached studio and construction of two new 2,093 sq. ft., two-story, single family residences with attached garages and patios on two adjacent bluff top lots.

**SUBSTANTIVE FILE DOCUMENTS:** County of Santa Barbara Local Coastal Program, Final Environmental Impact Report For the Del Playa Seawall Project (90-CP-51cz); Supplemental Environmental Impact Report for the Del Playa Seawall Project (95-CP-019; 96-SD-1); County of Santa Barbara Coastal Development Permits 99-CDP-046 and 99-CDP-047; and Coastal Development Permit A-4-STB-98-104.

**SUMMARY OF STAFF RECOMMENDATION:**

The Commission found that that this appeal raised substantial issue at its May 8, 2001 hearing. **Staff recommends that the Commission approve the proposed project with eight (8) special conditions.** As conditioned, the proposed development will be consistent with the applicable public access and recreation policies of the County of Santa Barbara's certified Local Coastal Program (LCP) and the California Coastal Act. As conditioned, adverse impacts to public views and visual resources resulting from the proposed development will be reduced, consistent with policies of the County's LCP. Furthermore, as conditioned, adverse impacts resulting from bluff top development, including geologic hazards, will also be reduced, also consistent with the policies of the County's LCP.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit Nos. A-4-STB-01-021 and A-4-STB-01-022 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permits 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 PERMITS:**

The Commission hereby approves coastal development permits for the proposed development on the ground that the development is located between the sea and the first public road nearest the shoreline and will conform with the policies of the certified Local Coastal Program for the County of Santa Barbara and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permits complies with the California Environmental Quality Act since feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

## **II. Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) 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 permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.

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 properties to the terms and conditions.

### **III. Special Conditions**

#### **1. Landscaping and Erosion Control Plan**

Prior to issuance of the coastal development permits, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the following criteria:

##### **A. Landscaping Plans**

1. All areas on the subject sites disturbed by construction activity shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation and to screen and soften the visual impact of development, all landscaping shall consist primarily of native, drought resistant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. Seaward of the residence, only native, drought resistant plants shall be used and no permanent irrigation shall be installed. The plans shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the sites.
2. All areas of the subject sites disturbed by construction activity shall be stabilized with planting at the completion of construction of the development approved under these permits. Planting should be of primarily native plant species indigenous to this bluff area of Santa Barbara County using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two years, and this requirement shall apply to all disturbed soils.
3. Plantings will be maintained in good growing condition throughout the life of the projects and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
4. The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit(s), unless the Executive Director determines that no amendment is required.

5. Vegetation within the side yard setbacks, as consistent with **Special Condition Six (6)**, shall be limited to low-lying vegetation of no more than two feet in height.
6. No less than 15 percent of the net lot area of the subject sites shall be devoted to landscaping.

**B. Interim Erosion Control Plans**

1. The plans shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas that will not be disturbed shall be clearly delineated on the project sites with fencing or survey flags.
2. The plans shall specify that should grading or construction activities take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all areas disturbed by construction activities and close and stabilize any open trenches as soon as possible. These erosion measures shall be required on the project sites prior to or concurrent with the initial grading or construction operations and shall be maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
3. The plan shall also include temporary erosion control measures should grading, construction activities, or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C. Monitoring**

Five years from the date of the receipt of the certificates of occupancy for the residences, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist, certifying that the on-site landscaping is in conformance with the landscape plans approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to these permits, the applicant, or successors in interest, shall submit revised or supplemental landscape plan(s) for the review and approval of the Executive Director. The revised landscaping plan(s) must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan(s) that have failed or are not in conformance with the original approved plan(s).

## **2. Construction Responsibilities and Debris Removal**

The applicant shall, by accepting these permits, agree: a) that no stockpiling of dirt or construction materials shall occur within the 10 foot setback required pursuant to Special Conditions Six (6) and Eight (8); b) that all grading shall be properly covered and sand bags and/or ditches shall be used to prevent runoff and siltation; and, c) that measures to control erosion must be implemented at the end of each day's work. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall ensure that no debris falls over the edge of the bluff top onto the beach below during the construction period.

## **3. Assumption of Risk**

A. By acceptance of these permits, the applicant acknowledges and agrees to the following:

1. The applicant acknowledges and agrees that the sites may be subject to hazards from liquefaction, storm waves, surges, erosion, landslide, flooding, and wildfire.
2. The applicant acknowledges and agrees to assume the risks to the applicant and the properties that are the subject of these permits of injury and damage from such hazards in connection with the permitted development.
3. The applicant unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
4. The applicant agrees to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the projects 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.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restrictions shall include a legal description of the applicant's parcels. The deed restrictions shall run with the land, binding all successors and

assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed restrictions shall not be removed or changed without a Commission amendment to the coastal development permit(s).

#### **4. Drainage and Polluted Runoff Control Plan**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plans shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed sites. In addition to the specifications above, the plans shall be in substantial conformance with the following requirements:

- A. Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24 hour runoff event for volume-based BMPs, and/or the 85th percentile, one hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- B. Runoff shall be conveyed off site in a non-erosive manner and shall be directed from the developed portions of the sites to Del Playa Drive.
- C. Energy dissipating measures shall be installed at the terminus of outflow drains.
- D. The plans shall include provisions for maintaining the drainage systems, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the projects' surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit repair and restoration plan(s) to the Executive Director to determine if an amendment(s) or new coastal development permit(s) is/are required to authorize such work.

#### **5. No Future Bluff or Shoreline Protective Device**

- A. By acceptance of these permits, the applicant agrees, on behalf of itself and all successors and assignees, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permits A-4-STB-01-021 and A-4-STB-01-022, including, but not

limited to, the residences, garages, covered bicycle parking areas, patio areas, and any other future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of these permits, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such device(s) that may exist under Public Resources Code Section 30235.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which reflect the above restrictions on development. The deed restrictions shall include a legal description of the applicant's parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. These deed restrictions shall not be removed or changed without Commission amendment(s) to the coastal development permit(s).

**6. Revised Plans**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**, the applicant shall submit, for the review and approval of the Executive Director, revised project plans conforming to the five foot side yard set backs required by the County of Santa Barbara's Local Coastal Plan and replacing the proposed concrete slab on grade paving with removable patio pavers seaward of the residences. As both lots are 25 feet in width, in order to meet the required side yard setbacks of five feet, the revised plans must illustrate that the proposed residences are reduced to a width of 15 feet, although under the County's zoning ordinance the garages may encroach into the five foot side yard setback by one foot on each side of the residences, thereby allowing for the garage portion of the development to be 17 feet in width. The revised plans shall include site plans, floor plans, and proposed fencing. Further, the revised plans must not maintain any structures, vegetation, or obstacles which could result in an obstruction of public views of the Pacific Ocean from Del Playa Drive and no such structures, vegetation or obstacles shall be permitted within the required side yard setbacks. The revised plans shall also clearly illustrate that there will be no development within the 10 foot bluff top setback on the sites, including paving and existing or future fencing. Any fencing within side yard setbacks shall be limited to visually permeable designs and materials, such as wrought iron or non-tinted glass materials. Fencing shall be limited to no more than six (6) feet in height. All bars, beams, or other non-visually permeable materials used in the construction of the proposed fence shall be no more than one inch in thickness/width and shall be placed no less than twelve (12) inches apart in distance. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this Special Condition and serve to minimize adverse effects on public views.

- B. The project shall be constructed in compliance with the approved revised plans; if any changes are proposed, they must be authorized in an amendment, unless the Executive Director determines one is not necessary.

**7. Future Development Deed Restriction**

These permits are only for the development described in Coastal Development Permit Nos. A-4-STB-01-021 and A-4-STB-01-022. Accordingly, any future improvements to the permitted single family residence structures, including but not limited to fencing, patios, paving, landscaping, and erosion control plans prepared pursuant to Special Conditions Two (2) and Six (6), shall require an amendment or amendments to Coastal Development Permit Nos. A-4-STB-01-021 and A-4-STB-01-022 from the Commission or shall require an additional coastal development permit or permits from the County of Santa Barbara or applicable local government.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which reflect the above restrictions on development in the deed restrictions and shall include legal descriptions of the applicant's entire parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed restrictions shall not be removed or changed without a Commission amendment or amendments to the coastal development(s).

**8. Maintenance of Bluff Top Setback**

- A. By acceptance of these permits, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by these permits, including but not limited to, residences, garages, covered bicycle parking areas, patio areas, and any other future improvements, if any government agency orders that the structures are not to be occupied and/or are a public or private hazard. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit or permits from the California Coastal Commission and/or the County of Santa Barbara or applicable local government.
- B. By acceptance of these permits, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall at all times maintain a ten (10) foot setback from the edge of the bluff top, which shall at all times remain free of any development or solid structures, including, but not limited to: patio pavers, bicycle storage sheds, tables, chairs, and fences; and shall remove any such development or solid structures from the ten (10) foot bluff setback area as the bluff



retreats, thereby maintaining a constant ten (10) foot bluff setback. If, in the future, the edge of the bluff area is less than ten (10) feet from the seaward edge of the residences, then there shall be no patios, bicycle storage sheds, or other development allowed between the edge of the bluff top and the residences.

- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which reflect the above restrictions on development in the deed restrictions and shall include legal descriptions of the applicant's entire parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed restrictions shall not be removed or changed without a Commission amendment or amendments to the coastal development permit(s).

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The project sites are located on the three adjacent bluff top lots on the seaward side of Del Playa Drive, in the community of Isla Vista in Santa Barbara County. However, the applicant is proposing to merge one of the three lots, thereby creating two lots from the three. Currently, one of the sites is 25 feet in width and the other two sites are 12 and a half feet in width. Following the merger and lot line adjustment, however, there will be two lots rather than three and the two lots will each measure 25 feet in width. At present, the 25 foot wide lot is occupied by a single family residence and detached studio, one of the 12 and a half foot wide lots has an existing deck, and the other 12 and half foot wide lot is undeveloped.

The County's coastal development permits approved the demolition of an existing single family residence and a detached studio and the construction of two single family residences on two adjacent bluff top lots that are approximately 7,000 square foot in size. Each structure is 25 feet in height and 2,093 square feet in size, with a 293 square foot attached garage. A side yard setback variance was granted for each structure, creating a zero side yard setback between the structures. This variance results in the appearance of a duplex development, rather than two individual single family residences. The bluff setback required for the proposed development is approximately 30 feet, although the proposed residences will be setback between 32 and 44 feet from the edge of the bluff top. In addition, the County approved at-grade concrete slab patio on both sites that is setback approximately five feet from the edge of the bluff top. The subject sites are relatively flat and the proposed development will require only minimal grading of less than 50 cubic yards in order to direct drainage

toward Del Playa Drive and away from the bluff. No development is proposed on the bluff face or on the sandy beach below the bluff.

