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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-01-063, Oceano Sand Moving

ApplicantsRoberta Brosnan, Joanne Jacoby, Tim Finegan, Glenda Guiton (representing Andrew Adams), James Dodson, Diane Briegleb, Rosina Dewar

Project locationWithin and seaward of Strand Avenue (a paper street), between York and Surf Avenues, in Oceano, San Luis Obispo County (directly seaward of APNs 061-062-001, 015, 017, 016, 002, 014, and 010). Portion of project seaward of Strand Avenue right of way is within the Oceano Dunes State Vehicle Recreation Area.

Project descriptionFollow-up to emergency permit 3-01-046-G authorizing the relocation of a maximum of 2,000 cubic yards of sand seaward of existing homes. The application also requests authorization to conduct sand moving activities during 2002 and 2003. Specifically, approximately 2,000 cubic yards of wind blown sand that accumulates in front of the residences would be redistributed by bulldozer to the beach in front of the residences, out to a distance of 200 feet from the residences. This would occur a maximum of two times per year.

Local approvalNone required.

File documentsCoastal Development Permit Files 3-99-024, 3-99-038-G, 3-01-046-G.

Staff recommendation ...Approval with Conditions

Summary: Annual spring and summer winds cause the build up sand in front of existing beachfront residences in Oceano, San Luis Obispo County. Sand dunes of up to 15 feet in height can encroach within dangerous proximity of existing structures, threatening damage to private property (photos attached as Exhibit 3). To abate this hazard, as well as to provide a level area for summer beach recreation, homeowners along this stretch of beach hire a private bulldozer to move and flatten the sand that accumulates in front of their residences. This work takes place within the Strand Avenue right-of-way, an unimproved paper street approximately 60 feet in width, and within the Oceano Dune State Vehicular Recreation Area (ODSVRA). Typically, the sand moving takes place in the early summer, with a second sand moving event required later in the summer only in very windy years. In previous years, the permits required to undertake this development have been obtained on an emergency basis



California Coastal Commission
June 2002 Meeting in Long Beach

Staff: SM Approved by: **DSL**

(e.g., Emergency Permits 3-98-038-G and 3-01-046-G).

The proposed project requests approval for the actions implemented pursuant to Emergency Permit 3-01-046-G, which involved moving a maximum of 2000 cubic yards of sand away from the beach front residences located between Sand and York Avenue¹. The sand was moved by bulldozer onto the beach area owned by California State Parks directly in front of the residences, out to a distance of approximately 220 feet from the property line, and distributed in a manner that created a level beach area (see Exhibit 2).

In addition, the application requests authorization to conduct similar sand moving activities a maximum of two times during the 2002 and 2003 spring and summer seasons, as a means to avoid the need for emergency permits over the next two years while a long-term solution is developed. This will involve the evaluation of alternatives to bulldozing, such as establishing a pedestrian boardwalk² and dune plantings³ as a means to stabilize the sand in front of the residences that are affected by the blowing sand. The analysis of these alternatives will also consider impacts to recreational opportunities; homeowners have expressed concern regarding the use of vegetation to stabilize this area of beach because it provides a place for active beach recreation (e.g., volleyball) away from the portion of the beach that is dominated by off highway vehicle use.

Section 30240 of the Coastal Act calls for the protection of environmentally sensitive habitat areas and requires development to be compatible with the continuance of habitat and recreation areas. Although the habitat value of the sandy beach area affected by the project has been degraded, it is an important component of the Nipomo Dunes complex and has the potential to support rare and important plant and animal species. For example, the Western snowy plover, listed by the U.S. Fish and Wildlife Service as threatened, nests in nearby locations and has the potential to occur within the project area. The project site also has the capacity to support rare dune plants such as the surf thistle and beach spectacle pod, both of which are considered threatened by the California Department of Fish and Game.

Staff recommends that the Commission **approve** the project **with conditions** that seek to protect both the habitat and recreational values of the project area consistent with Coastal Act Section 30240. To minimize impacts on beach recreation, the conditions limit sand moving activities to a maximum of two two-day events per year, which must be conducted on non-holiday weekdays. To protect biological resources, the conditions require that a qualified biologist survey the project area for rare and endangered plants and animals prior to initiating sand moving activities, and restrict sand moving activities as necessary to protect such resources. The conditions also require sand moving activities to be conducted in coordination with the other agencies charged with protecting biological resources at the project site,

¹ This area is within the Coastal Commission's retained jurisdiction because it is historic tidelands. See Exhibit 4 for a map of the jurisdictional boundaries.

² The Oceano Specific Plan developed by the County that will soon be submitted for Coastal Commission review and certification proposes the establishment of a pedestrian boardwalk in the Strand Avenue right-of-way.

³ The California Department of Parks and Recreation has secured funding that could be applied to a dune restoration program in this area.



including the California Department of Parks and Recreation Oceano Dunes State Vehicular Recreation Area (ODSVRA), the California Department of Fish and game, and the U.S. Fish and Wildlife Service. Finally, the conditions require that any proposal to conduct sand moving activities after 2003 include an evaluation of alternative methods for abating the problem of blowing sand that may better protect and enhance the habitat and recreational values of the project site.

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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-063 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development 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 a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development 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 amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A. 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 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.

B.Special Conditions

1. **Scope of Permit.** This permit authorizes the sand moving activities conducted pursuant to Emergency Permit 3-01-046-G. This permit also authorizes, subject to the following Special Conditions, the movement of sand in accordance with the project plans attached as Exhibit 2 during the 2002 and 2003 spring and summer seasons. The sand moving activities authorized by this permit shall be limited to two events per year, with each event not lasting more than two days. The quantity of sand moved during each event shall be limited to no more than 2,000 cubic yards.
2. **Protection of Public Safety and Access and Recreation Opportunities.** To minimize impacts on beach recreation sand moving activities shall be limited to non-holiday weekdays. The permittee and construction operators shall be responsible for ensuring public safety, among other means, by providing adequate construction personnel to direct beach users away from the construction area or temporarily staking the construction area with orange safety netting.
3. **Protection of Sensitive Biological Resources.** IMMEDIATELY PRIOR TO THE COMMENCEMENT OF SAND MOVING ACTIVITIES, AND ON A CONTINUOUS BASIS DURING SAND MOVING, a qualified biologist shall survey the project area for rare or endangered plant and animal species. Sand moving activities shall be prohibited from any area that contains rare or endangered plant species, which shall be protected from disturbance with temporary construction fencing. Sand moving activities are also prohibited within 100 feet of any area occupied by a rare or endangered animal species. No sand moving shall be allowed to occur if there is an active Snowy plover nesting site within 100 feet of the project area.
4. **Protection of Coastal Water Quality.** Sand moving vehicles and equipment shall not come into contact with ocean waters, and shall be cleaned and maintained at an offsite location to prevent the discharge of any harmful or foreign materials in the beach or in the ocean.
5. **Other Agency Approvals.** PRIOR TO THE COMMENCEMENT OF EACH SAND MOVING EVENT, the permittee shall submit to the Executive Director written evidence that the project has obtained the necessary authorizations from the California Department of Parks and Recreation Oceano Dunes State Vehicle Recreation Area, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service, or that no such authorization is needed. This permit DOES NOT authorize sand moving activities below the mean high tide line, which requires approval of the US Army Corps of Engineers and the California State Lands Commission, as well as a separate Coastal Development Permit from the Coastal Commission.



6. **Evaluation of Alternatives.** PRIOR TO REQUESTING AUTHORIZATION TO CONDUCT SAND MOVING ACTIVITIES AFTER 2003, the permittee shall consider alternative approaches, including but not limited to the establishment of a pedestrian boardwalk within the Strand Avenue right-of-way as envisioned in the draft Oceano Specific Plan, and/or the implementation of a dune restoration and planting program within the project area by the California Department of Parks and Recreation. ANY REQUEST TO AUTHORIZE SAND MOVING ACTIVITIES AFTER 2003 shall include an evaluation of these alternatives, particularly with respect to their ability to protect and enhance sensitive dune habitats as well as coastal access and recreation opportunities for the general public.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The project is located on the dunes and beach seaward of a residentially developed area in the unincorporated community of Oceano, southwestern San Luis Obispo County (Exhibit 1). This section of beach is a component of the Nipomo-Oceano dune complex, one of the largest coastal dune fields in coastal California, which begins at Pismo Creek near the south end of the City of Pismo Beach and extends south approximately 20 miles to Point Sal in Santa Barbara County, just south of the Santa Maria River. The older, heavily vegetated, stabilized dunes extend as much as 11 miles inland. The younger, less vegetated, more active dunes extend inland up to about 1.5 miles and cover approximately 20 square miles (See Exhibit 5).

