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

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Filed:	9/9/02
49th Day:	10/28/02
180th Day:	3/8/03
Staff:	Carey
Staff Report:	1/16/03
Hearing Date:	2/4-7/03
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-067

APPLICANT: California Department of Parks and Recreation

PROJECT LOCATION: North Beach Area, Leo Carrillo State Park, Los Angeles County

PROJECT DESCRIPTION: Repairs and improvements to North Beach camping and day use areas, including: construction of 11 beach tent camping sites (1 meeting ADA standards) each separated by 6-foot high constructed sand dunes to be planted with native vegetation, and 660 foot long retaining wall between camping and parking lot; construction of 1,440 ft. long, 7-foot diameter filled geotextile fabric tube; placement of 4,200 cu. yds. of sand fill; repair and restriping of 97-space day use parking lot with curb and gutter; construction of 4 rinse-off showers, and improvements to picnic area.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan (Los Angeles County 1987); Permit 5-90-131, 4-98-339-W, and 4-02-210 (All for development at Leo Carrillo State Park); Mitigated Negative Declaration and Initial Study for Leo Carrillo State Park North Beach Parking Lot/Beach Campsite Improvements, California Department of Parks and Recreation, November 2001; North Beach Erosion Study, Leo Carrillo State Beach, Skelly Engineering, September 1999; Project Review North Beach Parking Lot & Beach Campsite Improvements Leo Carrillo State Beach, Skelly Engineering, June 26, 2002.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with Special Conditions regarding assumption of risk, construction responsibilities, water quality protection, and snowy plover protection. The applicant is proposing to utilize nonstructural, bioengineering measures to rehabilitate and protect existing beach recreational facilities. These measures include abandoning the portions of the previously existing pavement that were removed through erosion in 1998. This will result in the remaining pavement and other facilities being setback further landward where they should be less frequently exposed to wave attack. Rather than construct a rock revetment, vertical seawall, or other protective device, the applicant proposes to place a 7-foot diameter tube, comprised of geotextile fabric wrapped around gravel, cobbles, and or sand along the length of the project area at the back of the beach to provide protection to the remaining paved areas during extreme storm waves.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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 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**

A. By acceptance of this permit, the applicant acknowledges and agrees to the following:

1. The applicant acknowledges and agrees that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, and flooding.
2. 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.
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 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.

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. **Construction Responsibilities And Debris Removal**

By acceptance of this permit, the applicant agrees that during project construction: (1) No machinery will be allowed in the intertidal zone at any time; and (2) the permittee shall remove from the beach and ocean any and all debris that result from the construction.

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:

1. 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.

Runoff shall be conveyed off site in a non-erosive manner.

Energy dissipating measures shall be installed at the terminus of outflow drains.

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:

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.

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.

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. Western Snowy Plover Protection

A qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director shall conduct a survey of the project site, to determine presence and behavior of western snowy plovers, prior to any construction of the geotextile tube, campsites, or placement of sand fill or any associated grading activities on the beach. At least one week prior and immediately prior to any project activities, the resource specialist shall examine the entire width of the beach adjacent to the project area at dusk and dawn to preclude impacts to the federally listed western snowy plover. No excavation, construction, grading, or removal activities shall occur until any western snowy plovers have left the project area or its vicinity.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The proposed project site is part of Leo Carrillo State Park, a 2,282-acre park unit that includes beachfront and inland areas within both unincorporated Los Angeles and Ventura County. The development proposed in this permit is located in the portion of Leo Carrillo State Park that is called "North Beach". The Leo Carrillo State Park General Plan (1996) describes this area:

> North Beach lies immediately upcoast from the rocky headlands and small coves of Sequit Point. Its length of sandy beach is paralleled by a linear stretch of paving, one section of which provides picnic facilities. Another section accommodates day-use parking, and a third area is delineated for contained-vehicle camping (32 sites). Although the paving and vehicles detract from the natural setting, the facility is sited to minimize scenic impacts to viewsheds from the beach, as well as PCH. The North Beach parking lot/camp ground has two vehicular entry points—a service entry off PCH and a main entrance coming under the

PCH bridge from the unit's entry kiosk. Pedestrians descend down an informal stairway of railroad ties, or walk along the entry roadways.

The existing paved areas were eroded by extreme "El Nino" storms in 1998. The applicant estimates that 30 to 40 feet of pavement was lost in the camping area, as well as a gray water dumping station and two rinse-off showers. The applicant also states that an existing (constructed prior to the Coastal Act) 30-foot by 10-foot riprap revetment was lost, leading to the erosion of 50 percent of the existing day use paved area.

The Department of Parks and Recreation proposes to repair and rehabilitate the North Beach area, including improvements to the camping, day-use, and picnic areas. The applicant proposes to retain the existing paved areas, but not to restore the eroded areas of pavement. A tube that is 7-foot in diameter, comprised of geotextile fabric wrapped around gravel, native cobbles, or sand is proposed to be placed along the width of the camping, day-use, and picnic areas. Additionally, 4,200 cu. yds. of sand would be placed along the width of the project site to rebuild the beach profile. Following is a description of improvements that are particular to the separate areas:

Camping Area

- Creation of 11 beach campsites on the sand, each separated by 6-foot high constructed sand dunes. One campsite will be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
- Existing exotic vegetation will be removed and sand dunes will be planted with native dune species
- Construction of beach access ramps
- Construction of a 3-foot high retaining wall and curb and gutter between the landward side of the campsites/sand dunes and the parking lot to retain the sand and prevent the dunes from migrating landward onto the parking area
- Upgrading of the camp host site
- Placement of 2 rinse-off showers