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

The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara (adopted November 19, 1982) indicates that the appeal jurisdiction for this area extends 300 feet from the bluff. The map shows this 300 foot wide area extending to a point between Del Playa Drive and Sabado Tarde Road, to the north. As a result, the subject sites are located within the appeal jurisdiction of the Commission and the development approved for these sites is therefore appealable to the Commission.

On December 18, 2000, the County of Santa Barbara Zoning Administrator approved two coastal development permits (99-CDP-046 and 99-CDP-047) for the development of two single family residences on two adjacent parcels. The County's appeal period ran with no local appeals filed. Commission staff received the notice of final action for the proposed development on January 10, 2001. A 10 working day appeal period was set and notice provided beginning January 11, 2001 and extending to January 25, 2001.

Commissioners Wan and Nava filed an appeal of the County's action during the appeal period on January 25, 2001. Commission staff notified the County and the applicant of the appeal and requested that the County provide Commission staff with its administrative record for the permits. The administrative record was not received in sufficient time for staff to prepare a staff report for the Commission's February 2001 hearing, however. As a result, the Commission opened and continued the hearing on substantial issue at the February 2001 hearing. The administrative record was subsequently received from the County by Commission staff on February 14, 2001 and the applicant's agent submitted additional information on February 28, 2001.

The appeal filed by Commissioners Wan and Nava is attached as Exhibit 4. The appeal contends that the approved project is not consistent with the policies of the certified LCP with regard to bluff protection (Policies 3-4, 3-5, and 3-6), seawalls and shoreline structures (Policy 3-1), and visual resources (Policies 4-4 and 4-5). As stated

previously, at the May 2001 hearing, the Commission found that a substantial issue exists with respect to the grounds on which the appeal has been filed and is now considering the de novo appeal. The appellants contend that the approved project is inconsistent with policies of the County of Santa Barbara's LCP for the specific reasons discussed below.

## **B. Consistency with Local Coastal Program Policies**

Policy 1-1 of the LCP states:

*The County shall adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.*

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of coastal development permits (including any new development which occurs between the first public road and the sea, such as the proposed project sites). In this case, the proposed development was appealed to the Commission, which found during a public hearing on May 8, 2001, that a substantial issue was raised.

As a "de novo" application, the standard of review for the proposed development is, in part, the policies and provisions of the County of Santa Barbara Local Coastal Program. In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project sites), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act with respect to public access and public recreation.

## **C. Hazards and Geologic Stability**

Policy 3-1 states, in part:

*Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. . . .*

Policy 3-4 states:

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

**50 years shall be used. The County shall determine the required setback. A geologic report shall be required by the County in order to make this determination. At a minimum, such geologic report shall be prepared in conformance with the Coastal Commission's adopted Statewide Interpretive Guidelines regarding "Geologic Stability of Blufftop Development". (See also Policy 4-5 regarding protection of visual resources.)**

**Policy 3-5 states:**

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

**Policy 3-6 states:**

**Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.**

**Policy 3-7 states:**

**No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.**

**Policy 3-8 of the LCP states:**

**Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.**

**Policy 3-14 of the LCP states:**

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

Policy 3-16 of the LCP states:

***Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.***

Policy 3-17 of the LCP states:

***Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.***

Policy 3-18 of the LCP states:

***Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.***

Policy GEO-GV-3 of the LCP states:

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

Furthermore, Article II Zoning Ordinance, Section 35-76.13, applicable to the SR-M-8 Zone District, where the subject sites are located, states:

- 1. Not less than 15 percent of the net lot area shall be devoted to landscaping.***
- 2. Landscaping shall be installed and permanently maintained in accordance with the Final Development Plan or Coastal Development Permit.***

As stated above, Policy 3-8 of the LCP requires that all proposed development located in or adjacent to areas subject to geologic hazards or beach erosion shall be reviewed to determine any potential impacts of such development. In addition, Section 30253 of the Coastal Act, which has been included in the certified LCP as a guiding policy, requires that new development minimize risks to life and property in areas of high geologic or flood hazards and assure structural stability and integrity.

As such, the Commission notes that the proposed development includes the demolition of an existing single family residence and a detached studio and the construction of two single family residences on two adjacent 7,000 square foot bluff top lots. The bluff setback required for the proposed development is approximately 30 feet, although the

proposed residences are proposed to be setback between 32 and 44 feet from the edge of the bluff top. In addition, the County approved at-grade concrete slab patio on both sites that is setback approximately five feet from the edge of the bluff top. The proposed development should be designed and sited in a manner consistent with the policies of the LCP and the public access and recreation policies of Chapter Three of the Coastal Act.

Although no geologic or engineering reports were previously required by the County for the proposed development, pursuant to Policy 3-8 of the LCP, Commission staff requested information from the County regarding pertinent geologic considerations for the subject sites, including the methodology used to determine the appropriate setbacks for the residences from the edge of the bluff top. The proper application of the maximum feasible setback from the bluff edge is a primary means by which the construction of seawalls can be avoided for the protection of development on erodible bluff top slopes. Although no information regarding the geologic stability of the subject sites was submitted by the applicant, the Commission notes (based on available information in the "Hazards" section of the County's LCP and reports previously submitted for projects along this stretch of bluff in Isla Vista) that the proposed development is located in an area that has been historically subject to an unusually high amount of natural hazards including severe beach erosion from storm waves and general bluff erosion.

Further, the Commission notes that development located along the shoreline, such as the proposed project, is subject to inherent potential hazard from storm generated wave damage. The El Nino storms recorded in 1982-1983 caused high tides of over seven feet, which were combined with storm waves of up to 15 feet. The severity of the 1982-1983 El Nino storm events is often used to illustrate the extreme storm event potential of the California coast. The Commission notes that the Santa Barbara County coast has historically been subject to substantial damage as the result of storm and flood occurrences. In fact, for over 20 years, the County has administered a program of annual inspections and evaluations of bluff-top properties in Isla Vista due to the erosion rate of these bluffs and potential hazards posed to development situated on them and to members of the public using the beach below. As part of this program, the County has required that individual structures which are actually threatened by bluff erosion be either supported by caisson foundations, or cut-back or relocated away from the edge of the bluff-top, to avoid public safety hazards and extend the useful and safe life of the threatened structure. As of 1999, at least 28 structures had been modified to include caisson foundations and over six structures had been cut-back, relocated, or built with the a 75-years bluff set-back.

In addition, due to the high rate of bluff erosion in Isla Vista, there was previously a permit approved by the County for the construction of a timber-pile seawall at the base of the coastal bluff fronting this unincorporated residential community of Isla Vista. Incidentally, although a majority of that project would have been situated seaward of the mean high tide line, which is generally located at the toe of the coastal bluff and would

have, therefore, been located on state tidelands or public trust lands within the Coastal Commission's area of retained original permit jurisdiction under Section 30519(b) of the Coastal Act, no application was made to the Coastal Commission for the project. Although the County's approval of the permit was ultimately appealed to and then denied at the de novo review hearing in 1999 by the Commission, the timber seawall under that permit would have been comprised of four non-contiguous segments totaling approximately 2,200 linear feet, and would have extended seven feet above grade and seven feet below grade. Two of the eight ends of the four segments would have connected to existing seawalls. The seawall would have extended across all of the privately and publicly owned properties on the south (ocean) side of Del Playa Drive. This previously proposed seawall, which was not approved, was intended to reduce the rate of coastal bluff retreat caused by wave action at the base of the coastal bluff affecting approximately 114 residential units.

Thus, ample evidence exists that bluff top development located on the seaward side of Del Playa Drive in Isla Vista, including the project sites, is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, and erosion. As such, the Commission notes that any new development that is permitted on the subject sites must be designed and constructed in a manner that ensures geologic and structural stability and must minimize hazards consistent with Policy 3-1, 3-4, 3-5, 3-6, 3-7, 3-8, and 3-9 of the LCP and Section 30253 of the Coastal Act, which has been included in the certified LCP.

The County has submitted information supporting the adequacy of the bluff top setbacks required and implemented by the applicant for the proposed residences. Evidence submitted by the County to support the adequacy of an approximate 30 foot bluff top setback for the proposed residences is adequate to meet the requirement under LCP Policy 3-4 that structures be "set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years." Further, the standard set forth in LCP Policy 3-4 reduces the potential requirement for bluff stabilization measures or shoreline armoring to protect the bluff in the future and aids in reducing threats from geologic hazard, as required by LCP Policy 3-8 and Section 30253 of the Coastal Act, included in the certified LCP.

Although the County of Santa Barbara submitted evidence in support of an approximate 30 foot setback for these two lots in order to ensure a 75 year life of the proposed development, the applicant is proposing to set the two residences back approximately 32 to 44 feet from the bluff edge. A letter dated May 16, 2001 (see Exhibit 5) from the County of Santa Barbara to Commission staff, supports the adequacy of an approximate 30 foot setback on these two sites, and states:

***Implementation of the 75-year bluff setback standard of Policy #3-4 requires an estimate of the rate of historic (and presumably ongoing) seacliff retreat at the property under permit review. Several methods are available to make this estimate, but all rely on measurements from fixed monuments to the bluff edge taken over several years or decades. Differences in the measured distances are divided by the time (years) between***

*the corresponding measurements to arrive at a retreat rate reported in units of feet per year.*

*In the case of the Isla Vista bluff, the retreat rate at all developed properties were measured over a 25 to 28-year period ending in April 1994. Building plans from the 1960's (available in County archives) document the position of the bluff edge at each property when each structure was built. That position was compared to direct measurements of the position of the bluff edge taken by the County geologist at each developed property in April 1994. The observed retreat rate distance is divided by the number of years between construction of the building and April 1994 to obtain an average annual retreat rate in feet per year. These retreat rate figures are then used to establish the required 75-year bluff edge setback for new construction along Del Playa Drive. The retreat rate information utilized by the County at Del Playa Drive is the most accurate and detailed record of seacliff retreat available in the County of Santa Barbara.*

*At the subject St. George property, no site-specific estimate is available. In this case, the County applied the highest retreat rate estimated for nearby properties, 0.38 feet per year to establish the 75-year setback of 30 feet ( $0.38 \text{ feet/year} \times 75 \text{ years} = 28.5 \text{ feet}$ ; rounded to 30 feet). The applicant designed the project to be between 32 and 44 feet from the bluff edge, consistent with the required setback. Thus, the County approval with regard to blufftop setbacks is consistent with Policy 3-4 and long-standing County administrative practice. Since the certification of the County Coastal Land Use Plan and implementing Article II zoning ordinance in 1982, the setback requirement of Policy 3-4 (i.e. the 75-year setback) has been applied by the County to all new development proposals along the Isla Vista bluff.*

As a result, the Commission finds that the proposed residences will comply with setback requirements pursuant to LCP Policy 3-4, in addition to LCP Policy 3-8 and Section 30253 of the Coastal Act as included in the certified LCP, as the residences will be situated beyond the approximate 30 foot setback (between 32 and 44 feet) determined to be appropriate for the subject sites.