The project area includes the beach area between Surf and York avenues, which consists of the Strand Avenue right-of-way, a 60 foot wide undeveloped County right-of-way immediately seaward of the small residential lots, and land owned and managed by the California Department of Parks and Recreation (State Parks) as part of the Oceano Dunes State Vehicular Recreation Area (ODSVRA). The main access to ODSVRA is via Pier Avenue, at the north end of the residential area. From there, most vehicles turn south and travel along the shoreline area in front of the proposed project to reach the off road ride areas and beach camping areas.

The Coastal Commission has retained permit jurisdiction over this section of the coast, as shown as in Exhibit 4, because it is historic tidelands. Arroyo Grande Creek formerly flowed through the central part of the now-residentially developed area until it was re-routed into a channelized section about 300 yards to the south and its former course was filled.

The applicant proposes to redistribute the sand that accumulates adjacent to the houses onto the adjacent State Park beach area. The work will be done by means of a bulldozer grading the sand seaward and creating a relatively level surface (see Exhibit 2). The area of grading covers an area a little more than



one acre in size. The work would take place once or twice a year depending on the amount of sand accumulation.

B. Project Background

Every year in the spring and summer, onshore winds blow sand inland from the beach, which can accumulate in front of beachfront residences. The amount of sand and height of accumulation depend on the amount of sand available for transport by the wind and the force, duration, and direction of the prevailing wind. Some years see only minor sand accumulation while in other years the sand can accumulate rapidly. In years of heavy accumulation, the sand advances toward the houses that have been constructed on the beach, overtop fences, cover yards and pile up against the houses, scour exposed surfaces, and partially bury the street ends that lie perpendicular to the beach.

From about Surf Avenue north, the dunes are vegetated with both native and non-native plants and are stable. The northern half of this area was vegetated with native plants over a width of beach equivalent to the southern bulldozed width. Here the dunes are stabilized and the sand generally does not advance toward the houses in any significant amount although the dunes have grown in height, leading to some loss of ocean views for the residents. The southern half of the area north of Surf Avenue was bulldozed flat and allowed to vegetate with European beach grass (*Ammophila arenaria*), an invasive non-native species widely planted decades ago for dune stabilization in the general vicinity. Here, because of the very large sand trapping capability of *Ammophila*, the sand movement toward the houses is generally insignificant although there has been consequent growth in dune height.

South of Surf Avenue, the dunes are mostly unvegetated. This includes the project area (within the Commission's original jurisdiction), as well as the area south of York Avenue, within the County's permit jurisdiction. Strong spring winds out of the northwest typically blow large amounts of sand toward the homes in these locations. Because of the large amount of sand and the threat it can pose to the physical safety of the residents and the structural safety of the houses, both the Commission and the County have, on numerous occasions, granted emergency permits to remove the sand and redeposit it below the mean high tide line.

Residents in this area have been dealing with the problems caused by the spring and summer buildup of sand for many years. Most of the homes were constructed prior to the Coastal Act. According to many of the residents, the practice of annually bulldozing the dunes that accumulate also pre-dates the Coastal Act. The applicants have submitted a claim of vested rights for this activity, but to date, have not assembled the evidence required to process such a claim. They have therefore agreed to apply for the Coastal Development Permit required for the sand moving activity while they continue to pursue the information required to process the vested rights claim.

As indicated above, previous permits granted by the Commission for the sand moving activities in its jurisdiction have been issued on an emergency basis. As also indicated above, the accumulation of sand is a seasonal occurrence that can be reasonably anticipated. As defined by Section 13013 of the Coastal Commission's Administrative Regulations:



“Emergency”, as used in Public Resources Code Section 30624, and these regulations means: a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. (Emphasis added.)

Given the seasonal nature of the problem, the Commission staff has been working with the residents in an attempt to develop a long term solution that could be processed as a regular permit and avoid the need for continued emergency actions.

In 1999, Coastal Development Permit Application 3-99-024 requested authorization to annually relocate up to 4,000 cubic yards of sand that accumulates in front of the residences between Surf and Brooks Streets⁴. (This included the movement of sand within the County’s permit jurisdiction, authorized by the County for a six year period between 1997 and 2002 per local permit D960166P). The Commission staff analyzed this proposal, and on July 22, 1999 published a staff report that recommended approval of the proposed sand moving through the year 2000, with conditions that would require the applicants to undertake a program to vegetate the dunes and install sand fences. The applicants objected to this recommendation and withdrew the application on December 2, 1999. It is the Commission staff’s understanding that their objection was at least partly based on a concern that revegetation of the dunes would preclude active beach recreation in this area, popular among the local residents because it is outside of the portion of the beach used by vehicles. The applicants have also expressed an opinion that State Parks, as the owner and manager of this area of the beach, rather than the adjacent homeowners, should be responsible for designing and implementing a dune planting program.

Lacking a regular permit for annual sand moving needs, the residents between Sand and York Avenues requested and received another emergency permit in May 2001 (3-01-046-G), which authorized moving a maximum of 2000 cubic yards of sand away from the beachfront residences in this location. The sand was moved by bulldozer to the State Park beach area directly in front of the residences, out to a distance of approximately 220 feet from the property line, and distributed in a manner that created a level beach area (see Exhibit 2). The permit application now before the Commission represents the follow-up to the emergency action required by 3-01-046-G.

In addition, at the suggestion of the Commission staff, the application also requests authorization to conduct similar sand moving activities a maximum during the 2002 and 2003 spring and summer seasons, as a means to avoid the need for emergency permits over the next two years while a long-term solution is developed. This approach, and its consistency with Coastal Act requirements, is described and analyzed in the following findings.

⁴ This application was pending when the Commission staff issued Emergency Permit 3-98-038-G, and was subsequently amended to include a request for permanent authorization of the emergency actions undertaken pursuant to 3-98-038-G.



C. Coastal Development Permit Determination

1. Environmentally Sensitive Habitat Areas (ESHA)

A. ESHA Policies

Coastal Act Section 30240 states:

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

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

B. ESHA Analysis

Coastal dunes are a limited resource of statewide significance that provide important habitat for rare and endangered species. Although dunes may at certain times or locations appear barren and devoid of life, this can quickly change when temperature, moisture, and disturbance conditions are right. Native dune plants are superbly adapted to life in the harsh dune environment that is subject to periodic disturbance; wind blown sand changes the contours of the ground and buries vegetation; rainfall rapidly percolates out of reach; and, lacking a distinct topsoil horizon, nutrients are quickly exhausted. Accordingly, the particular locations of dune species change over time as site conditions change. For this reason the entire dune surface, not just the particular locations of sensitive plants and animals at one point in time, must be considered and protected as ESHA.

No sensitive species have been identified as occurring on the particular portion of dunes where the project is proposed. However such species do occur at other sites nearby. For example, the Western Snowy Plover listed as a threatened species by the U.S. Fish and Wildlife Service, nests in barren foredunes just to the south across Arroyo Grande Creek. Two plants considered threatened by the Department of Fish and Game, surf thistle (*Cirsium rothophilum*) and beach spectacle-pod (*Dithyrea maritima*), are known to occur within a few miles of the project site.

While the project site has the capacity to support such species, current uses diminish opportunities for native dune plants and animals to become established in this area. First, the annual manipulation of the dunes may diminish opportunities for seeds to germinate, and any seeds that do germinate may not have an adequate chance to establish a viable community before the next cycle of grading occurs. Second, the project area is a popular location for local residents to enjoy active beach recreation activities, which represents a level of use and disturbance that may preclude native species from becoming established. Third, the use of the shoreline for vehicle recreation may limit use of the area by the Western snowy



plover.

