

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-111

APPLICANT: California Dept. of Parks and Recreation

PROJECT LOCATION: Refugio State Beach, 10 Refugio Beach Road, Santa Barbara County.

PROJECT DESCRIPTION: Demolish an existing 480 sq. ft. restroom and outdoor shower and construct 1,300 sq. ft. combination shower and restroom building with new septic tank, 500 sq. ft. covered outdoor area, parking area, and 220 cu. yds of grading (110 cu. yds. cut, 110 cu. yds. fill). The project includes restoration of the existing Restroom #5 area to native vegetation and landscaping of the proposed new Restroom #5 with native plant materials.

SUBSTANTIVE FILE DOCUMENTS: Response to CCC Request for Additional Information for Refugio State Beach Restroom Replacement (Skelly Engineering, July 5, 2002); Refugio Wave Runup and Shoreline Erosion Study (Skelly Engineering, July 30, 2001); Phase I Archaeological Survey and Evaluation for Rehabilitation of Comfort Stations 1 and 5 at Refugio State Beach, Santa Barbara County (Santa Barbara Trust for Historic Preservation, April 2002); Mitigated Negative Declaration for El Capitan and Refugio State Beaches Restroom Replacement Project (California Department of Parks and Recreation, November 6, 2001);

SUMMARY OF STAFF RECOMMENDATION

The project entails the replacement of an existing public restroom with a larger combination restroom and shower facility approximately 30 feet landward of the existing building location. Staff recommends **approval** of the proposed project with four special conditions regarding: (1) assumption of risk / no future shoreline protection, (2) alternative on-site treatment system, (3) drainage and erosion control plans; and (4) archaeological resources.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit 4-02-111 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption of Risk/No Future Shoreline Protection

- A. By acceptance of this permit, the applicant acknowledges and agrees to the following:
- (a) The applicant acknowledges and agrees that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, landslide, flooding, and wildfire.
 - (b) The applicant acknowledges and agrees to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.
 - (c) 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.
 - (d) The applicant agrees to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
 - (e) No shoreline protective device shall be constructed, now or in the future, for the purpose of protecting the development approved pursuant to coastal development permit 4-02-111 including, but not limited to, the restroom, on-site wastewater treatment system, patio, or the parking area in the event that these structures are threatened with imminent damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future and by acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. This written agreement shall not be modified without a Commission amendment to this coastal development permit.

2. Alternative On-Site Wastewater Treatment System

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director a report and two (2) sets of revised project plans, prepared by a qualified professional and reviewed by the consulting coastal engineer, that shall verify the replacement of the conventional septic disposal system with an alternative on-site treatment system (OSTS). The alternative OSTS shall provide secondary wastewater treatment. The alternative OSTS shall be situated

outside of the delineated wave runup limits and shall be located in the vicinity of the existing septic system to be abandoned, or landward of said system. The OSTs report shall include verification of the appropriateness of the design and the installation, operation and maintenance requirements. In addition, the applicant shall submit evidence for the review and approval of the Executive Director that the alternative septic system location and design has been reviewed and approved by the County of Santa Barbara Environmental Health Department.

3. Drainage and Erosion Control Plans

Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, two (2) sets of interim erosion control plans and final drainage and runoff control plans, including supporting calculations. The plans shall be prepared in accordance with the following criteria:

A) Drainage and Polluted Runoff Control Plan

The drainage and polluted runoff control plan 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 site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, 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 30th each year and (2) should any of the project's 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 a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B) Interim Erosion Control Plan

The interim erosion control plan shall be prepared by a licensed engineer and shall incorporate Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the site during the construction phase of the project. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) The plan 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 on the site shall be clearly delineated on the project site with fencing or survey flags.
- (b) The plan shall specify that should grading 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 cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and 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.
- (c) The plan shall also include temporary erosion control measures should grading 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 and 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.

4. Archaeological Resources

Prior to issuance of the coastal development permit, the applicant shall retain the services of an independent qualified archaeologist(s) and appropriate Native American consultant(s) with appropriate qualifications acceptable to the Executive Director. The independent qualified archaeologist(s) and appropriate Native American consultant(s) shall be present on-site during all grading, excavation and site preparation that involve earth moving operations for Restroom #5. The number of monitors shall be adequate to observe the earth moving activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological and/or cultural materials. In the event that any significant

archaeological resources and/or cultural resources, including human remains, are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy shall be developed, by the applicant's archaeologist and the native American consultant consistent with CEQA guideline and subject to review and approval of the Executive Director.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The project site is located at Refugio State Beach, which occupies approximately 90 acres including 2.7 miles of coastline along the Gaviota Coast, approximately 20 miles west of the City of Santa Barbara, Santa Barbara County (Exhibit 1). The project site is located in an area of retained jurisdiction by the Coastal Commission as shown on the Tajiguas Post LCP Certification Permit and Appeal Jurisdiction map.

Facilities at Refugio State Beach include 85 campsites, one group campground, 155 day-use parking spaces, six restroom buildings, one concession building, a 2 mile bike trail and other associated infrastructure. The park serves between 170,000 and 250,000 visitors per year. The proposed restroom replacement project will not result in an increase in visitor use.