Within the setback area, however, the County approval authorizes coverage of nearly all of the remaining bluff top area with concrete slab foundation patios and covered bicycle parking areas. These concrete slab patio areas on the subject sites were approved by the County with a five foot setback from the edge of the bluff top, while the covered bicycle areas are setback approximately 16 to 32 feet from the edge of the bluff top, adjacent to the residences. As a result, seaward of the residences, there will be only a five foot strip of bluff top that will be left in its natural state and/or landscaped with native plant species. Pursuant to LCP Policy 3-5, patios and fences that do not affect bluff stability may be permitted within the required bluff top setback area.

Further, in a letter submitted by the County of Santa Barbara to Commission staff, the use of impervious surfaces along this particular stretch of bluff in Isla Vista is explained from a geologic standpoint. The County's letter, dated May 16, 2001, states:

*[A] reduction of infiltration of water into blufftop sediments tends to reduce the rate of erosion and retreat of the bluff. In this regard, the use of drought-tolerant, low water demand vegetation would be an improvement over other types of vegetation (such as turf grass). In the case of the Isla Vista bluff, however, the best way to reduce water*



*input (artificial irrigation or rainfall) to the bluff is to place impervious surfaces (concrete patios) that drain to Del Playa Drive over the bluff setback area. This project design eliminates direct infiltration of water and avoids potential erosion of the bluff by deep roots. Thus, concrete patios can be found consistent with Policy 3-5 which states that patios "that do not impact bluff stability may be permitted" and Policy 3-6 which requires that blufftop development "be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.["] The patios on the St. George property, as well as the many others approved by the County along the Isla Vista bluff, enhance stability of the bluff by reducing the infiltration of water into the unconsolidated and poorly-indurated sedimentary rocks exposed on this eroding cliff.*

Although the County required that the applicant maintain a five foot setback from the edge of the bluff top for the proposed concrete slab patios, the Commission finds that due to the hazard posed by concrete falling over the edge of the bluff top to the beach below and concerns with respect to visual issues and public access, the applicant must submit revised plans utilizing removable patio pavers, maintaining a 10 foot setback from the edge of the bluff top. The need for a 10 foot setback is further underscored by the pattern of bluff erosion that is characteristic in this area. Rather than retreating in small, consistent increments, it is not uncommon for these bluffs to experience episodic failures during which five to nine feet of the bluff fail in one event. This pattern indicates that a setback of 10 feet, to be maintained for the life of the development, is necessary to ensure that the adaptive removal of pavers or other threatened structures is successfully implemented over time.

Therefore, due to the nature of bluff erosion and retreat in this area of Isla Vista, maintaining a patio that is easily removed as the bluff retreats and with a greater setback for safety, as required by the revised project plans pursuant to **Special Condition Six (6)** and maintenance of the bluff top setback, as required under **Special Condition Eight (8)**, the proposed development will be in further conformance with LCP Policy 3-1 (encouraging non-structural solutions to shoreline erosion problems, including removal of endangered structures), LCP Policy 3-8 (addressing impacts of geologic hazard and mitigation measures), LCP Policy GEO-GV-3 (encouraging relocation of structures threatened by bluff retreat rather than installation of coastal protection structures), and Section 30253 (minimizing risk to life and property in areas of high geologic hazard).

Although the use of a concrete slab foundation patio to within five feet of the bluff edge, as approved by the County, may lessen the infiltration of water into the bluff and lessen erosion caused by that infiltration, there are other issues that must be addressed in considering such impermeable paving to the near edge of the entire bluff on these two sites. There is substantial evidence that bluff retreat and erosion along this bluff area of Isla Vista have threatened similar patios. As the bluff retreats, numerous patios, decks, caissons, and other structures extend to and beyond the top edge of the bluff.

In fact, for over 20 years, the County has administered a program of annual inspections and evaluations of bluff-top properties in Isla Vista due to the erosion rate of these bluffs

and potential hazards posed to development situated on them and to members of the public using the beach below. As part of this program, the County has required that individual structures which are actually threatened by bluff erosion be either supported by caisson foundations, or cut-back or relocated away from the edge of the bluff-top, to avoid public safety hazards and extend the useful and safe life of the threatened structure. As of 1999, at least 28 structures had been modified to include caisson foundations and over six structures had been cut back, relocated, or built with a 75 year bluff setback.

Furthermore, the Isla Vista Beach Inspection Report for 2001 illustrates that as of May 15, 2001, at least 29 different sites along the Isla Vista bluff had concrete, fencing, decking, patios, caissons, or other development extending to or over the edge of the bluff top. Several sites actually were reported to have concrete patio slabs extending two, four, five, and even seven feet over the edge of the bluff top. Another site in this report was listed as having pieces of concrete block that has fallen to the beach below the bluff. In fact, even the subject sites on which the current development under consideration is proposed were cited in this recent report as having a "fence post hanging on bluff at east side of property." In these situations, concrete, patios, decks, and fencing can result in hazardous overhangs of debris that threaten safe sandy beach access and recreation by the public below the bluffs. Although the County conducts an annual Isla Vista inspection of this stretch bluff for hazards such as overhanging concrete, decks, and patios, there has been at least one recent case in which an eroded patio and other concrete debris fell from the bluff top to the beach below. Even when Commission staff was conducting a site visit on April 5, 2001, Commission staff noted that there were construction crews on one of the bluff top lots near the subject sites, removing portions of a concrete patio that was extending over the edge of the bluff.

Furthermore, as the bluff retreats and patios and decks begin to extend to or over the edge of the bluff top, an adverse visual impact is created for members of the public using the beach below the bluff as the concrete, patios, and decks extend to the extreme edge or even over the bluff top above. The risks to public access and recreation and the visual impacts that may be caused by the construction of concrete slab foundation patios along the bluff will be addressed in further detail later in this report. However, due to the rate of bluff retreat and erosion, it is necessary for the proposed development to be designed in a manner that addresses the retreat and current status in Isla Vista in which numerous sites have concrete paving jutting to the edge, over the edge, and falling over the edge of the bluff top. In addition, and as previously noted, in conversations between Commission staff and a representative from the County, it has been stated that when these bluffs erode, it is not uncommon for at between five and nine feet to erode in one event.

Furthermore, Policy 3-14 of the LCP requires development to preserve natural features, landforms, and native vegetation to the maximum extent feasible. Policy 3-14 also states that those areas of the sites "which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space." As a

result, the Commission finds that due to the bluff erosion and retreat along this bluff in Isla Vista and hazards posed by development falling over the edge of the bluff to the beach below accessed by the public, it is more appropriate to allow a greater setback from the bluff edge to remain undeveloped and in its natural state.

Due to the above considerations, the Commission finds that the applicant must submit revised plans utilizing removable patio pavers that maintain a 10 foot setback from the bluff edge for the life of the development, as required by **Special Conditions Six (6)** and **Eight (8)**. Further, the Commission finds that the applicant must also maintain this constant setback of 10 feet as the bluff continues to retreat, thereby maintaining the setback, as also required by **Special Condition Eight (8)**.

Furthermore, Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and to assure stability and structural integrity. Coastal bluffs, such as the one located on the subject sites, are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. In addition, due to their geologic structure and soil composition, these bluffs are susceptible to surficial failure, especially with excessive water infiltration.

Notwithstanding the projects' consistency with the required setbacks and geologic policies of the County's LCP, the Commission nevertheless finds that coastal bluff erosion is a dynamic, long-term process and that no structure situated on a coastal bluff, particularly a bluff exposed to wave attack at the beach elevation, can be completely free of hazard. Therefore, the Commission finds it necessary to impose **Special Condition Three (3)**, assumption of risk, to ensure that the applicant understands the hazards involved in undertaking development on parcels located along a bluff above a beach, and that the applicant agrees to assume the risk from such development and to indemnify the Commission, its employees, and agents from all liability associated with proceeding with such development despite such unmitigable hazards.

The Commission notes that while the location of the proposed structures on the subject sites may presently be feasible from a geologic point of view, in order to maintain these structures, further improvements such as concrete block walls and/or other protective structures, may eventually be necessary to ensure slope stability in the future due to instability and erosion. In the case of the proposed projects, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. However, many beaches and bluffs in Santa Barbara County have experienced extreme erosion and scour during severe storm events, such as the El Nino storms. It is not possible to completely predict what conditions the proposed residences and accessory development may be subject to in the future.

Though, as stated above, no shoreline protective device is proposed as part of this project, the Commission notes that the construction of a shoreline protective device or devices on the proposed project sites would result in potential adverse effects to coastal processes, shoreline sand supply, the public's beach ownership interests, and public access. First, changes in the shoreline profile, particularly changes in the slope of the profile, which result from reduced beach width, alter the usable area under public ownership. 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. This reduces the actual area of public property available for public use. The second effect on access is through a progressive loss of sand, as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore, where they are no longer available to nourish the beach. The effect of this on the public is, again, a loss of area between the mean high water line and the actual water. Third, shoreline protective devices, such as revetments and bulkheads, cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline, eventually affecting the profile of a public beach. Fourth, if not sited landward in a location that insures that the revetment is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave' energy. Finally, revetments and bulkheads interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season.

In addition, the Commission notes that LCP Policy 3-1 allows for the construction of a shoreline protective device when necessary to protect existing principal structures when there are no other less environmentally damaging alternatives reasonably available. The Commission further notes that the approval of a shoreline protective device to protect new residential development, such as the proposed projects, would not be required by Section 30235 of the Coastal Act. The construction of a shoreline protective device to protect a new residential development would conflict with Section 30253 of the Coastal Act, incorporated into the County's LCP, which states that new development shall neither create nor contribute to erosion or geologic instability of the project sites or surrounding area.

If seawalls or shoreline protection devices were erected on these sites, there would be a direct impact on lateral public beach access opportunities due to the progressive narrowing of the beach resulting from the presence of a seawall. One seawall (Norris/Murphy) constructed in Isla Vista in 1979 has already resulted in the narrowing and almost complete disappearance of the beach directly in front of the seawall, as erosion on either side of the seawall has caused the bluff up and downcoast from the seawall to retreat, creating an artificial promontory which juts out into the active surf-zone. As the Commission found in the appeal and de novo denial of a permit for another Isla Vista seawall, mentioned previously, and as stated in the reports submitted

pursuant to that project, the western end of Isla Vista Beach is generally narrower than the eastern end, and currently there is limited access toward the western end during periods of high tide, particularly during the winter months when the sand beach exhibits a winter beach profile (i.e., lower and narrower accumulation of sand on the wave cut platform.) Furthermore, as noted above, the effects of the Norris/Murphy seawall on lateral public access provides confirmation of the effects of seawalls and shoreline protective devices in arresting bluff retreat on the Isla Vista Beach on lateral public access.