Nevertheless, there is the potential for rare and endangered dune and plant species to be present in the project area during sand moving activities. To protect these resources as required by Coastal Act Section 30240, Special Condition 3 requires a qualified biologist to survey the project area for rare or endangered plant and animal species immediately prior to the commencement of sand moving activities, and on a continuous basis during sand moving⁵. In the event that rare or endangered plant species are identified as occurring within the project area, sand moving activities are prohibited from that area, and temporary construction fencing must be erected around the plants to avoid disturbance. If rare or endangered animal species are identified as occurring within the project area, sand moving activities are prohibited within 100 feet of the area occupied by these species. Finally, Special Condition 3 prohibits sand moving all together if there is an active Snowy plover nesting site within 100 feet of the project area.

While these measures will protect sensitive biological resources over the short term, the annual manipulation of the dunes over the long-term is inconsistent with Coastal Act policy 30240 prohibiting significant disruption of sensitive habitats and requiring development to ensure the continuance of sensitive habitats. Although the biological value of the project site has been degraded, it still represents an important component of the Nipomo-Oceano Dunes complex that could support the survival and recovery of the areas rare and unique natural resources. These habitat values could be reestablished through the development and implementation of management measures and a dune revegetation program, which would also stabilize the sand dunes and avoid or minimize the need for annual sand moving⁶. Specifically, State Park implementation of a dune revegetation project (for which funding has been obtained), combined with the potential establishment of a pedestrian boardwalk within the Strand Avenue right of way (as envisioned in the Oceano Dunes Specific Plan recently adopted by San Luis Obispo County that will soon be submitted for Coastal Commission certification), appear to be viable options that would help stabilize the dunes, enhance their sensitive habitat values⁷, and minimize or avoid the need for annual bulldozing.

In recognition of the fact that the development and implementation of these alternatives involves public property and therefore necessitates the participation of State Parks and San Luis Obispo County, this permit does not require the applicants to pursue these alternatives on their own. Rather, Special Condition 6 encourages further coordination between the involved parties towards the development of a

⁵ During previous sand moving activities authorized by emergency permit a State Parks biologist provided this important function.

⁶ As described above, the existence of dune vegetation in front of beachfront residences to the north of the project site eliminates the need to conduct annual bulldozing in those areas.

⁷ It is noted that implementation of a dune planting program may not benefit the federally threatened Western snowy plover, which prefers to nest in unvegetated areas of the foredunes. Given the fact that the shoreline area in this location is managed by State Parks for vehicle recreation, and due to the close proximity of human use and development, this is not an opportune location to provide nesting habitat for the plover. However, the area does provide an appropriate location to protect and enhance habitat for native dune plants, which would provide the additional benefit of minimizing sand migration. Such a program should be implemented in conjunction with an access management and recreation plan so that beach recreation opportunities available in this area are also protected, as discussed in the findings of the report regarding access and recreation.



long term solution that both meets the needs of the residents and maximizes opportunities to protect and enhance sensitive habitat values, by requiring the applicant to consider and evaluate these alternatives, as they are developed by State Parks and the County, prior to requesting authorization to bulldoze the sand dunes after 2003.

C. ESHA Conclusion

In the short-term, the periodic bulldozing of sand over this one acre area of beach is unlikely to cause a significant disruption of environmentally sensitive habitat areas because no especially rare or valuable biological resources have been identified as occurring within the project area, and because the permit has been conditioned in a manner that prevents project implementation from disturbing any significant biological resources that may become established. With these conditions, the sand moving activities authorized for the years 2001 – 2003 are consistent with Coastal Act Section 30240.

Over the long-term, the implementation of a dune vegetation and management program appears to be a viable alternative to bulldozing that would address the problems associated with blowing sand. Pursuit of this alternative is necessary to carry out the directive of Section 30240 to protect and enhance the sensitive habitat values of the Oceano-Nipomo Dunes complex. This will take the cooperation of the various landowners, which include State Parks, San Luis Obispo County, and the local residents. To encourage this coordination, the project has been conditioned to require the applicants to consider and evaluate the alternatives being developed by State Parks and/or San Luis Obispo County before requesting authorization to conduct sand moving after 2003. Only with full consideration of these alternatives can the bulldozing of sand beyond 2003 be found consistent with Coastal Act Section 30240.

2. Coastal Access and Recreation

a. Access and Recreation Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road on the beach. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.



Section 30211: 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.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30240(b) also protects coastal access and recreation opportunities within parks such as the Oceano Dunes State Vehicle Recreation Area. Section 30240(b) states:

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

b. Access and Recreation Analysis

The project area is comprised of public lands (State Park lands and the County road right-of-way) and is used for public access and coastal access and recreation, primarily by local residents and/or vacation renters. (Most of the general public access occurs at the end of Pier Avenue, approximately a quarter mile north of the area proposed for grading). The project has both negative and beneficial impacts on coastal access and recreation opportunities, as described below.

On the negative side, beach access and recreation activities will be temporarily disrupted by the operation of heavy equipment. However, this would be only a minor inconvenience of limited duration; Special Condition 1 allows sand moving to occur no more than four days a year (two 2 day events). To minimize the impacts to access and recreation opportunities during the times, Special Condition 2 limits sand moving operations to non-holiday weekday periods. In addition, to ensure the safety of beach goers, Special Condition 2 also requires the provision of adequate construction personnel to direct beach



users away from the construction area, or the installation of temporary orange safety netting to keep the public away from construction activities.

The project benefits access and recreation opportunities by creating a level beach area where residents and visitors can enjoy active beach recreation away from the shoreline area used by vehicles. The area in which the grading occurs is the primary section of beach where local residents set up their beach chairs and towels, play volleyball, and take pleasure in other beach activities away from vehicle traffic.

The access and recreation benefits associated with the project are consistent with the Coastal Act only if they protect natural resource areas from overuse (Section 30210). As detailed in the findings of this report regarding environmentally sensitive habitat areas, the manipulation of the sand dunes, over an extended period of time, will not protect the sensitive habitat values of the site that support the continuance of the dune system's natural resources. As a result, the conditions of this permit require consideration of an alternative approach involving the development and implementation of a dune planting and management program. Such an approach would not necessarily eliminate the beach access and recreation activities facilitated by the sand moving project. Rather, provisions for continued access and recreation should be included in such a program. In particular, development of such a program should be coordinated with the pedestrian boardwalk project envisioned by the draft Oceano Dunes Specific Plan, and should attempt to balance the amount of area dedicated for dune planting with the provision of areas for active beach recreation.

c. Access and Recreation Conclusion

The project has the potential to temporarily disrupt public access and recreation opportunities during construction activities. To minimize this impact, conditions have been attached to this permit that limit sand moving to two 2 day events per year, during non-holiday weekday periods only. To protect public safety, the permit conditions require to provision of construction personnel or temporary fencing to keep the public outside of construction areas. Finally, to ensure that the recreation activities facilitated by the sand moving project are preserved to a degree that also protects natural resource areas from overuse, the development of dune vegetation and management plans as an alternative to bulldozing (as called for by Special Condition 6) should include provisions for continued access and recreation. With these conditions, the project is consistent with the Coastal Act access and recreation policies identified above.