The applicant proposes to demolish the existing 480 sq. ft. restroom and outdoor showers and construct 1,300 sq. ft. combination shower and restroom building with new septic tank, 500 sq. ft. covered outdoor area, four parking spaces (including one ADA accessible parking space), and 220 cu. yds of grading (110 cu. yds. cut, 110 cu. yds. fill) (Exhibit 3-7). The location of the proposed restroom is approximately 30 feet north of the existing building. The building footprint is approximately 1,800 sq. ft., including interior space and covered outdoor areas. The proposed restroom site is developed with ornamental landscaping and hardscape configured for one camping space. This camping space would be lost as a result of the project. No native plants would be removed or impacted as a result of this project. The location of the existing Restroom #5 would be planted with native perennial grasses and native plant materials would be utilized in landscaping the proposed new restroom. The project area is located within the developed/landscaped portion of the campground which does not provide habitat for sensitive species known to occur at Refugio State Beach (CDPR, Mitigated Negative Declaration, November 2001).

Existing Restroom #5 is located in the east campground loop and has a footprint of approximately 480 square feet with wastewater treated through an existing on-site disposal system (Exhibit 2). Wastewater from Restroom #5 is circulated through a 2,000 gallon septic tank and into a small leachfield system located immediately northeast of the restroom. The existing structure and septic tank will be demolished and replaced with a new 1,800 sq. ft. building and 5,000 gallon septic tank. The new

restroom would connect to the large leachfield located on the east side of the campground. The small leachfield adjacent to the existing restroom building would be abandoned in place. CDPR maintains that the existing leachfield can accommodate the extra wastewater associated with the larger facility and has provided engineering calculations which indicate that the Refugio on-site treatment system (OSTS) is adequate. Therefore the applicant is not proposing any changes to the existing leachfield system.

The applicant has found that the existing 1956 restroom structure is beyond its useful life and in need of replacement. In addition, the existing structure does not conform with the Americans with Disabilities Act (ADA). The new building will be a combination of five unisex toilet rooms, five unisex shower rooms, and outdoor showers. Additionally, the parking area for this structure will be re-striped to provide parking spaces that are consistent with ADA standards.

To minimize impacts to recreation opportunities and due to funding restrictions, the applicant anticipates restroom construction (estimated 120 days) to be complete prior to Spring 2003. This timeline that would avoid interfering with the peak recreation use of the park facilities.

B. Hazards and Shoreline Processes

Section 30235 of the Coastal Act states:

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

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

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

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

property. The project site is located on a beachfront parcel in unincorporated Santa Barbara County. Shoreline areas, such as the project site, are subject to flooding and erosion from storm waves.

The applicant proposes to demolish an existing 480 sq. ft. restroom and outdoor shower and construct 1,300 sq. ft. combination shower and restroom building with new septic tank, 500 ft. covered outdoor area, four parking spaces, and 220 cu. yds. of grading. The new restroom building will be located approximately 30 feet landward of the existing location and outside of the wave uprush zone delineated by the applicant's coastal engineering consultants (Exhibit 8). The applicant proposes to connect to the existing septic leachfield located northeast of the proposed restroom building.

Section 30235 of the Coastal Act allows for the construction of a shoreline protective device only when necessary to protect existing development or to protect a coastal dependent use. In this case, a shoreline protective device is not proposed and the reconstructed facilities will be located landward of the wave uprush limit delineated by the applicant's coastal engineering consultants.

The location of the restroom was originally proposed by the applicant in approximately the same location as the existing restroom. The applicant's coastal consultant found that the restroom was "reasonably safe from damage due to wave runup and overtopping and shoreline erosion." In addition, the coastal engineering consultants concluded that "wave runup and wave forces will not impact the structures and are not an issue." (Skelly Engineering, July 30, 2001). The coastal engineering consultant further concluded that wave overtopping reaching the new restroom would occur "possibly only a few times over the 25 year life of the restrooms" but since the foundation would be made of concrete and built up on fill to a finished floor elevation of +15 MSL, and due to the distance between the shoreline and the facilities, "wave overtopping will not significantly impact the restrooms" (Skelly Engineering, July 5, 2002). The accompanying coastal engineering plans indicated that the project was located within the wave uprush limits.

Though the results of the Wave Runup and Coastal Erosion Study conclude that the structure is reasonably safe from damage, the results are not extrapolated to address the potential impact to the shoreline as a result of the project's location within the wave uprush zone. The Commission recognizes that placement of the restroom structure, including imported fill and concrete foundations, within the wave uprush zone could interfere with coastal processes, result in future requests for protective devices, and/or result in the direct disposal of debris and pollutants into the marine environment. Interference by shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile which results from a reduced beach berm 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 in which the public can pass on

their own property. 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 it is no longer available to nourish the beach. This affects public access again through 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 shoreline sand supply and 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 and they reach a public beach. In addition, if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. Fourth, if not sited landward in a location that ensures that the seawall 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's 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.