In approving the proposed development, the County did not condition the proposed development to avoid the construction of a seawall or shoreline protective device in the future should the proposed development become threatened by bluff erosion and retreat. As a result, in order to ensure that the proposed project is consistent with the policies of the County LCP, including Section 30253 of the Coastal Act incorporated therein, and to ensure that the proposed project does not result in future adverse effects to coastal processes, **Special Condition Five (5)** requires the applicant to record a deed restriction that would prohibit the applicant, or future landowners, from constructing a shoreline protective device or devices for the purpose of protecting any of the development approved under these applications, including the residences, driveways, bicycle structures, patios, and/or any other structure on the subject sites.

Additionally, in past permit actions, the Commission has found that development on steep bluffs has been found to have the potential to significantly exacerbate the natural processes of erosion, which the Commission notes is not proposed under these permits. Uncontrolled runoff over the bluff face will contribute to headward erosion and lead to destabilization of the bluff slopes and eventually the building sites. Additionally, the loss of vegetation through the altering of the natural landforms would increase the erosion potential. Erosion rates can be even greater when structures are built on the bluff face, which the Commission notes is not being proposed under the permits approved by the County. The Commission finds that a drainage system will serve to minimize hazards associated with erosion. Furthermore, the Commission finds that to minimize bluff erosion caused by runoff, the drainage plans shall direct runoff from the developed portions of the sites to Del Playa Drive, rather than over the bluff face. As a result, **Special Condition Four (4)** requires that the applicant submit drainage plans certified by a consulting geotechnical engineer designed to minimize hazards associated with headward erosion, in compliance LCP Policy 3-18.

To ensure that erosion resulting from the construction of the proposed development is minimized, **Special Condition Two (2)** requires the applicant to ensure that stockpiling of dirt or materials shall occur within the 10 foot setback required pursuant to **Special Conditions Six (6)** and **Eight (8)**, no debris falls over the edge of the bluff top onto the beach below during the construction period, all debris resulting from the construction period is promptly removed, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation, in compliance with LCP Policies 3-6, 3-8, and 3-14.

In addition, the Commission finds that risks associated with excessive water infiltration on a bluff top can only be minimized by allowing only drought tolerant, native vegetation seaward of the residence that will not require permanent irrigation. The percolation of water from irrigation systems into the bluff can lead to destabilization of the bluff, and consequently pose a significant risk to existing and proposed development. There have been numerous incidents where such irrigation lines have burst, saturating the bluff and thereby subjecting bluff top development to hazardous conditions. The landscaping of this area with native drought tolerant vegetation will also assist in reducing these risks associated with excessive water infiltration on the bluff top and aid in stabilizing the sites. Though a minor amount of initial irrigation may be necessary to establish new plantings, artificial, permanent irrigation of the drought tolerant, native plants will thereafter be unnecessary.

Following construction activities, landscaping and revegetation of the disturbed areas on the project sites will further enhance the geological stability of the sites. In addition, interim erosion control measures implemented during demolition and construction will reduce erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the sites. Erosion can best be minimized by requiring the applicant to revegetate all disturbed areas of the sites with primarily native, drought resistant plant species, compatible with the surrounding bluff top environment and solely native species seaward of the residence that will not require any permanent irrigation.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. This combination is typified by plantings of iceplant (*Carpobrotus spp.*), a common choice for coastal bluff plantings, which provides an excellent example of an inappropriate, invasive, non-native plant species. This type of species exacerbates bluff failure rates and erosion due to its shallow rooting pattern combined with heavy surface foliage weight.

The Commission finds, therefore, that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project sites. Native species, alternatively, tend to have a root structure that is better balanced with foliage weight than non-native, invasive species and, therefore, aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to this area of Santa Barbara County. Increasing urbanization in this area has also caused the loss or degradation of major portions of the native habitat and the loss of native plants through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees that originate from other continents, that have been used as landscaping in this area, have invaded and seriously degraded native plant communities adjacent to development. This invasive characteristic is also illustrated by iceplant, which readily escapes garden settings and commonly invades adjacent native plant habitats.

Furthermore, the County's zoning ordinance (Section 35-76.13, referenced previously), requires that at least 15 percent of the net lot area of the subject sites shall be devoted to landscaping and maintained as such. The Commission finds that in order to ensure the stability of the subject sites following demolition and construction activities, the disturbed areas on the sites shall be landscaped primarily with appropriate native, drought resistant plant species and solely native, drought resistant plant species seaward of the residences, as specified in **Special Condition One (1)**, in compliance with LCP Policies 3-16 and 3-17.

To ensure that the landscape and revegetation plans are successful, **Special Condition One (1)** also requires that the applicant agree to monitor the sites for a period of five years, as discussed in further detail below. Monitoring shall include the submittal of annual reports to the Executive Director, which shall outline the progress of the landscape and revegetation plans and shall include any recommendations for modifications to the project if the initial landscaping or revegetation effort fails.

Finally, future developments or improvements to the property have the potential to create significant adverse geologic hazards and impacts on these bluff top lots. As a result, it is necessary to ensure that future developments or improvements normally associated with a single family residence or accessory development, which might otherwise be exempt, be reviewed by the Commission and/or the County of Santa Barbara or applicable local government, for compliance with the visual resource protection policies of the LCP. As a result, **Special Condition Seven (7)**, the future improvements deed restriction, will ensure that the Commission and/or County of Santa Barbara, or applicable local government, will have the opportunity to review future projects for compliance with the Coastal Act and to ensure that any proposal is designed to minimize geologic hazards and impacts and/or that appropriate mitigation measures are included in the project.

Therefore, for reasons set forth above, the Commission finds that the proposed development, as conditioned by **Special Conditions One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8)**, is consistent with the requirements of the policies and zoning ordinances of the County's LCP and with Section 30253 of the Coastal Act, as included within the LCP as a guidance policy.

#### D. Visual Resources

The Commission finds that the County of Santa Barbara approved the project in a manner inconsistent with the scenic and visual resource protection requirements of LCP Policies 4-4 and 4-5.

Policy 4-4 of the LCP states:

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



*the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*

Policy 4-5 of the LCP states:

*In addition to that required for safety (see Policy 3-4), further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structures shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.*

Policy 3-14 of the LCP states:

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

Furthermore, Article II Zoning Ordinance, Section 35-76.8, applicable to the SR-M-8 Zone District, where the subject sites are located, states, in part:

*Setbacks for Buildings and Structures. . . .On each side of the lot 10 percent of the width of the lot but not less than five feet.*

In addition, Section 35-76.11 states, in part:

*Tandem parking shall be allowed on lots of 25 feet or less in width . . .*

*A one (1) foot encroachment into each side setback area shall be allowed for parking on lots of 25 feet or less in width.*

*Parking shall be allowed in the front setback areas on parcels located on the bluff, so long as a minimum of 5 feet is maintained between the right of way line of the adjacent street and the parking area.*

In addition, Section 30251 of the Coastal Act, which is included in the certified LCP as a guiding policy, requires that visual qualities of coastal areas shall be considered and protected and, where feasible, degraded areas shall be enhanced and restored. Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration*



***of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

Furthermore, in past actions, the Commission has provided for protection of visual resources when reviewing development proposals. For example, the Commission has found that new development shall be sited and designed to protect public views from scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands. In addition, the Commission has found in past actions that structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. Additionally, in highly scenic areas and along scenic highways, the Commission has found that new development shall be sited and designed to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal graded slopes, be visually compatible with and subordinate to the character of the setting, and not intrude into the skyline as seen from public viewing areas. In past actions, the Commission has also found that structures shall be sited to conform to the natural topography of the sites, as is feasible.

Site visits by Commission staff indicate that patios and other accessory structures located within the bluff top setback area seaward of residences are highly visible from public coastal vistas from the beach below the bluff in this area of Isla Vista. In some locations, structures threatened by bluff erosion are literally hanging over the bluff edge, resulting in significant adverse impacts to public visual resources from the beach below the bluff. Furthermore, the failure to set these accessory structures back from the bluff edge sufficiently has also created hazards to pedestrians using the beaches below the bluffs for access and recreation.

Although the residences approved on the subject sites will not be located closer to the bluff edge than adjacent structures and will be set back approximately 32 to 44 feet, thereby reducing potential visual impacts of the residences as seen from the beach below, the concrete slab foundation patios approved by the County within five feet from the edge of the bluff are inconsistent with the visual policies of the LCP. As approved, seaward of the residences, there will be only a five foot strip of bluff top that will be left in its natural state and/or landscaped with native plant species. Although under LCP Policy 3-5, patios and fences that do not affect bluff stability may be permitted within the required bluff top setback area, the County's permit approval does not require an adequate setback from the bluff top to ensure that the patio within the bluff setback area will not have an adverse impact on public views presently, or in the future, as bluff erosion continues due to the natural and anticipated pattern of bluff retreat. In addition, the County's approval did not require the removal of these accessory structures within the bluff setback area as erosion progresses in the future. As a result, the County's approval of the concrete slab foundation patio within the bluff setback area is inconsistent with Policy 4-5 of the LCP.

Although the County required that the applicant maintain a five foot setback from the edge of the bluff top for the proposed concrete slab patios, the Commission finds that due to the hazard posed by concrete falling over the edge of the bluff top to the beach below and concerns with respect to visual issues and public access the applicant must submit revised plans utilizing removable patio pavers, maintaining a 10 foot setback from the edge of the bluff top. There is substantial evidence that similar patios have been threatened by bluff retreat and erosion along this bluff area of Isla Vista. As the bluff retreats, numerous patios, decks, caissons, and other structures extend to and beyond the top edge of the bluff.

As noted previously, for over 20 years, the County has administered a program of annual inspections and evaluations of bluff-top properties in Isla Vista due to the erosion rate of these bluffs and potential hazards posed to development situated on them and to members of the public using the beach below. As part of this program, the County has required that individual structures which are actually threatened by bluff erosion be either supported by caisson foundations, or cut-back or relocated away from the edge of the bluff-top, to avoid public safety hazards and extend the useful and safe life of the threatened structure. As of 1999, at least 28 structures had been modified to include caisson foundations and over six structures had been cut back, relocated, or built with a 75 year bluff setback.

Furthermore, the Isla Vista Beach Inspection Report for 2001 illustrates that as of May 15, 2001, at least 29 different sites along the Isla Vista bluff had concrete, fencing, decking, patios, caissons, or other development extending to or over the edge of the bluff top. Several sites actually were reported to have concrete patio slabs extending two, four, five, and even seven feet over the edge of the bluff top. Another site in this report was listed as having pieces of concrete block that has fallen to the beach below the bluff. In fact, even the subject sites on which the current development under consideration is proposed were cited in this recent report as having a "fence post hanging on bluff at east side of property." In these situations, concrete, patios, decks, and fencing can result in hazardous overhangs of debris that threaten safe sandy beach access and recreation by the public below the bluffs. Although the County conducts an annual Isla Vista inspection of this stretch bluff for hazards such as overhanging concrete, decks, and patios, there has been one recent case in which an eroded patio and other concrete debris fell from the bluff top to the beach below.