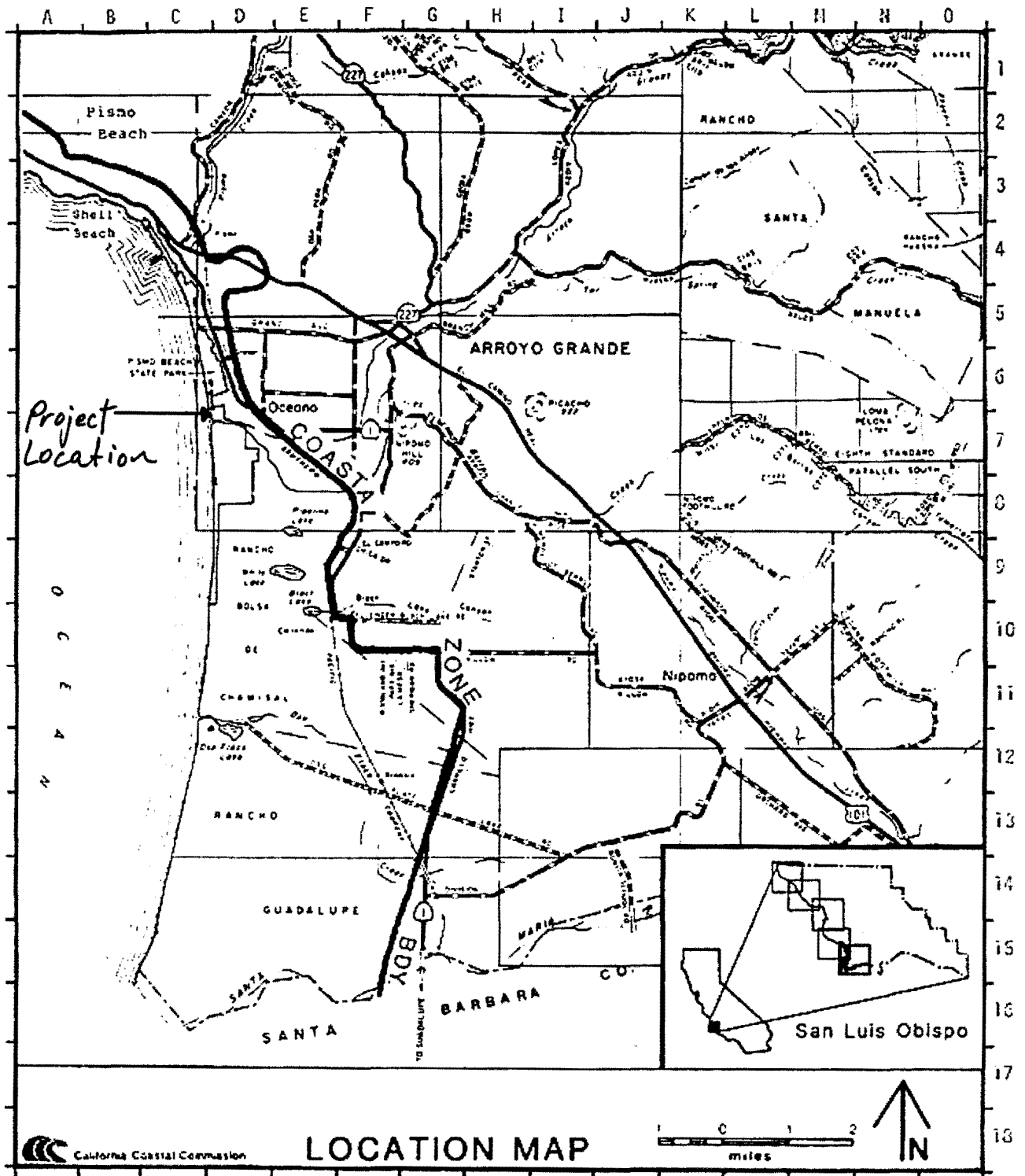
3. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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. As detailed by the above findings, this project has the potential to adversely impact biological resources and public access and recreation opportunities.



The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions that will avoid significant adverse affects on biological resources and public access and recreation opportunities. Only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

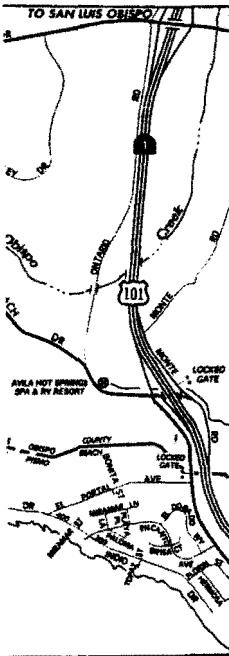
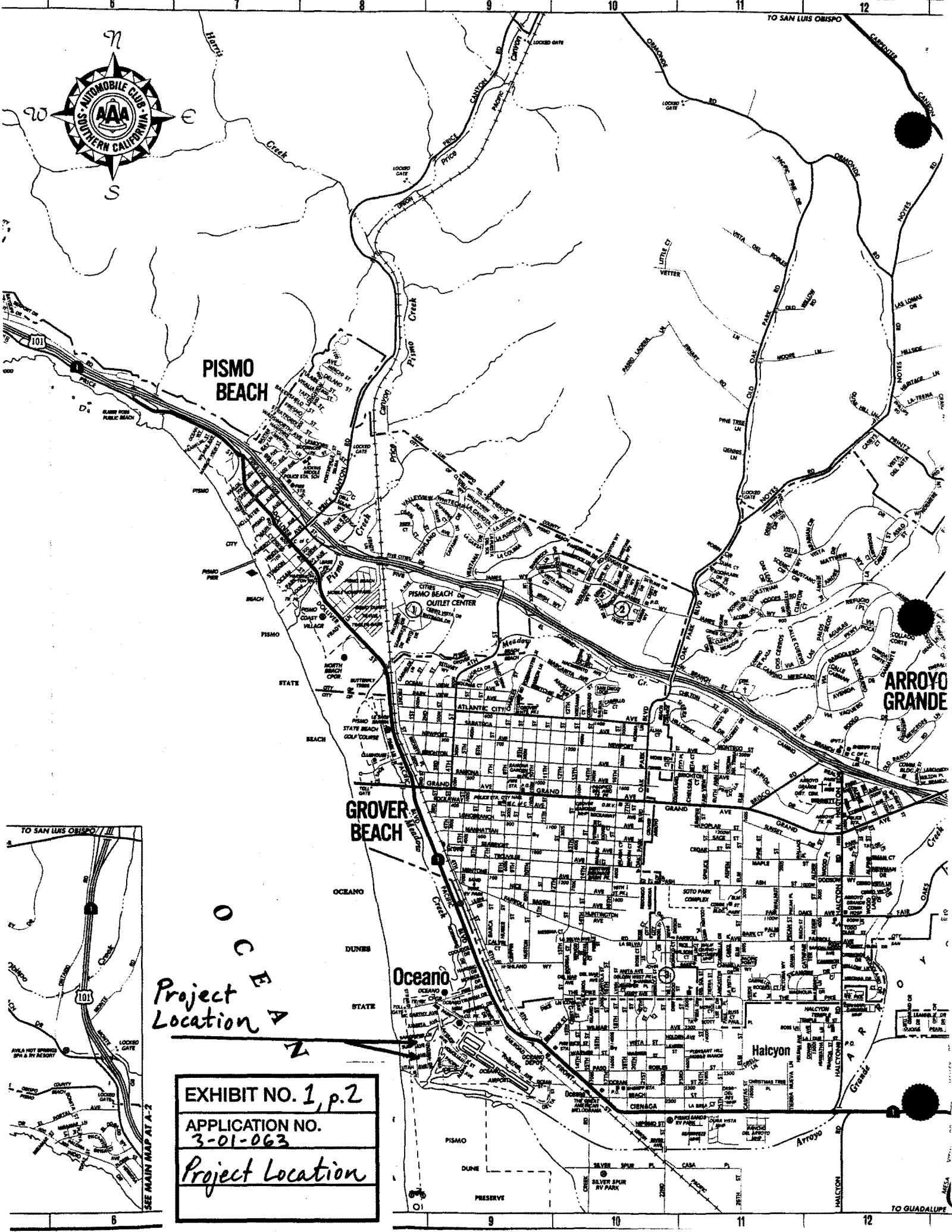