Adverse effects to shoreline processes from shoreline protective devices are greater the more frequently that they are subject to wave action. As such, in past permit actions, the Commission has required that all new development on a beach be located as landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. To address these concerns, CDPR submitted revised plans with an alternative location for the proposed restroom building, approximately 30 feet landward of the existing restroom structure. The revised plans demonstrate that this location would be outside of the identified wave uprush limit, thereby addressing the concerns regarding potential impacts to shoreline processes, need for protective devices, and water quality. The Commission finds that the revised location outside of the wave uprush zone is adequate and will not have adverse impacts to the shoreline or create additional hazards.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard as well as ensure stability and structural integrity. As discussed above, the Commission notes that the applicant's consultants have indicated that the proposed development will serve to ensure relative structural stability on the subject site. However, the Commission also notes that the proposed development is located on a beachfront lot in the County of Santa Barbara and will be subject to some inherent potential hazards.

The Santa Barbara coast has historically been subject to substantial damage as the result of storm and flood occurrences--most recently, and perhaps most dramatically, during the 1998 severe El Nino winter storm season. The subject site is beachfront property susceptible to flooding and/or wave damage from storm waves, storm surges and high tides. Extreme storm events have caused property damage resulting in public costs through emergency responses and low-interest, publicly-subsidized reconstruction loans.

Beachfront development in the area is subject to a high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The proposed development will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting coastal engineer, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

The Commission finds that due to the possibility of liquefaction, storm waves, surges, erosion, flooding, and wildfire, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition One (1)**, pursuant to a written agreement in a form and content acceptable to the Executive Director, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the proposed development.

In the case of the proposed project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. However, many beach areas experience extreme erosion and scour during severe storm events, such as the El Nino storms. Given the uncertainty of future climate changes and weather events, it is not possible to completely predict what conditions the proposed project 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 on the proposed project site would result in potential adverse effects to coastal processes, shoreline sand supply, the public's beach ownership interests, and public access. In addition, the Commission notes that Section 30235 of the Coastal Act allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. The Commission further notes that the approval of a shoreline protective device to protect the new development would not be required by Section 30235 of the Coastal Act. The construction of a shoreline protective device to protect the new development would conflict with Section 30253 of the Coastal Act which states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. In addition, the construction of a shoreline protective device to protect the new restroom development would also conflict with Section 30251 of the Coastal Act, which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from such a device. To ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act,

and to ensure that the proposed project does not result in future adverse effects to coastal processes, **Special Condition One (1)** requires the applicant to provide written waiver, subject to the review and approval of the Executive Director, that would prohibit the applicant, or future landowners, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application.

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

C. Water Quality

The Commission recognizes that new development 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 states that:

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

The applicant is proposing to demolish an existing 480 sq. ft. public restroom and outdoor shower and construct a 1,300 sq. ft. combination shower and restroom building with new septic tank, 500 ft. covered outdoor area, four parking spaces, and 220 cu. yds. of grading. The proposed restroom would require the installation of a new 5,000 gallon septic tank replacing the existing 2,000 gallon tank. The new restroom would connect to the large leachfield located on the east side of the campground. The small leachfield adjacent to the existing building would be abandoned in place.

Use of the subject site for public restroom purposes may introduce potential sources of pollutants such as petroleum and household cleaners, as well as accumulated pollutants from rooftops and other impervious surfaces. Pollutants that may be associated with runoff from the subject use include petroleum hydrocarbons such as oil and grease from vehicles; soap and dirt; synthetic organic chemicals including paint and household cleaners; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to 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 and reduce optimum populations of marine organisms and have adverse impacts on human health.

Refugio State Beach maintains a conventional septic system on site, consisting of 11 septic tanks totaling approximately 50,000 gallons in capacity. There are seven leachfields and five separate leachfield systems in the park. The sector office, residential area #1, residential area #2 and the group camp have separate leachfield systems. The remainder of the park is connected to a series of three leachfields, one in the west loop and two in the east loop. The proposed restroom would connect to the large leachfield system located immediately east of the new restroom site. The applicant has submitted engineering calculations regarding the existing on-site septic and leach field capacity at Refugio State Beach. Based on these calculations, the applicant maintains that the existing leachfield has the capacity to accommodate all wastewater generated from the proposed new restroom.

The State Water Resources Control Board has granted funding from the Clean Beaches Initiative for an OSTs review of Refugio State Beach. The project includes a complete evaluation and an upgrade of the Park's septic and leachfield system, as needed. Completion of the study and all upgrades is anticipated by June 2004. CDPR has proposed continued use of the existing on site septic leachfield system for the new restroom facility. The applicant has not proposed secondary treatment, preferring to rely on the future results of the comprehensive review and upgrade of the Refugio State Beach system.

In past permit actions, the Commission has required that On-Site Treatment Systems (OSTS's) shall be sited away from areas that have poorly or excessively drained soils, shallow water tables or high seasonal water tables that are within floodplains, or where nutrient and/or pathogen concentrations in the effluent cannot be sufficiently treated or reduced before the effluent reaches streams or the ocean. In this case, the proposed project site is in direct proximity to the ocean and the Canada del Refugio estuary/lagoon.

The Commission finds that inappropriately located, designed, installed, operated and/or maintained OSTs's could contribute nutrients and pathogens to ground and/or surface waters. Furthermore, due to the proximity of coastal waters, and the inherent risk of storm waves and surges, high surf conditions, erosion, and flooding in the area, the Commission finds that there is potential for the effectiveness of beachfront septic systems, even when properly maintained, to be undermined as a result of the overriding environmental conditions. Should this occur, there exists the potential for pollutants to be directly introduced into coastal waters. Conventional septic systems utilize septic tanks for pretreatment and drain/absorption fields for disposal of the wastewater. Secondary treatment allows for additional treatment before transferring wastewater into

the disposal area. Alternative OSTS's, requiring secondary or tertiary treatment of wastewater, are necessary where the protection of coastal water quality cannot be assured consistent with Section 30231 of the Coastal Act. In this case, the applicant is proposing use of a conventional leachfield septic system in proximity to sensitive receptor sites which has the potential to adversely impact water quality.