As a result, as the bluff retreats and patios and decks begin to extend to or over the edge of the bluff top, an adverse visual impact is created for members of the public using the beach below the bluff as the concrete, patios, and decks extend to the extreme edge or even over the bluff top above. This negative visual impact is contrary to the visual resource policies of the LCP and Section 30251 of the Coastal Act, incorporated into the guidance policies of the LCP. As a result, due to the rate of bluff retreat and erosion, it is necessary for the proposed development to be designed in a manner that addresses the retreat and current status in Isla Vista in which numerous sites have concrete paving jutting to the edge, over the edge, and falling over the edge

of the bluff top, creating adverse visual impacts and threats to public access and recreation on the beach below.

Although in some cases the Commission has authorized minor structures within bluff retreat/setback areas, any such development has generally been subject to special conditions of approval requiring the removal of such structures if erosion occurs up to an identified distance from the development. The County's permit approvals contain no such conditions that would prevent the applicant from seeking future approvals for shoreline protective devices to protect these incidental structures or residences within bluff setback areas or requiring the applicant to maintain any setback from the bluff edge for the concrete slab foundation patio, other than the five foot setback required under the approval.

As a result, the Commission finds that the applicant must submit revised plans utilizing removable patio pavers that maintain a 10 foot setback from the bluff edge for the life of the development, as required by **Special Conditions Six (6)** and **Eight (8)**. Further, the Commission finds that the applicant must also maintain this constant setback of 10 feet as the bluff continues to retreat, thereby maintaining the setback, as also required by **Special Condition Eight (8)**.

Furthermore, the County also approved the proposed development with variances from the side yard setback requirements of the LCP. Although the two lots are narrow, each with a width of 25 feet, a single family residence could be constructed that would meet the five foot side yard setback requirements of the LCP (Section 35.76.8, listed above) without the need for a variance, as granted by the County. Further, the SR-M-8 Zone District, of which these sites are a part, already grants reductions in setbacks for specific purposes based upon the size and location of a lot. For example, under the SR-M-8 Zoning Ordinance Section 35-77.11, lots such as the subject sites with a width of 25 feet or less, allows for a reduction of the side yard setback requirements by one foot on each side for garage or parking purposes. Further, this specific zoning ordinance also allows for the use of tandem parking due to the narrow lot width. Finally, in recognition of development constraints due to a narrow lot width, the zoning ordinance also permits parking to within five feet of the right of way line of the public road, which in the case of the subject sites, is Del Playa Drive. As evidenced by these specific built in exceptions for the development of narrow lots within this zone district, accommodations have already been provided for under the zoning ordinance for lots such as the subject sites. As a result, the need for a variance based on a lot width of 25 feet or less or bluff top location is not envisioned as a necessary component to allow for development under the County's zoning ordinance.

The original plans submitted by the applicant to the County for approval illustrated proposed residences 16 feet, three inches in width on the first floor and 17 feet nine inches in width on the second floor. In order to eliminate the need for a variance, the applicant could have reduced the width of the residence to 15 feet. Under the County's zoning ordinance, however, the garage or parking area could have been allowed to

extend one foot within each side yard setback area, thereby measuring 17 feet in width on each site. As a result, the applicant could have proposed to build two single family residences 15 feet in width with garages 17 feet in width, which would not have necessitated the need for variances from the County's side yard setback requirements.

Following public hearings, the applicant revised the project plans and side yard setback variance requests. The revised project plans submitted to the County Zoning Administrator were for two residences 18 feet in width but physically adjoined, with a zero side yard setback on the shared property line. These plans are what the County ultimately approved, with variances that allowed for a zero side yard setback on the shared property lines between the two sites. As a result, there is a seven foot side yard setback on the western property line of Lot 1, a seven foot side yard setback on the eastern property line of Lot 2, and no side yard setbacks on the eastern property line of Lot 1 or the western property line of Lot 2. The project approved by the County results in two single family residences being constructed along the shared property lines adjacent to each other with the image of being one structure, rather than two. The result of the zero side yard setback is a "duplex like" structure created by two attached single family residences on the two lots. The plans that were approved by the County permit these two residences to form one collective 36 foot wide structure and 14 feet of side yard setback across the two 25 foot wide lots. The approved plans illustrate one seven foot and one zero foot setback one each lot. Were the proposed development to meet the County's LCP policy and zoning requirements, there would be two five foot setbacks non each lot, resulting in six feet of additional open space and view corridors to the ocean. The Commission finds that the proposed development, as approved by the County with the variances for the side yard setback requirements, is inconsistent with the County LCP policies and zoning regulations.

One and two story single family residences, duplexes, and apartment buildings on long, narrow lots characterize development in this area of Isla Vista. The County staff has also stated that on the seaward side of Del Playa Avenue, the widths of residences ranges from 15 to 35 feet, with one residence narrower than 15 feet. In allowing a variance from the side yard setback requirements, the County's approval reduces the amount of open space between lots and development and views to the ocean from Del Playa Drive, a public road running parallel to the bluff and ocean. Furthermore, the higher density residential development in Isla Vista, such as apartments, is located near the commercial area of the community and away from the bluffs. In addition, the subject sites are located in a zone district (SR-M) that is intended to have less intensive development and a lower density. The bluff and marine environment characterizing this portion of Isla Vista is unique and distinguishes it from other neighborhoods within Isla Vista. Likewise, the only visual and physical public access to coastal resources in Isla Vista is through Del Playa Drive. As approved by the County, the proposed development will result in a massing of development and eliminate open space and a public view corridor to the ocean between the subject sites. Furthermore, the project as approved by the County contributes to a "wall like" effect of development along Del Playa Drive. As a result, the proposed development, as approved by the County with

the variances from the side yard setback requirements, results in adverse effects to visual resources and detracts from, rather than enhances, the overall community character of this neighborhood of Isla Vista.

Furthermore, one purpose of the SR-M-8 Zone District, where the subject sites are located, is to provide for open space and aesthetics. Section 35-76.1 of Article II Zoning Ordinance states:

***The intent is to provide for multiple residential development at moderate densities to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety and to encourage combining substandard lots to allow for a more efficient utilization of space.***

Section 35-173.6 of the Article II Zoning Ordinance states that the following findings must be adopted in order to approve the variances from the side yard setback requirements:

***Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.***

***The granting of the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.***

***The granting of the variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Coastal Land Use Plan.***

As stated previously, a single family residence could be constructed on each lot without the need for a variance from the side yard setback requirement. Furthermore, the strict application of the zoning ordinances would not deprive the applicant of the privileges enjoyed by other property owners subject to the same requirements. In addition, there are other similarly sized narrow lots along this portion of Del Playa Drive in Isla Vista. In addition, the subject sites are not constrained by vegetation, slopes or other natural landforms that might create a need for a variance. In granting the variances to the current applicant, the proposed development would also receive privileges inconsistent with the limitations on other similarly zoned properties and lots along this stretch of Del Playa Drive. Lastly, as stated previously, the granting of the variances from the side yard setbacks also reduces the amount of open space and public views to the ocean, contrary to the policies of the LCP. As a result, the granting of the variance would be in conflict with the "intent and purpose" of the LCP. Due to the above considerations, the finding cannot be made under Section 35-173.6 of the Article II Zoning Ordinance to approve the variances from the side yard setback requirements on these sites.

Although the project, as approved by the County, is comparable to other residences along Del Playa Drive that were also granted variances from the side yard setback

requirements or built prior to current regulations, the cumulative effect of reducing open space, public views to the ocean, and massing of development thereby creating a wall effect is not consistent with the visual resource policies of the LCP. These variances from the side yard setback requirements along the last public road parallel to the ocean do not serve to protect views to and along the ocean, as required by Section 30251 of the Coastal Act, which is incorporated into the County's LCP. Furthermore, Section 30251 also requires that new development be sited and designed to "restore and enhance visual quality in visually degraded areas." As a result, even if variances from side yard setbacks have been given in the past along Del Playa Drive and other residences were constructed without setbacks prior to the zoning requirements, the intent of Section 30251, as incorporated into the LCP, is to change practices that may have visually degraded particular areas along the coast, thereby also considering cumulative impacts of development. As new development proposals are considered, all of these factors must be taken into consideration. Furthermore, visual resources and public views should be enhanced, where feasible.

As a result, due to these considerations, even if such side yard setback variances have been approved by the County in the past, the practice of granting side yard setback variances along Del Playa Drive has resulted in a cumulative and substantial reduction in open space and view corridors to the ocean and has created a wall effect from development. The cumulative impact of the resulting reduction in open space and public view corridors to the ocean must be considered in the granting of variances and approval of development that has an effect on visual resources. The proposed development, as approved by the County with variances from the side yard setback requirements, would also reduce the open space and public view corridors to the ocean at an individual and cumulative level.

As a result, **Special Condition Six (6)** requires the applicant to submit revised plans that avoid the need for a variance from the side yard setback requirements, thereby allowing the open space and public view corridors to the ocean that are created by the side yard setbacks to be maintained. **Special Condition Six (6)** requires that the revised project plans conform to the five foot side yard set backs required by the County of Santa Barbara's Local Coastal Plan and replacing the proposed concrete slab on grade paving with removable patio pavers seaward of the residences. **Special Condition Six (6)** requires, in part, that the project be redesigned to avoid the need for variances from the side yard setback requirements and in a manner that is consistent with the County's LCP policy and zoning ordinances. As both lots are 25 feet in width, in order to meet the required side yard setbacks of five feet, the revised plans must illustrate that the proposed residences are reduced to a width of 15 feet, with the exception of the garages, which under the County's LCP may be 17 feet in width due to the one foot encroachment that is allowed into each five foot side yard setback for the garages.

Finally, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the beach and Del Playa Drive.

As a result, it is necessary to ensure that future developments or improvements normally associated with a single family residence or accessory development, which might otherwise be exempt, be reviewed by the Commission and/or the County of Santa Barbara or applicable local government, for compliance with the visual resource protection policies of the LCP. As a result, **Special Condition Seven (7)**, the future improvements deed restriction, will ensure that the Commission and/or County of Santa Barbara, or applicable local government, will have the opportunity to review future projects for compliance with the Coastal Act and to ensure that any proposal is designed to minimize impacts to visual resources and/or that appropriate mitigation measures are included in the project.

Therefore, for reasons set forth above, the Commission finds that the proposed development, as conditioned by **Special Conditions Six (6) and Seven (7)**, is consistent with the requirements of the County of Santa Barbara LCP and with Section 30253 of the Coastal Act, as included within the LCP as a guidance policy. Therefore, the Commission finds that, as conditioned, the proposed development will meet the visual resource policies and zoning requirements of the County's LCP and Section 30251 of the Coastal Act, included within the LCP as a guidance policy.

#### **E. Public Access**

The County of Santa Barbara's LCP, consistent with the Chapter 3 policies of the Coastal Act, mandates the provision of maximum public access and recreational opportunities along the coast. The County's LCP contains several policies that address the issues of public access and recreation along the coast.