County of San Luis Obispo

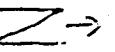
Sheet 5 of 5

EXHIBIT NO. 1, p.1
APPLICATION NO. 3-01-063
<i>Regional Location</i>



OCEANO
Project Location

EXHIBIT NO. 1, p.2
APPLICATION NO. 3-01-063
Project Location



□ = 10 SQUARE FEET

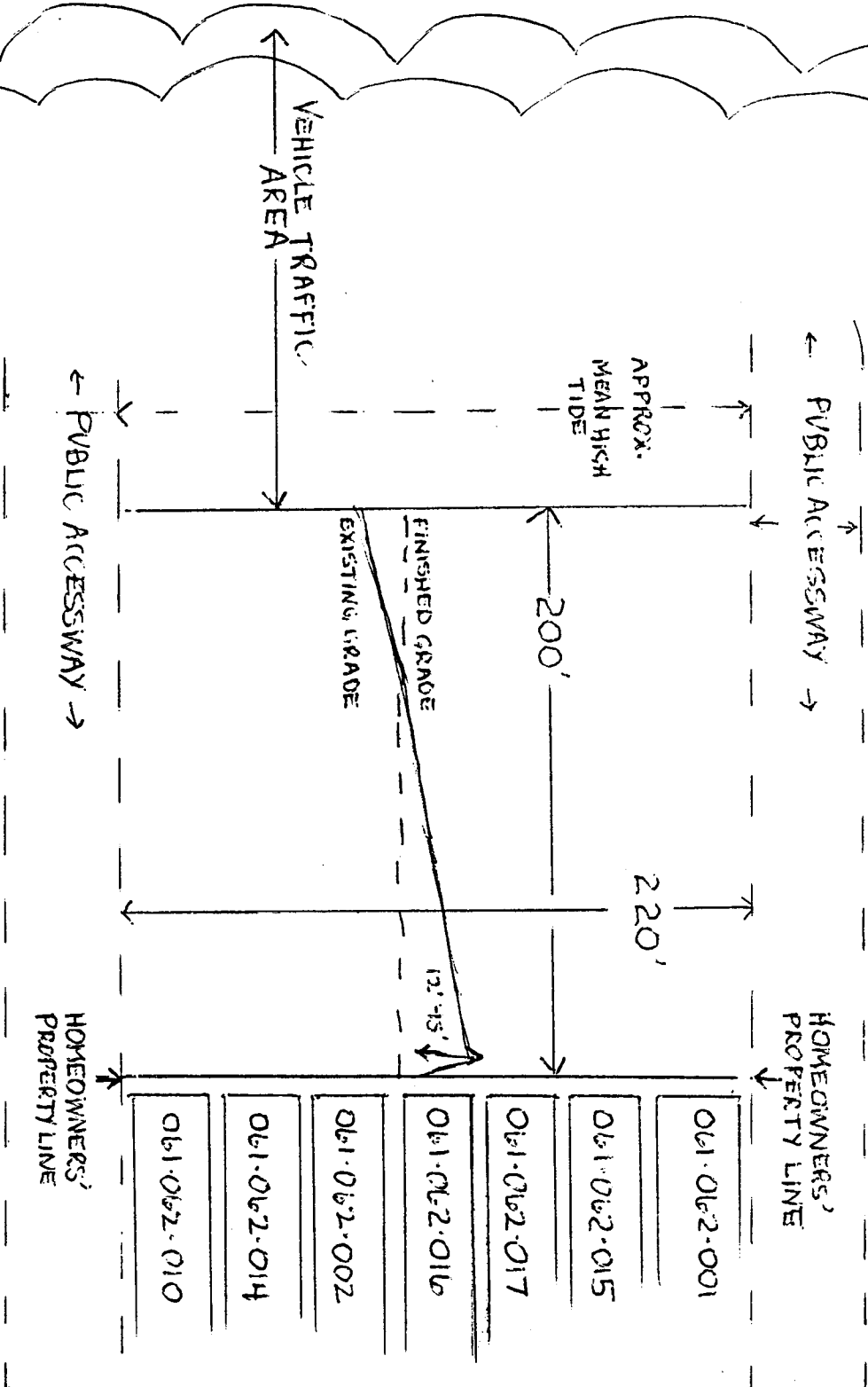


EXHIBIT NO. 2
APPLICATION NO. 3-01-063
Project Plans

SURF AVENUE

YORK AVENUE



*Project
Area*

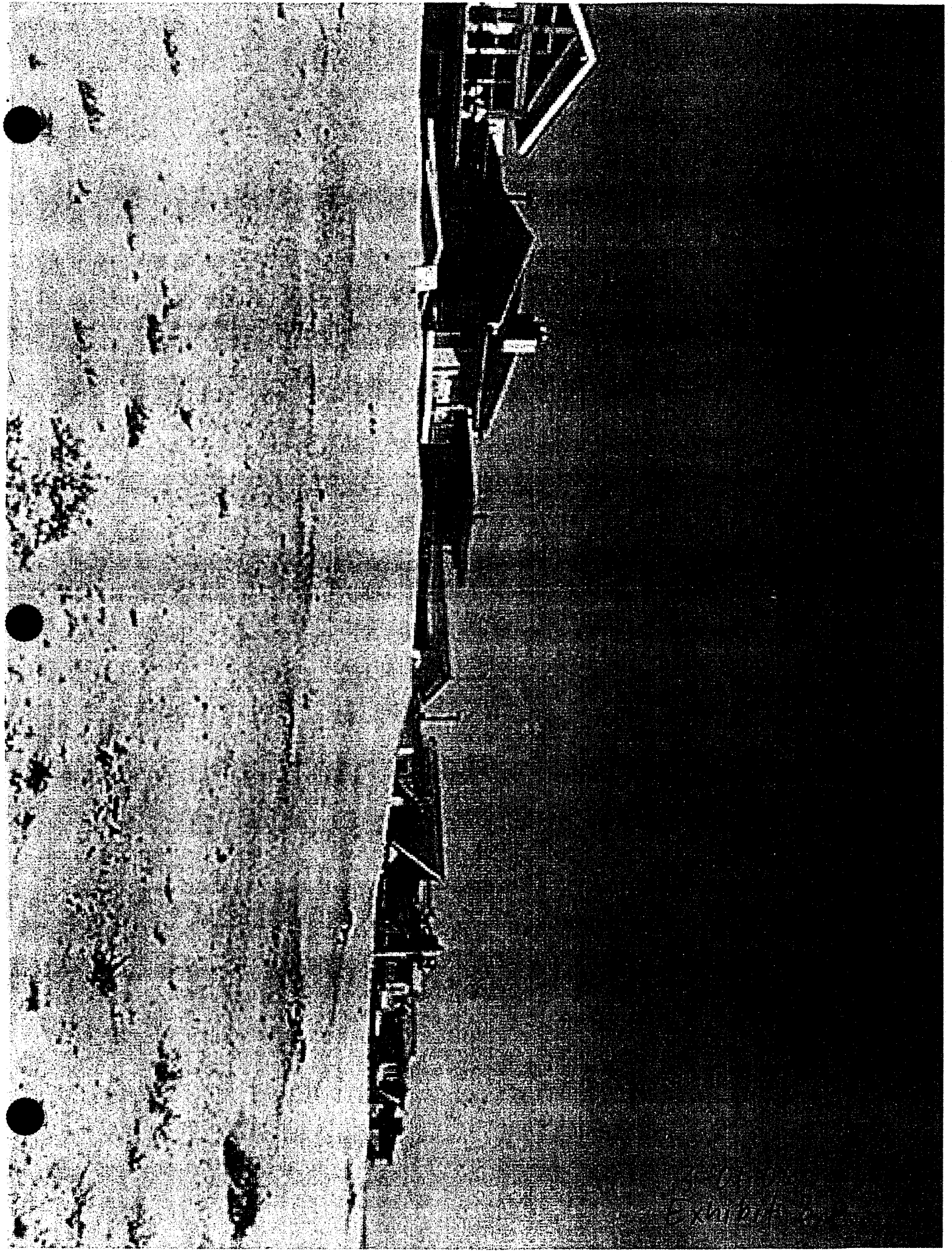


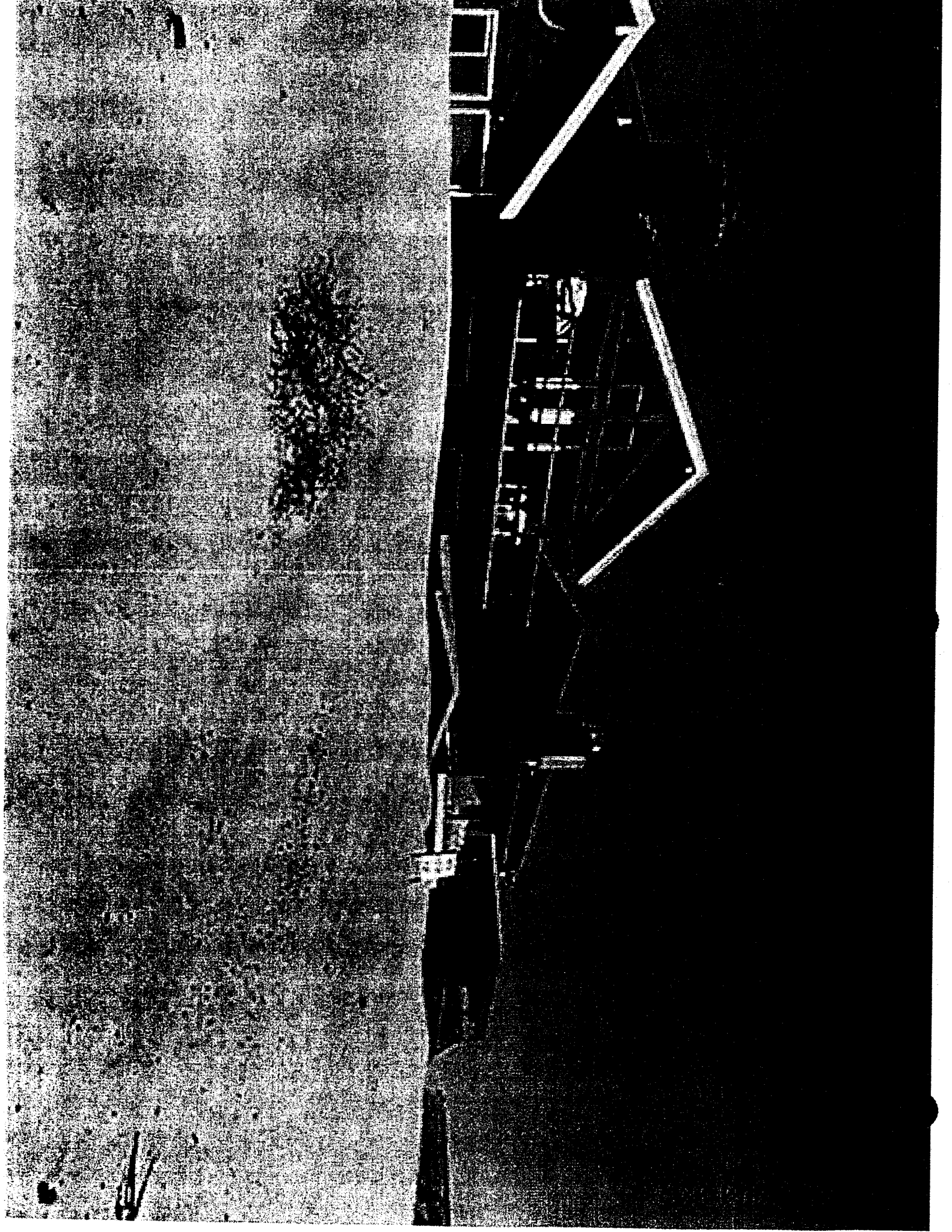
EXHIBIT NO. 3, p 1

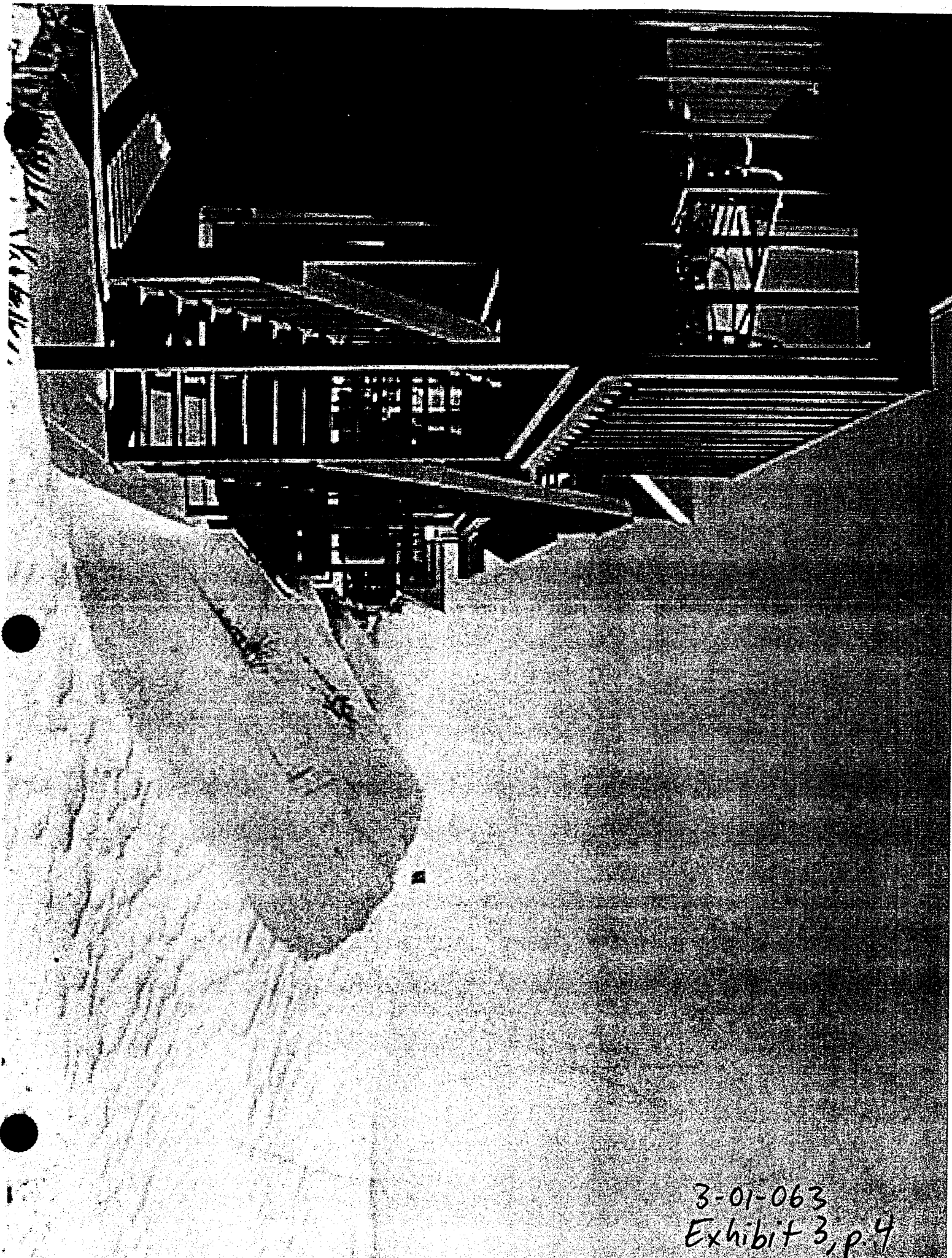
APPLICATION NO.