To ensure that any potential wastewater discharges do not adversely impact the biological productivity and quality of coastal waters, the Commission finds it necessary to require implementation of an alternative OSTS providing for secondary treatment of wastewater as specified in **Special Condition Two (2)**. Special Condition 2 requires the applicant to submit an OSTS report and revised project plans prepared by a qualified professional, for the review and approval of the Executive Director, that shall verify the replacement of the conventional septic disposal system with an alternative on-site disposal system utilizing secondary treatment. The alternative OSTS shall be situated outside of the delineated wave runoff limits and shall be located in the vicinity of the existing septic system to be abandoned, or landward of said system. Furthermore Special Condition 2 requires the OSTS report to include verification of the appropriateness of the design and the installation, operation and maintenance requirements. In addition, the applicant shall submit evidence for the review and approval of the Executive Director that the alternative septic system location and design has been reviewed and approved by the County of Santa Barbara Environmental Health Department.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. 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 site. In addition, as described above, pollutants associated with a developed restroom facility may be introduced in to the runoff with potential adverse effects to coastal waters and/or human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. 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 (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile, 24 hour storm 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 be sized based on design criteria specified in **Special Condition Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

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

D. Archaeological Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Section 30244 of the Coastal Act requires that projects that would adversely impact cultural resources be adequately mitigated for such impacts. Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The Phase I archaeological report prepared by Santa Barbara Trust for Historic Preservation (SBTHP, April 2002) entitled *Phase I Archaeological Survey and Evaluation for Rehabilitation of Comfort Stations 1 and 5 at Refugio State Beach* assesses the potential for archaeological resources to be impacted as a result of the proposed restroom reconstruction at Refugio Beach. According to the Phase I report, three Prehistoric Native American archaeological sites have been recorded within Refugio State Beach, specifically:

The results of this research show that a portion of one of these sites, CA-SBA-86, was identified as occupying the APE [Area of Potential Effect] of comfort station number 5.

Historically, the area now occupied by Refugio State Beach was part of an extensive lagoon and estuary at the mouth of Canada del Refugio. The comfort stations, leach fields and campsites are constructed on imported fill approximately 10 feet above mean sea level (SBTHP, April 2002). Although the newly revised location of Restroom #5 is approximately 30 feet north of the original proposed location, the Phase I field survey conducted for this project encompassed the new building footprint:

An area of 70-meters north/south by 50-meters east/west was surveyed for comfort station number 5. The southern boundary of the survey is the present beach escarpment directly south of existing comfort station number 5. The ground surface visibility varied from zero to 100% with an average of 75% visible. Within areas of less than 50% visibility shovel divots of approximately 50 by 50-centimeter and 2-centimeter deep were excavated. The area surveyed contained mostly ruderal plants, grasses, palm, and pepper trees.

The Phase I results indicated that no intact cultural resources were identified, and that the shell fragments and fire affected sandstone found in and around the site were modern in origin. However, due to the proximity of identified prehistoric site CA-SBA-86, the archaeological consultants recommended that all ground disturbing activities associated with the replacement and upgrade of Restroom #5 be monitored by a qualified archaeologist with the authority to stop and/or redirect the activities if significant cultural remains are found in the fill.

Because the project site is within close proximity to an identified prehistoric resources site, the proposed development has the potential to adversely impact cultural resources. Based on the results of the archaeological and cultural analysis described above, the project is considered to pose little or no risk of disturbance to archeological resources. Though it appears that all potential disturbance to archaeological and cultural resources have been avoided under the proposed project, the inherent nature of these types of resources make it difficult to fully and accurately predict the avoidance of such resources. The types of activities with the potential to impact archaeological and cultural resources includes, but is not limited to, proposed roads, placement of construction equipment, grading, landscaping, utility placement, or other subsurface construction and improvements which will lead to accessing the proposed site area.

Therefore, to ensure that potential adverse effects to archaeological and cultural resources are adequately mitigated during the construction of the proposed development, the Commission finds it necessary to require the applicant have a qualified independent archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation in order to monitor all earth moving operations, as described in **Special Condition Four (4)**. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the

archaeologist(s) and the Native American consultant(s) consistent with California Environmental Quality Act (CEQA) guidelines.

Thus, the Commission finds that based on the findings of the archaeological report and other available evidence, the proposed development, as conditioned to monitor the site during earth moving activities and to incorporate the recommendations of the archeological consultant(s) to mitigate any adverse impacts on archaeological resources, is consistent with the Coastal Act Section 30244.