LCP Policy 7-1 states, in part:

*The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. . . .*

Section 30210 Coastal Act, which is incorporated into the guidance policies of the LCP, states:

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

Coastal Act Section 30211, which is incorporated into the guidance policies of the LCP, 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 to any applicable policies of the LCP, all projects located between the first public road and the sea requiring a coastal development permit, such as the proposed project, must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act. 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. Based on the access and recreation policies of the Coastal Act, the Commission has required design changes in other projects to reduce interference with access to and along the shoreline.

As stated previously, the County's coastal development permits approved the demolition of an existing single family residence and a detached studio and the construction of two single family residences on these two adjacent bluff top lots that are approximately 7,000 square feet in size. Each structure is 25 feet in height and 2,093 square feet in size, with a 293 square foot attached garage. A side yard setback variance was granted for each structure, creating a zero side yard setback between the structures. This variance results in the appearance of a duplex development, rather than two individual single family residences. The bluff setback required for the proposed development is approximately 30 feet, although the proposed residences are proposed to be setback between 32 and 44 feet from the edge of the bluff top. In addition, the County approved at-grade concrete slab patio on both sites that is setback approximately five feet from the edge of the bluff top.

The coastal bluff on which the subject sites are located are generally vertical and average approximately 36 feet in height. The top of the bluff is developed primarily with residential rental units, with some owner-occupied single family residences, and several open space parks owned by the County and the Isla Vista Parks and Recreation District. The Isla Vista beach is composed of a thin veneer of sand perched on a wave cut platform. The beach varies in width from approximately 43 feet to 136 feet (as measured from the base of the bluff to the MSL contour on the bedrock terrace), and is generally narrower at the west (up-coast) end and wider at the east (down-coast end). The Isla Vista beach is a public beach that is intensively used by local residents and visitors for a variety of recreational activities, including strolling, surfing, running, sunbathing, fishing, and scuba diving. Vertical access to the beach is via a ramp and four public stairways. The beach fronting Del Playa Drive is a heavily used beach serving the student residential community of Isla Vista of over 20,000 people. Access to the beach is via a ramp and four public stairways. As a result, the Isla Vista beach is used both for recreational purposes and as a means of reaching adjoining beaches up and down-coast of this community.

The proposed development will be located on the bluff top above this sandy beach of Isla Vista that is widely used by the public at large. Further, the residences will be set back over 30 feet from the edge of the bluff and the accessory structures, such as the patio and covered bicycle parking, will be set back at least 10 feet from the edge of the bluff. Furthermore, as conditioned to maintain a constant 10 foot setback as erosion occurs over the life of the project and to eliminate the use of a seawall or shoreline



protective device in the future, there should not be any interference with public access on the sandy beach below. The public uses this stretch of the beach in Isla Vista to also access Campus Point beach to the east and Coal Oil Point to the west.

The Commission also recognizes that this beach in Isla Vista below the bluff on which the development is proposed has been widely used by the public for many years and that prescriptive rights likely exist for public use of the dry sandy beach from the base of the bluffs seaward to the mean high tide line. Members of the public have used the Isla Vista beach for sunbathing at the base of the bluffs on the dry sand and for walking and running. In addition, during periods when the tide is high along this beach, the dry sand has been used in order to pass along the beach from one end to the other. Use of both the dry and wet sandy beach at the base of these bluffs has been documented as far back as 1965, with public use continuing generally until the present for active and passive access and recreation. Due to this continual public use of the beach below the bluffs on which the proposed development will be situated, the Commission notes that the project should not have any adverse impact on any prescriptive rights to that use that may exist.

Furthermore, due to the naturally thin veneer of sand over the wave cut platform, the sand beach is highly sensitive to alteration of the littoral environment that would reduce the amount of sand reaching the beach or accumulating on the wave-cut platform. Any future seawalls or shoreline protective devices on the subject sites would exacerbate natural seasonal fluctuation in the amount of sand (and the consequent width of the beach) and result in the long-term loss of the beach and related public beach access. These effects are the result of a number of coastal processes influenced or induced by the seawall, including: (1) increasing the amount of wave reflection at the seaward face of the seawall, thus increasing the amount of beach sand scour; (2) preventing the natural retreat of the coastal bluff face in response to wave attack, thus preventing the landward shift of the fronting beach, as adjoining, unprotected reaches of the bluff retreat; and (3) reducing the amount of sand contributed to the littoral beach by the erosion of the bluff face.

One seawall (Norris/Murphy) constructed in Isla Vista in 1979 has already resulted in the narrowing and almost complete disappearance of the beach directly in front of the seawall, as erosion on either side of the seawall has caused the bluff up and downcoast from the seawall to retreat, creating an artificial promontory which juts out into the active surf-zone. The western end of Isla Vista Beach is generally narrower than the eastern end, and currently there is limited access toward the western end during periods of high tide, particularly during the winter months when the sand beach exhibits a winter beach profile (i.e., lower and narrower accumulation of sand on the wave cut platform.) Further, as noted above, the effects of the Norris/Murphy seawall on lateral public access provides confirmation of the effects of seawalls and shoreline protective devices in arresting bluff retreat on the Isla Vista Beach on lateral public access.

In summary, future seawalls or shoreline protective devices on the subject sites would result in substantial impact to lateral public beach access by directly displacing existing public beach area, and by causing the long-term progressive loss of beach width. Increased loss of sand on the beach due to wave scour and reduction in sand supply would adversely impact beach access to and recreational use of the Isla Vista Beach by narrowing the average width of the beach, and by increasing the frequency and length of time when no sand beach would be available on the wave cut terrace.

Therefore, the Commission finds that the County's approval of the project is not in conformance with the public access requirements of the County's LCP, which incorporates Sections 30210 and 30211 of the Coastal Act. In approving the proposed development, the County did not condition the proposed development to avoid the construction of a seawall or shoreline protective device in the future should the proposed development become threatened by bluff erosion and retreat. As a result, in order to ensure that the proposed project is consistent with the policies of the County LCP, including Section 30253 of the Coastal Act incorporated therein, and to ensure that the proposed project does not result in future adverse effects to coastal processes, **Special Condition Five (5)** requires the applicant to record a deed restriction that would prohibit the applicant, or future landowners, from constructing a shoreline protective device or devices for the purpose of protecting any of the development approved under these applications, including the residences, driveways, bicycle structures, patios, and/or any other structure on the subject sites.

In addition, the County approved a concrete slab foundation patio that covers nearly the entire bluff setback area located between the residences and the bluff edge. Although the use of a concrete slab foundation patio to within five feet of the bluff edge may lessen the infiltration of water into the bluff and lessen erosion caused by that infiltration, there are other issues that must be addressed in considering such impermeable paving to the near edge of the entire bluff on these two sites. There is substantial evidence that similar patios have been threatened by bluff retreat and erosion along this bluff area of Isla Vista. As the bluff retreats, numerous patios, decks, caissons, and other structures extend to and beyond the top edge of the bluff.

As noted previously, for over 20 years, the County has administered a program of annual inspections and evaluations of bluff-top properties in Isla Vista due to the erosion rate of these bluffs and potential hazards posed to development situated on them and to members of the public using the beach below. As part of this program, the County has required that individual structures which are actually threatened by bluff erosion be either supported by caisson foundations, or cut-back or relocated away from the edge of the bluff-top, to avoid public safety hazards and extend the useful and safe life of the threatened structure. As of 1999, at least 28 structures had been modified to include caisson foundations and over six structures had been cut back, relocated, or built with a 75 year bluff setback.

Furthermore, the Isla Vista Beach Inspection Report for 2001 illustrates that as of May 15, 2001, at least 29 different sites along the Isla Vista bluff had concrete, fencing, decking, patios, caissons, or other development extending to or over the edge of the bluff top. Several sites actually were reported to have concrete patio slabs extending two, four, five, and even seven feet over the edge of the bluff top. Another site in this report was listed as having pieces of concrete block that has fallen to the beach below the bluff. In fact, even the subject sites on which the current development under consideration is proposed were cited in this recent report as having a "fence post hanging on bluff at east side of property." In these situations, concrete, patios, decks, and fencing can result in hazardous overhangs of debris that threaten safe sandy beach access and recreation by the public below the bluffs. Although the County conducts an annual Isla Vista inspection of this stretch bluff for hazards such as overhanging concrete, decks, and patios, there has been one recent case in which an eroded patio and other concrete debris fell from the bluff top to the beach below.

Due to the rate of bluff retreat and erosion, it is necessary for the proposed development to be designed in a manner that addresses the retreat and current status in Isla Vista in which numerous sites have concrete paving jutting to the edge, over the edge, and falling over the edge of the bluff top. As the bluff retreats and patios and decks begin to extend to or over the edge of the bluff top, a hazard and impediment to public access and recreation is created for members of the public using the beach below the bluff as the concrete, patios, and decks may fall to the beach below. Although the County required that the applicant maintain a five foot setback from the edge of the bluff top for the proposed concrete slab patios, the Commission finds that due to the hazards posed by concrete falling over the edge of the bluff top to the beach below, the applicant must submit revised plans utilizing removable patio pavers and must maintain a 10 foot setback from the edge of the bluff top for the life of the structure. Due to the nature of bluff erosion and retreat in this area of Isla Vista, maintaining a patio that is easily removed as the bluff retreats and with a greater setback for safety, these revised project plans will be in further conformance with the access policies of the LCP and Sections 30210, and 30211 of the Coastal Act, as incorporated into the guidance policies of the LCP.

Finally, future developments or improvements to the property have the potential to create significant adverse impacts on public access if located within the 10 foot bluff top setback, as the chance of development debris falling to the beach below potentially increases. As a result, it is necessary to ensure that future developments or improvements normally associated with a single family residence or accessory development, which might otherwise be exempt, be reviewed by the Commission and/or the County of Santa Barbara or applicable local government, for compliance with public access policies of the LCP and the Coastal Act. As a result, **Special Condition Seven (7)**, the future improvements deed restriction, will ensure that the Commission and/or County of Santa Barbara, or applicable local government, will have the opportunity to review future projects for compliance with the Coastal Act and to ensure that any

proposal is designed to minimize impacts to public access and/or that appropriate mitigation measures are included in the project.

As a result, the Commission finds that the applicant must submit revised plans utilizing removable patio pavers and must maintain a 10 foot setback from the bluff edge for the life of the development, as required by **Special Conditions Six (6) and Eight (8)**. Further, the Commission finds that the applicant must also maintain this constant setback of 10 feet as the bluff continues to retreat, thereby maintaining the setback from the bluff edge for the life of the development, as also required by **Special Condition Eight (8)**.

Therefore, for reasons set forth above, the Commission finds that the proposed development, as conditioned by **Special Conditions Five (5), Six (6), Seven (7), and Eight (8)**, is consistent with the requirements of the County of Santa Barbara LCP and the Coastal Act. Therefore, the Commission finds that, as conditioned, the proposed development will meet the public access and recreation policies of the County's LCP and Section 30210 of the Coastal Act.