3-01-063

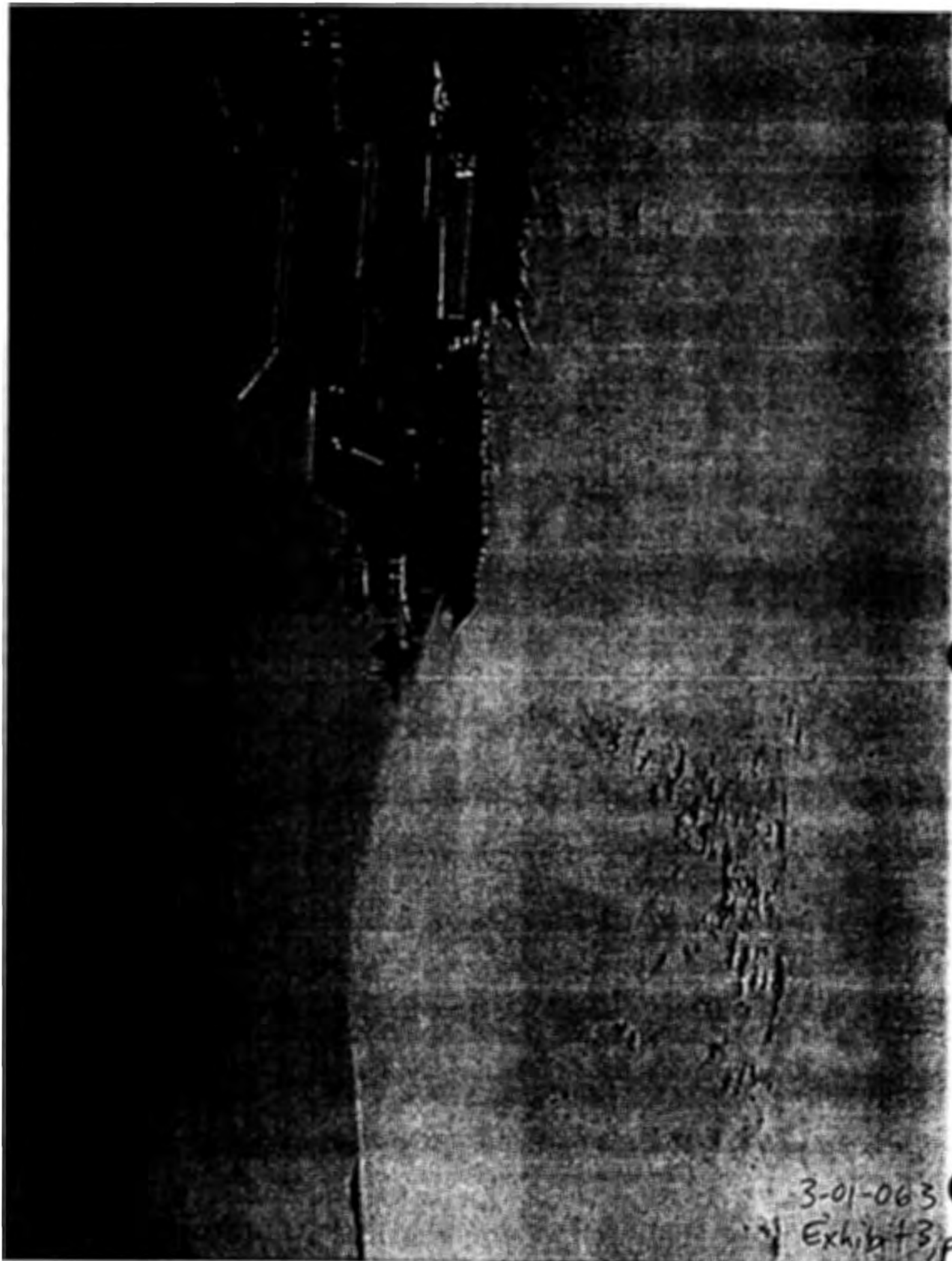
*Photos of project
area*







3-01-063
Exhibit 3, p. 4

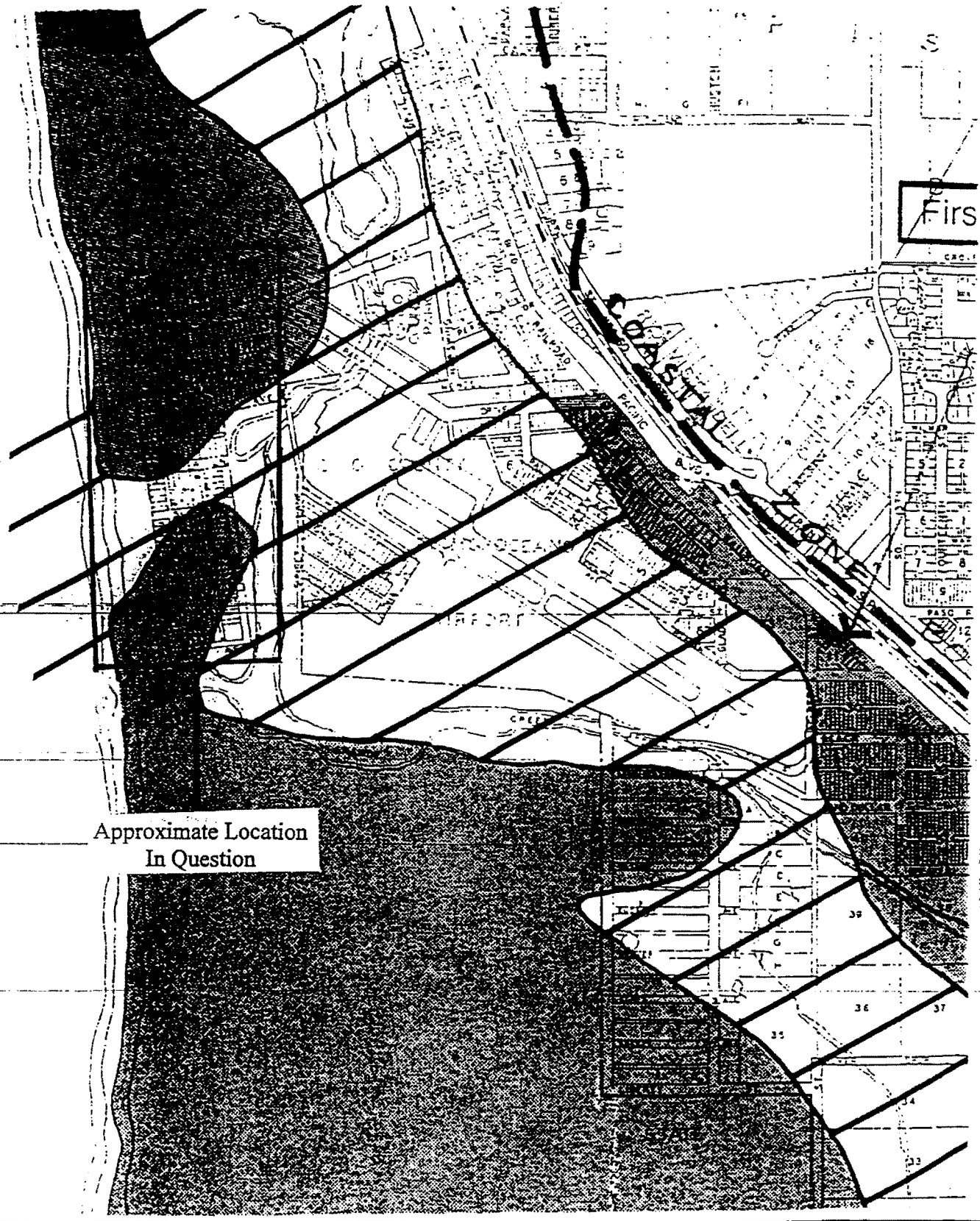


3-01-063

Exhibit 3, p. 5

A B C D E F G H I J K L M N O

1
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Approximate Location
In Question

BD 20-99
APN 061-01,02,06,07,09



Portion of San Luis Obispo
County's adopted Post-LCP
Certification Map #109
(Oceano Quadrangle)