E. Local Coastal Program

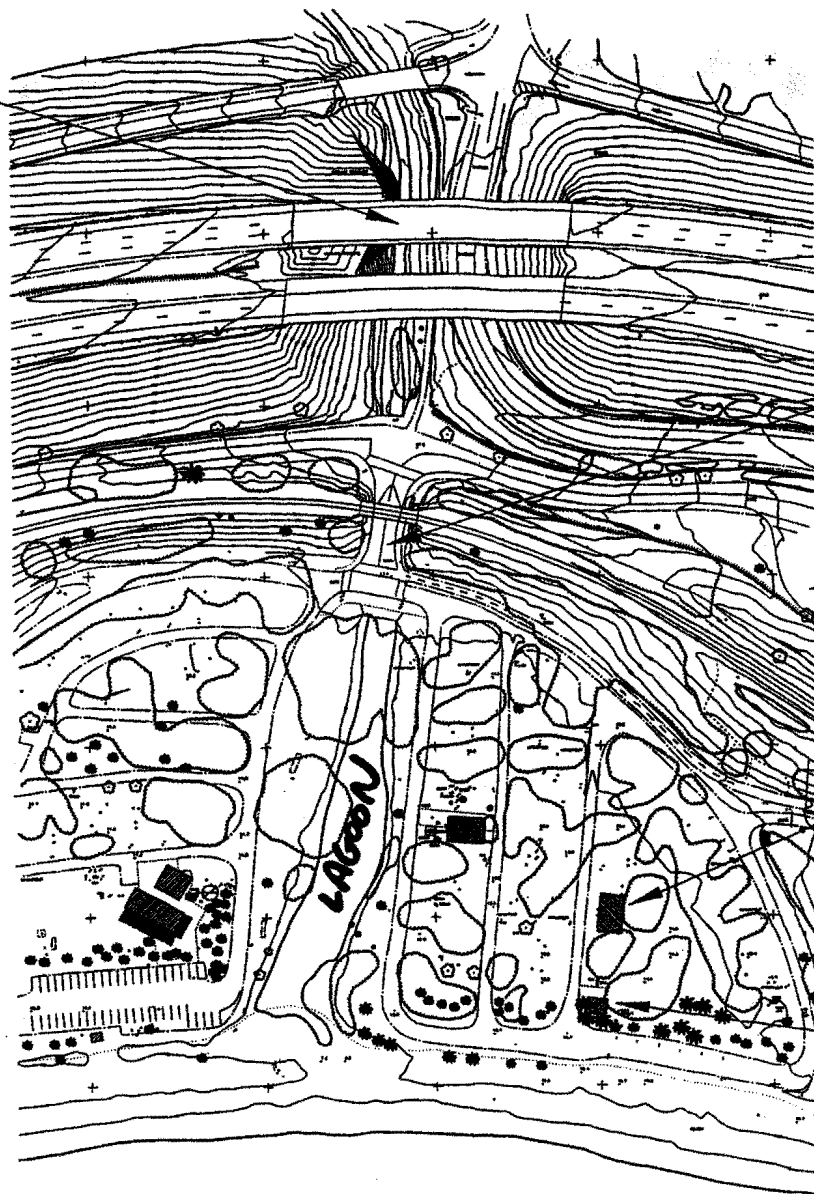
The proposed project area lies within the unincorporated area of County of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction as shown on the Tajiguas Post LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the County of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