## **F. Water Quality**

The Commission recognizes that new development in the coastal zone, including Santa Barbara County, has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act, which is incorporated into the Watershed Protection Policies of the County LCP, states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.*

Policy 3-14 of the LCP states:

*All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of*

*the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.*

Policy 3-16 of the LCP states:

*Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*

Policy 3-17 of the LCP states:

*Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.*

Policy 3-18 of the LCP states:

*Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.*

Policy 3-19 of the LCP states:

*Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

As described previously, the County's approved coastal development permits for the demolition of an existing single family residence and a detached studio and the construction of two single family residences on two adjacent bluff top lots that are approximately 7,000 square feet in size. Each structure is 25 feet in height and 2,093 square feet in size, with a 293 square foot attached garage. A side yard setback variance was granted for each structure, creating a zero side yard setback between the structures. This variance results in the appearance of a duplex development, rather than two individual single family residences. The bluff setback required for the proposed development is approximately 30 feet, although the proposed residences are proposed to be setback between 32 and 44 feet from the edge of the bluff top. In addition, the County approved at-grade concrete slab patio on both sites that is setback approximately five feet from the edge of the bluff top and that covers nearly the entire area seaward of the residences.

The proposed development may result in an increase in impervious surfaces, which in turn may decrease the infiltrative function and capacity of existing permeable land on sites. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the sites. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons such as oil and grease from vehicles, heavy metals, synthetic organic chemicals such as paint and household cleaners, soap and dirt from the washing of vehicles, dirt and vegetation from yard maintenance, litter, fertilizers, herbicides, pesticides, and bacteria and pathogens from animal waste. The discharge of these pollutants into coastal waters can cause cumulative impacts such as eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms, leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes; reduce optimum populations of marine organisms; and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the LCP, the Commission finds it necessary to require the incorporation of Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed sites. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs to be sized based on design criteria specified in **Special Condition Four (4)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the watershed protection policies of the County's LCP, including Policies 3-16, 3-18, and 3-19 and Section 30231 of the Coastal Act, incorporated into the LCP.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition One (1)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources, consistent with the County's LCP, including Policies 3-14, 3-16, 3-17, 3-18, and 3-19 and Section 30231 of the Coastal Act, incorporated into the LCP.

To ensure that erosion resulting from the construction of the proposed development is minimized, **Special Condition Two (2)** requires the applicant to ensure that stockpiling of dirt or materials shall occur within the 10 foot setback required pursuant to **Special Conditions Six (6) and Eight (8)**, no debris falls over the edge of the bluff top onto the beach below during the construction period, all debris resulting from the construction period is promptly removed, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation, in compliance with LCP Policies 3-6, 3-8, and 3-14 and Section 30231 of the Coastal Act, incorporated into the LCP.

Therefore, for reasons set forth above, the Commission finds that the proposed development, as conditioned by **Special Conditions One (1), Two (2), Four (4), and Six (6)**, is consistent with the watershed protection policies of the County's LCP, including Section 30231 of the Coastal Act incorporated therein. Therefore, the Commission finds that, as conditioned, the proposed development will meet the water quality and watershed protection policies of the County's LCP and Section 30210 of the Coastal Act.

## **G. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the applications, 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 that 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.



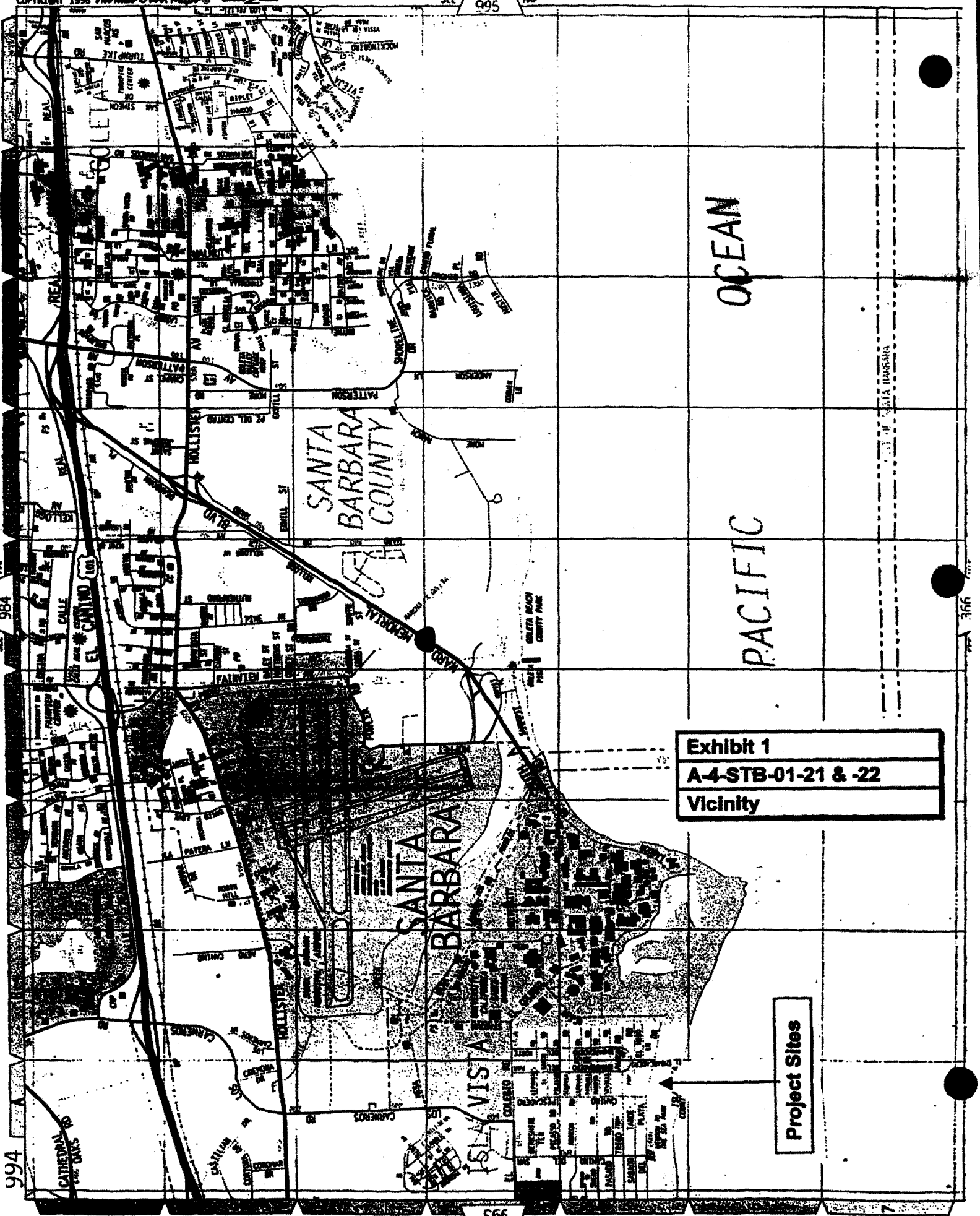
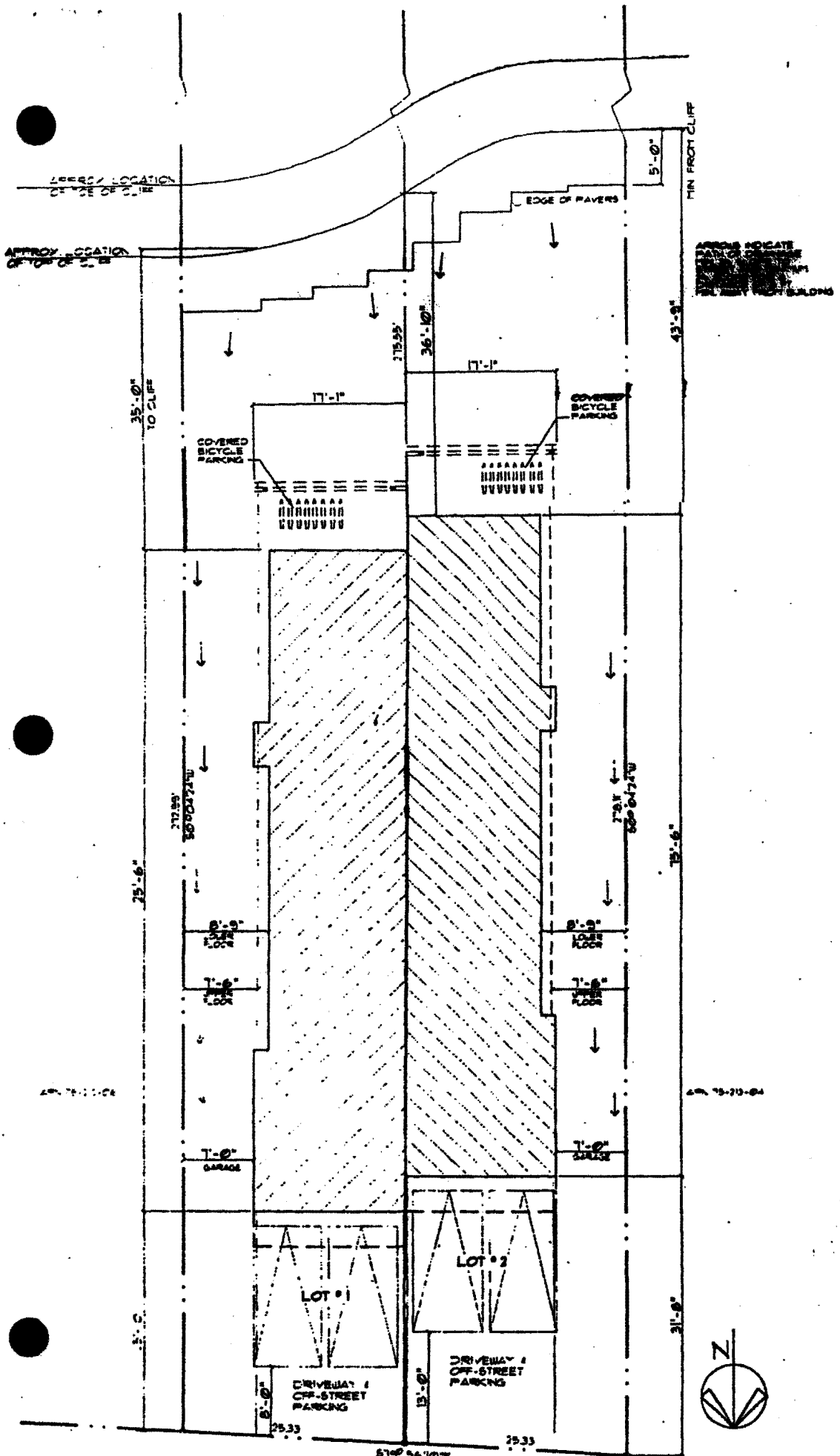