EXHIBIT NO. 4, p.1
APPLICATION NO. 3-01-063
Jurisdiction Maps



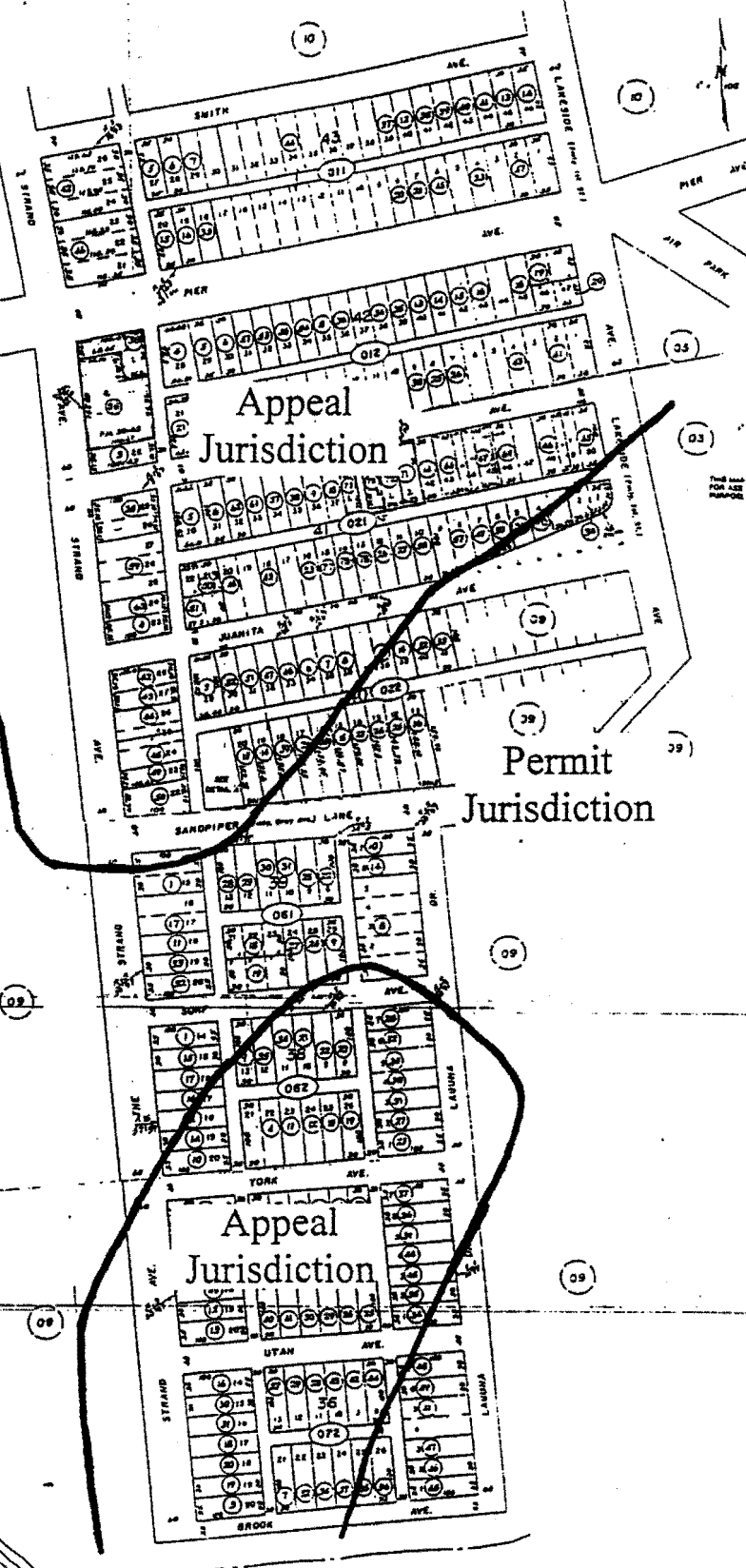
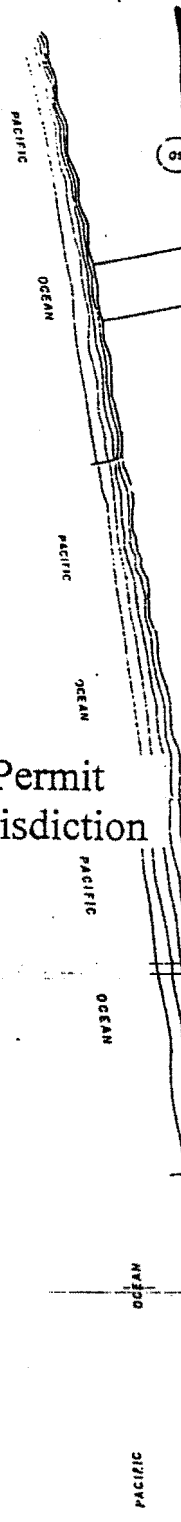
County of San Luis Obispo

Permit
Jurisdiction

Appeal
Jurisdiction

Permit
Jurisdiction

Appeal
Jurisdiction



R.M. BL. 4, P. 150 - Oceano Beach Sub. No 2

OCEANO
Assessor's Map, County of
San Luis Obispo

EXHIBIT NO. 4, p. 2
APPLICATION NO. 3-01-063
Jurisdiction Maps

FIGURE 3B

PLATE 2

DUNE COMPLEXES OF THE NIPOMO REGION

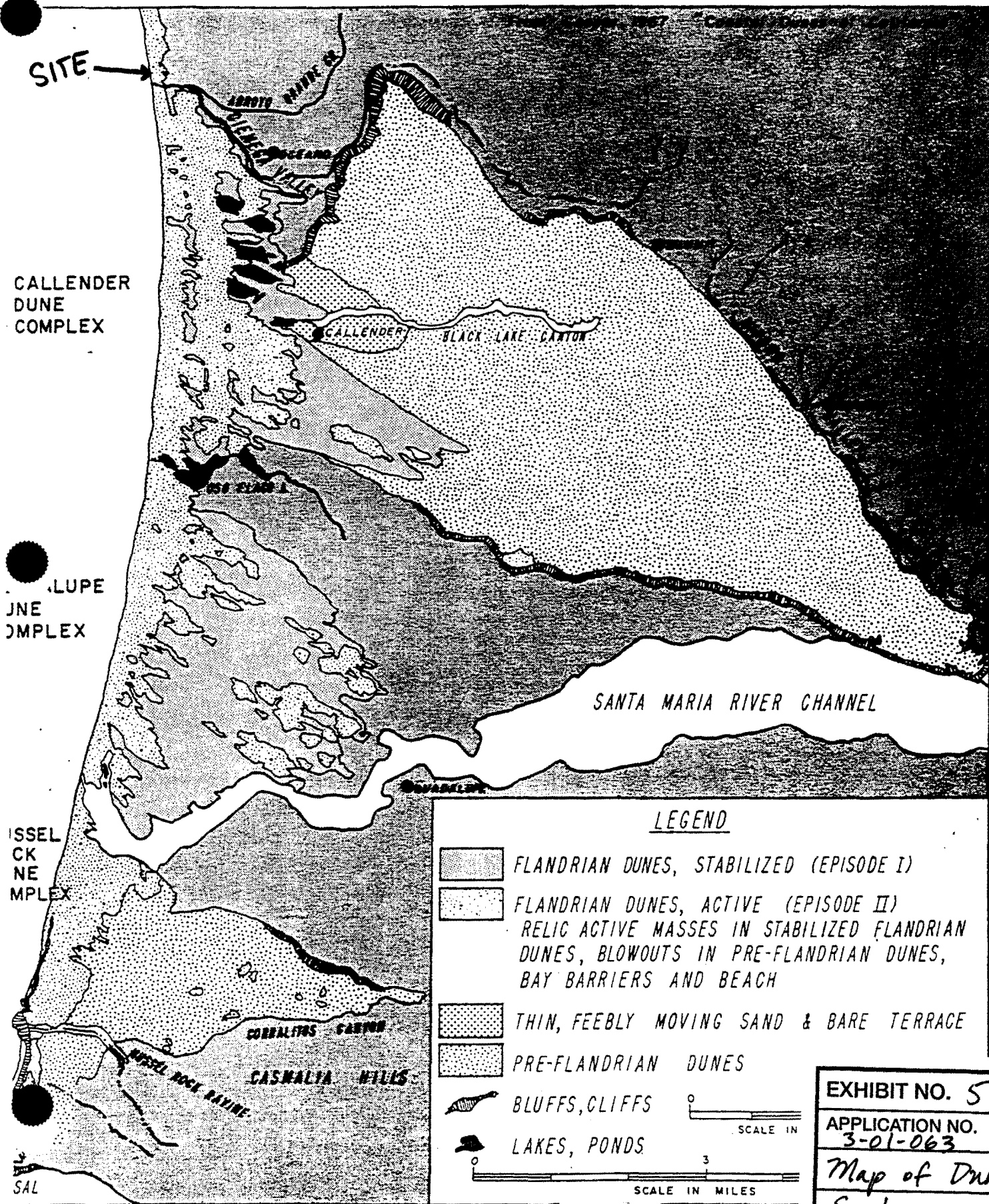


EXHIBIT NO. 5
 APPLICATION NO.
 3-01-063
 Map of Dune System

The Natural Resources of The Nipomo Dunes and Wetlands, June 1976, via Department of Fish and Game, U.S. Fish and Wildlife Service