F. CEQA

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

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

HIGHWAY 101



PARK ENTRANCE

Proposed
Restroom
#5

EXISTING
COMFORT STAT
TO BE DEMOLISH

PACIFIC OCEAN

GENERAL SITE PLAN
REFUGIO SB

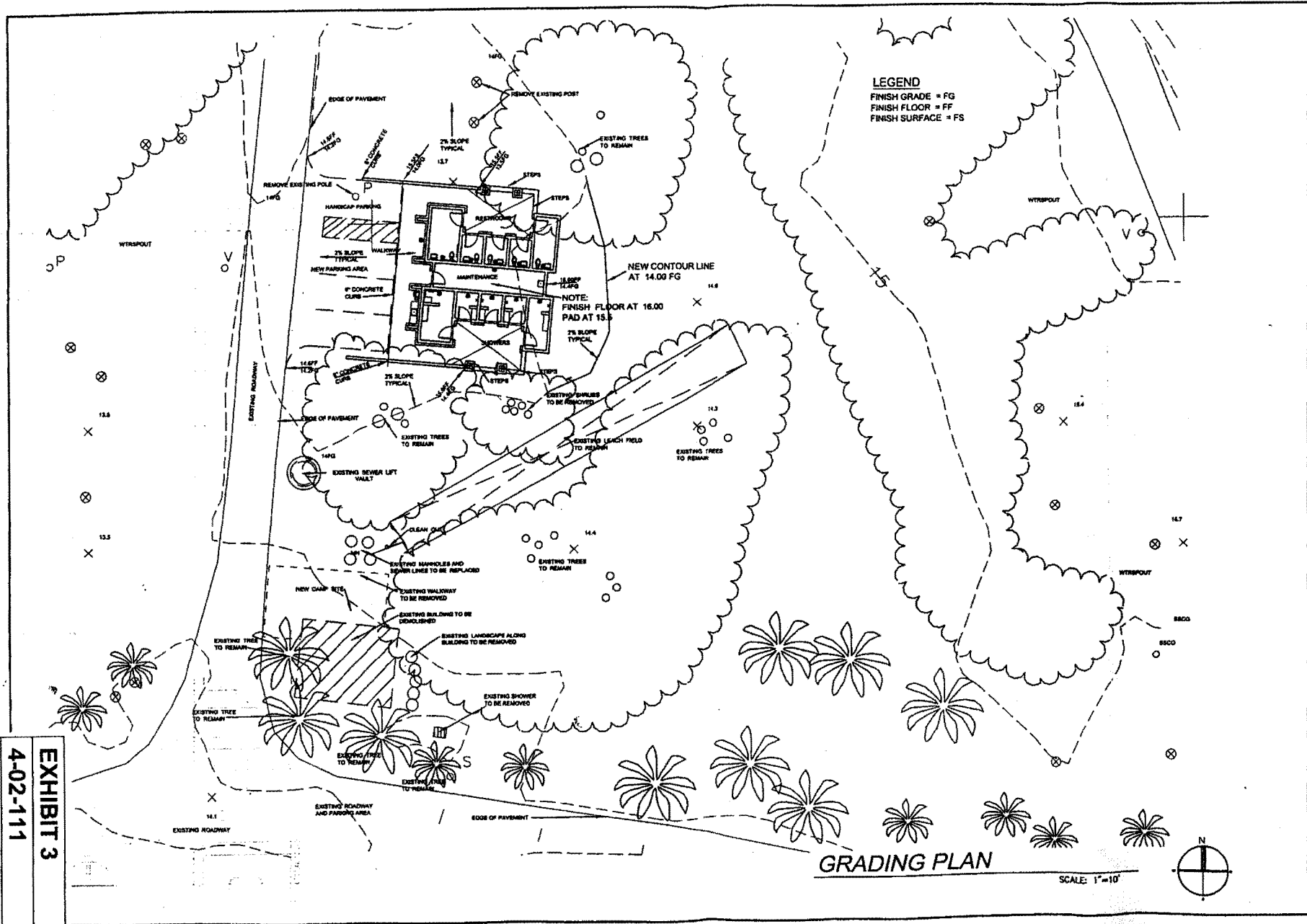
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EXHIBIT 2

4-02-111

Location Map

EXHIBIT 3
4-02-111
Site and Grading Plan





RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER

APPROVED _____ DATE _____

GRADING PLAN

PROJECT SITE:
 REFUGIO STATE BEACH
 250 SERIES CB
 CAMPGROUND RESTROOM #5

| REVISIONS | |
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| DESIGNED | 04/19/02 |
| DRAWN | AS SHOWN |
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| DATE | 04/19/02 |
| SCALE | AS SHOWN |
| PROJECT NO. | 910-527-03 |

C-2

SHEET 3 OF 37



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED _____ DATE _____

LANDSCAPE PLAN
SHEET TITLE: _____

PROJECT SITE:
REFUGIO STATE BEACH
250 SERIES CB
CAMPGROUND RESTROOM #5

| | | | |
|-----------|----------|-------------|-----|
| DESIGNED | DATE | PROJECT NO. | C-5 |
| DRAWN | SCALE | AS SHOWN | |
| CHECKED | 04/17/02 | 910-597-03 | |
| REVISIONS | | | |