Exhibit 1  
 A-4-STB-01-21 & -22  
 Vicinity

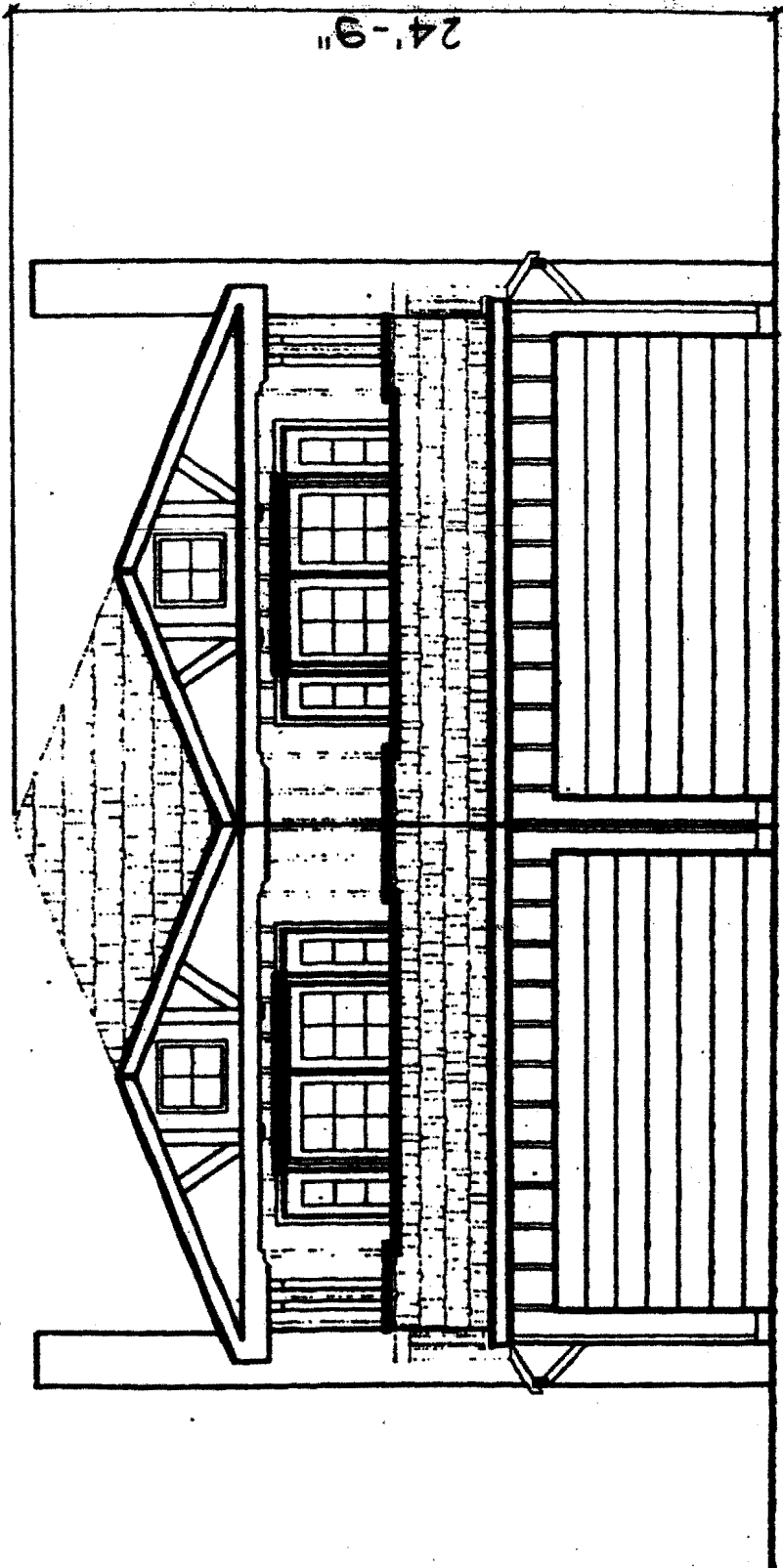
Project Sites

994





<b>Exhibit 2</b>
<b>A-4-STB-01-21 &amp; -22</b>
<b>Site Plan</b>



**Exhibit 3**

**A-4-STB-01-21 & -22**

**Elevation**

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001  
(805) 641-0142

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

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

Pedro Nava, 45 Fremont St., #2000, San Francisco 94105-2219  
Sara Wan, 45 Fremont St., #2000, San Francisco 94105-2219  
( 415 ) 904-5200

Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Barbara County

2. Brief description of development being appealed: New single family dwelling, garage, patio & side yard variance on bluff-top lot.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 6583 Del Playa Drive, Isla Vista (LOT 1)  
APN 075-213-005

- 4. Description of decision being appealed:
  - a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: \_\_\_\_\_ **X** \_\_\_\_\_
  - c. Denial: \_\_\_\_\_

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

Exhibit 4
A-4-STB-01-21 & -22
Appeal

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

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

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

6. Date of local government's decision: 12-18-2000 (Final Notice Rec'd) 1-10-01

7. Local government's file number (if any): 99-CDP-047H

**SECTION III. Identification of Other Interested Persons**

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

a. Name and mailing address of permit applicant:  
Ed St. George  
PO BOX 6311  
Santa Barbara, CA 93160

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

- (1) \_\_\_\_\_  
\_\_\_\_\_
- (2) \_\_\_\_\_  
\_\_\_\_\_
- (3) \_\_\_\_\_  
\_\_\_\_\_
- (4) \_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
Page 3

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

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

SECTION V. Certification

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

Signed: *Alan J. Wan*  
Appellant or Agent

Date: 1/25/01

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)

RECEIVED  
JAN 25 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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

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**SECTION V. Certification**

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

Signed: \_\_\_\_\_  
Appellant or Agent

Date: 1/25/01

RECEIVED

JAN 25 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**Agent Authorization:** I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

PROJECT RAISES ISSUE <sup>WITH</sup> BLUFF + BEACH EROSION POLICIES  
OF CERTIFIED LCP RELATIVE TO BLUFF PROTECTION  
( P 3-4, 3-5 + 36 ) ; SEAWALLS + SHORELINE STRUCTURES  
( P 3-1 ) ; AND VISUAL RESOURCES ( P 4-4 + 4-5 )

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

SECTION V. Certification

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

\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date \_\_\_\_\_

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

Section VI. Agent Authorization

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

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_





# County of Santa Barbara Planning and Development

John Patton, Director

May 16, 2001

Sabrina Haswell  
California Coastal Commission  
89 S. California Street  
Ventura CA 93001

Re: **St. George Residences Coastal Commission Appeal,  
A-4-STB-01-021 and 022: Information on seacliff retreat rates and use of  
impervious surfaces at Isla Vista Beach.**

Santa Barbara County case numbers: 99-CDP-046H, 99-CDP-047H:  
APN 075-213-005

Dear Ms. Haswell:

As you requested in our telephone conversation of May 15, 2001, this letter is provided to describe the County's implementation of the 75-year bluff setback requirement of Coastal Land Use Plan (CLUP) Policy 3-4. A brief discussion of the use of impervious surfaces (i.e. concrete patio decks) at the bluff edge is also provided consistent with your request.

### County Implementation of 75-year bluff setback requirement:

Implementation of the 75-year bluff setback standard of Policy #3-4 requires an estimate of the rate of historic (and presumably ongoing) seacliff retreat at the property under permit review. Several methods are available to make this estimate, but all rely on measurements from fixed monuments to the bluff edge taken over several years or decades. Differences in the measured distances are divided by the time (years) between corresponding measurements to arrive at a retreat rate reported in units of feet per year.

In the case of the Isla Vista bluff, the retreat rate at all developed properties were measured over a 25 to 28-year period ending in April 1994. Building plans from the 1960's (available in County archives) document the position of the bluff edge at each property when each structure was built. That position was compared to direct measurements of the position of the bluff edge taken by the County geologist at each developed property in April 1994. The observed retreat distance is divided by the number of years between construction of the building and April 1994 to obtain an average annual retreat rate in feet per year. These retreat rate figures are then used to establish the required 75-year bluff edge setback for new construction along Del Playa Drive. The retreat rate information utilized by the County at Del Playa Drive is the most accurate and detailed record of seacliff retreat available in the County of Santa Barbara.

123 East Anapamu Street · Santa Barbara CA · 93101-  
Phone: (805) 568-2000 Fax: (805) 568-21

**EXHIBIT 5**

**A-4-STB-01-21 & -22**

**May 16, 2001 Letter to CCC Staff  
from SB County**

Letter to S. Haswell from B. Baca, 5-16-01  
St. George Appeal, A-4-STB-01-021 and 022:  
Page 2 of 2

At the subject St. George property, no site-specific estimate is available. In this case, the County applied the highest retreat rate estimated for nearby properties, 0.38 feet per year to establish the 75-year setback of 30 feet ( $0.38 \text{ feet/year} \times 75 \text{ years} = 28.5 \text{ feet}$ ; rounded to 30 feet). The applicant designed the project to be between 32 and 44 feet from the bluff edge, consistent with the required setback. Thus, the County approval with regard to blufftop setbacks is consistent with Policy 3-4 and long-standing County administrative practice. Since the certification of the County Coastal Land Use Plan and implementing Article II zoning ordinance in 1982, the setback requirement of Policy 3-4 (i.e. the 75-year setback) has been applied by the County to all new development proposals along the Isla Vista bluff.

Use of impervious surfaces in blufftop development:

As recognized in the April 26, 2001 staff report to the Coastal Commission, a reduction of infiltration of water into blufftop sediments tends to reduce the rate of erosion and retreat of the bluff. In this regard, the use of drought-tolerant, low water demand vegetation would be an improvement over other types of vegetation (such as turf grass). In the case of the Isla Vista bluff, however, the best way to reduce water input (artificial irrigation or rainfall) to the bluff is to place impervious surfaces (concrete patios) that drain to Del Playa Drive over the bluff setback area. This project design eliminates direct infiltration of water and avoids potential erosion of the bluff by deep roots. Thus, concrete patios can be found consistent with Policy 3-5 which states that patios "*that do not impact bluff stability may be permitted*" and Policy 3-6 which requires that blufftop development "*be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself*". The patios on the St. George property, as well as the many others approved by the County along the Isla Vista bluff, enhance the stability of the bluff by reducing the infiltration of water into the unconsolidated and poorly-indurated sedimentary rocks exposed on this eroding cliff.

I hope this letter adequately addresses your questions about County permitting practice along the coastal scarp at Isla Vista Beach. If you need any additional information or clarification of this letter, please give me a call at 805-568-2004. I would also be happy to discuss these issues with the Coastal Commission's geologist.

Sincerely,



Brian R. Baca  
Engineering Geologist

Cc: Peter Lawson, P&D  
Dianne Meester, P&D

G:\...cdp\99\_cases\cdp046h\ccc.letter.May.16.01.doc