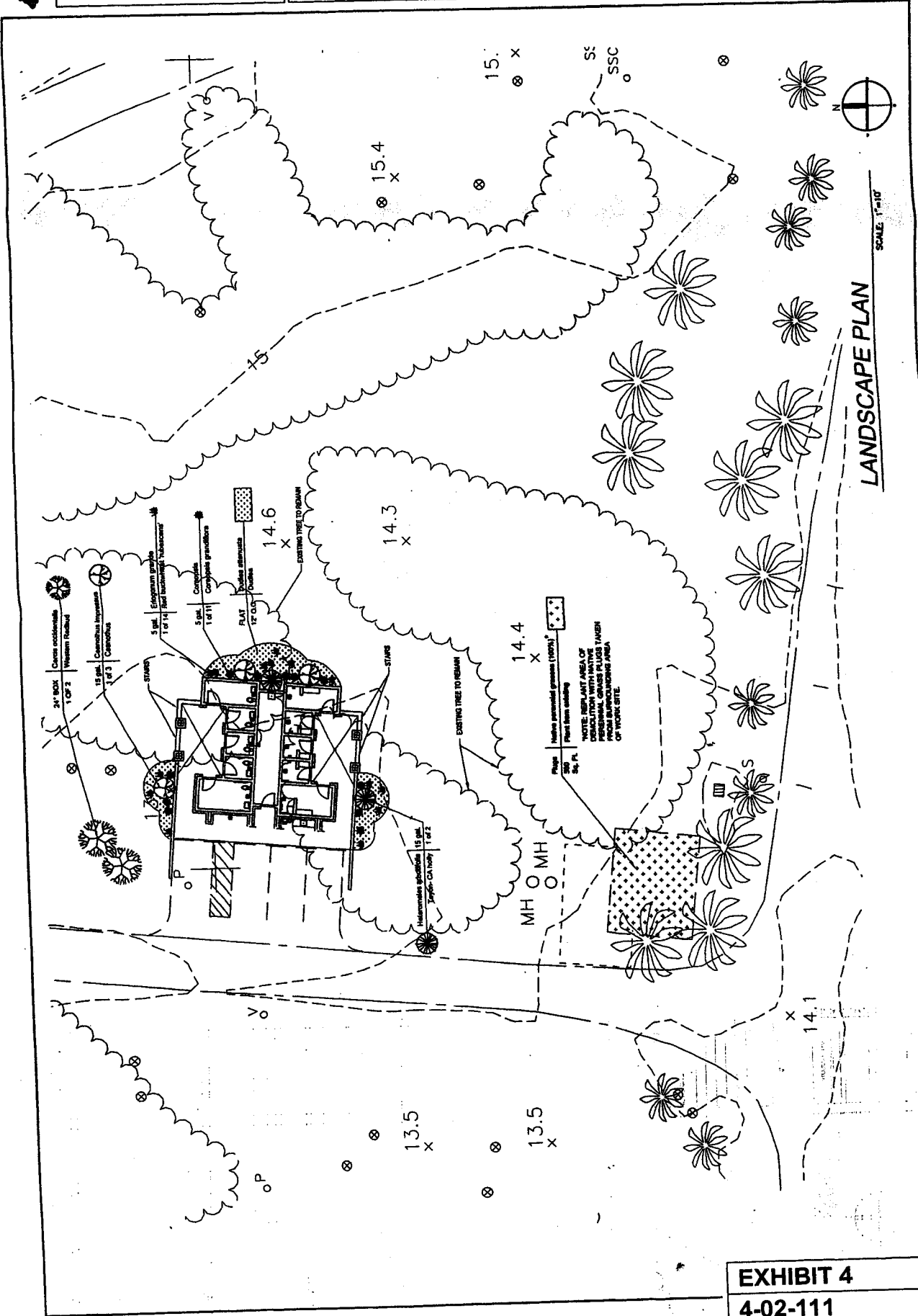


EXHIBIT 4
4-02-111
Landscape Plan



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED _____ DATE _____

SECTION

SHEET TITLE:

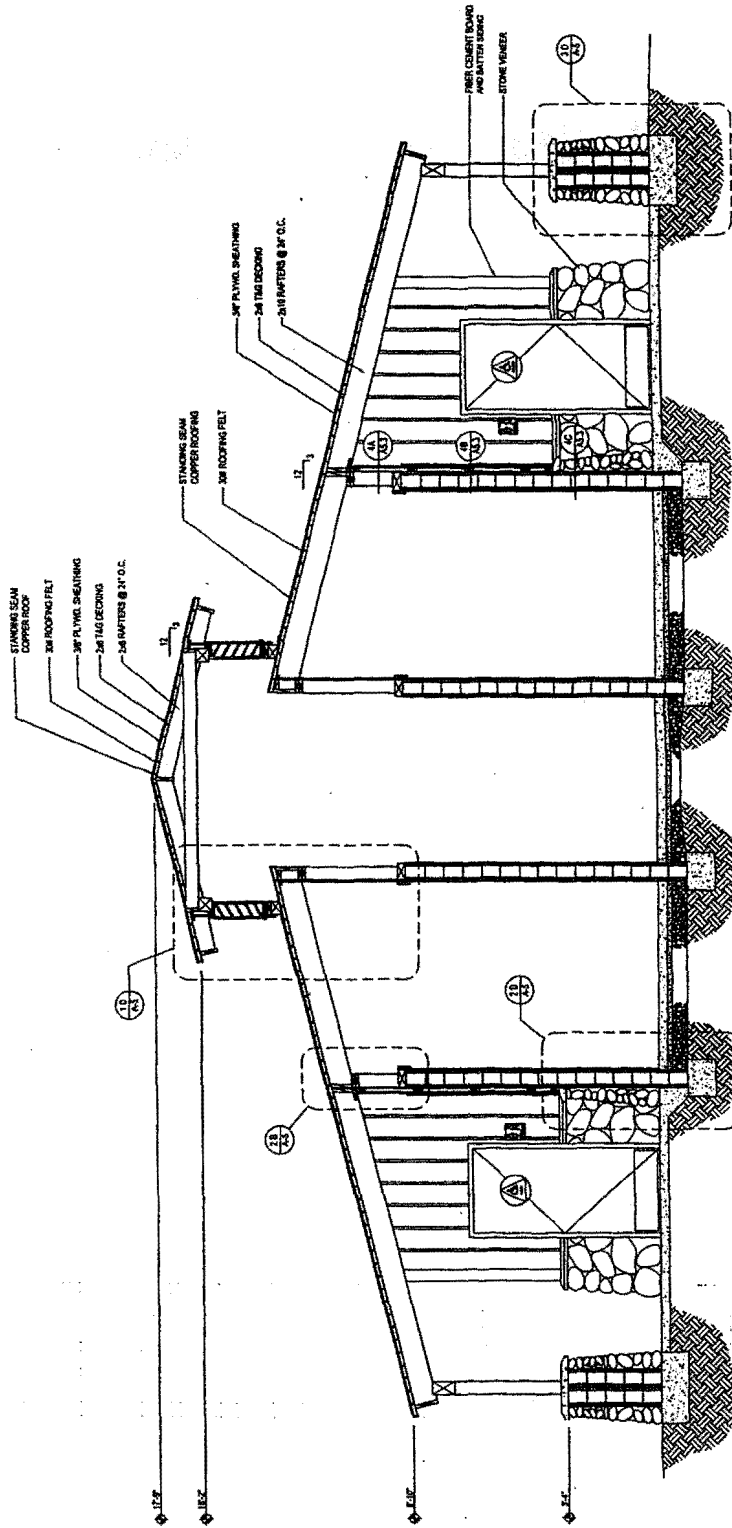
PROJECT SITE:
REFUGIO STATE BEACH
250 SERIES CB
CAMPGROUND RESTROOM #5

REVISIONS

DESIGNED _____
DRAWN _____
CHECKED _____
DATE 04/15/02
SCALE AS SHOWN
PROJECT NO. 910-327-03

A-3.1

SHEET 18 OF 27



SECTION
PLAN

EXHIBIT 7

4-02-111

Section



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

APPROVED _____ DATE _____

SHEET TITLE:
**DEMOLITION AND
GRADING PLAN**

PROJECT SITE:
**REFUGIO STATE BEACH
250 SERIES CB
CAMPGROUND RESTROOM #5**

REVISIONS
ADD. #1 05/01/03

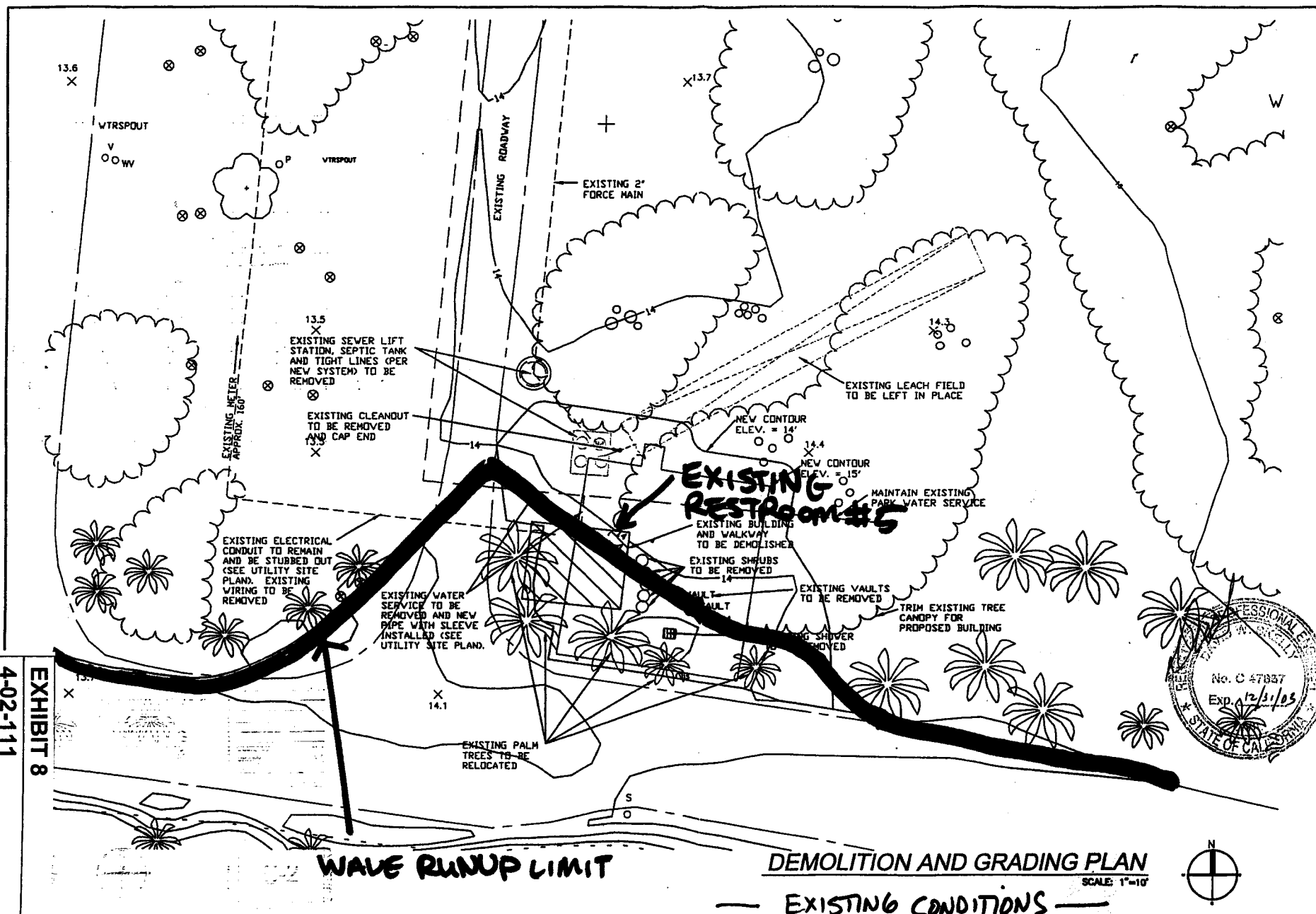
DESIGNED _____
DRAWN _____
CHECKED _____

DATE 04/18/03
SCALE AS SHOWN

PROJECT NO.
910-527-03

C-2

SHEET 1 OF 1



**NOTE: EMPHASIS ADDED BY COMMISSION STAFF
FOR REPRODUCTION IN STAFF REPORT**

Existing Conditions

4-02-111

EXHIBIT 8