Day Use Area

- Construction of curb and gutter with a catch basin using filtering media to intercept and filter runoff
- Construct concrete islands for the placement of 5 trash dumpsters, 6 chemical toilets, and 2 rinse-off showers
- Construction of beach access ramps
- Repair and restripe parking area for 97 day use spaces

Picnic Area

- Removal of existing pavement for the creation of a pathway and picnic sites
- Placement of tables, barbeques, and shade ramadas

The applicant estimates that the proposed project will begin in May or June of this year and take approximately 45 days to complete. Construction of the project can be conducted in stages in order to ensure that day use beach parking remains available during most of the construction activities. One possible exception would be during placement of the sand fill, because the arrival and departure of the trucks transporting fill could present traffic hazards to the public. There is available day use public parking within Leo Carrillo State Park, including a lot just downcoast of the project site that will remain open during construction. As such, temporary impacts to public access will be minimized.

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 Los Angeles County.

As described above, a potion of the existing paved areas were eroded by extreme "El Nino" storms in 1998. Prior to this event, existing facilities in the North Beach area included paved RV camping, day use parking area, access road, and associated facilities such as restrooms, showers, and lifeguard towers.

The Leo Carrillo State Park General Plan discusses the use of shoreline protective devices. The Plan states that:

> In the past, ... episodic beach erosion damaged day-use facilities at North Beach. It is probable that additional facilities in the unit, including Pacific Coast Highway, will be threatened by these processes in the future. Structural protective measures, such as riprap, revetments, seawalls, or other structures may be suggested to protect developments on park lands or lands adjacent to the unit. Generally, these structures are undesirable for use in the State Park System because they can adversely affect shoreline processes and sand supply, significantly increase erosion on adjacent land, create a significant visual intrusion, cause impacts to vegetation, wildlife, or fish habitat, or significantly reduce or restrict beach access.
>
> Directive: When considering protection of facilities from coastal erosion, the department shall first consider nonstructural, bioengineering measures, including abandonment, relocation, setback, or redesign of the facility, or beach replenishment. If nonstructural measures are not feasible solutions, the department geologist shall be consulted to determine the appropriate type and design of structure to use in each situation.

The applicant considered several alternatives to repair and rehabilitate the North Beach facilities. These alternatives include:

1. Protection of remaining facilities with the construction of a rock revetment, vertical concrete seawall, or vertical seawall with stone or geobag toe.

2. Maintaining the existing paved areas (in their post-erosion extent) and allow only day use parking.

3. Maintaining the facilities, as they currently exist, with no shoreline protection.

4. Maintain the existing paved areas (in their post-erosion extent) with repairs and improvements to the camping and day use facilities with the placement of granular fill material (12 inch diameter maximum) under sand fill as shoreline protection.

5. Maintain the existing paved areas (in their post-erosion extent) with repairs and improvements to the camping and day use facilities with the placement of a 7-foot diameter tube, comprised of geotextile fabric wrapped around gravel, native cobbles, or sand as shoreline protection.

The applicant considered the merits and impacts of the various alternatives and chose the last alternative as providing the best solution. State Parks rejected the use of a rock revetment or seawall: "...a rock revetment or concrete seawall, while providing additional protection to the area, would eliminate or drastically reduce traditional camping opportunities, cause adverse negative visual impact and was deemed not in compliance with the Department's coastal erosion policy" (Mitigated Negative Declaration and Initial Study for Leo Carrillo State Park, November 2001).

The applicant determined that modifying use of the site to only day use and maintaining the existing facility as is would both result in reduced recreational opportunities to the public. The applicant originally proposed in this application to implement the fourth alternative of maintaining the existing pavement with improvements to camping and day use facilities, with the placement of granular fill material (rocks of no more than 12 inch diameter) with sand fill over it to reestablish the beach profile.

The applicant has subsequently proposed to implement the fifth alternative, which is a more "soft solution" to protect the existing paved parking area and the proposed camping and day use facilities. A 7-foot diameter tube, comprised of geotextile fabric wrapped around gravel, cobbles, and or sand is proposed to be placed along the length of the project area at the back of the beach. As shown on Exhibits 2 and 3, the tube would be placed on the existing natural cobble layer beneath the sand beach. The applicant also proposes to add 4,200 cu. yds. of sand along the width of the project area to rebuild the beach profile and to create the sand dunes in the camping area. A cross section through the camping area is shown in Exhibit 4.

The applicant's consulting coastal engineer, Skelly Engineering studied the shoreline processes at North Beach. The applicant has submitted two reports prepared by Skelly Engineering: 1) North Beach Erosion Study, dated September 1999; and 2) Project Review North Beach Parking Lot and Beach Campsite Improvements, dated June 26, 2002. The engineer concludes that: "The Leo Carrillo North Beach facilities are subject to infrequent extreme oceanographic conditions and erosion. This erosion is short term and the beach recovers, but the erosion results in damage to public facilities". The engineer considered several alternatives for protection of the project site, including rock revetment, vertical concrete seawall, and vertical seawall with stone or geobag toe. Given the applicant's policy to consider non-structural bioengineering alternatives, the consulting engineer also considered the use of granular fill and the geotextile tube as alternative forms of protection. Project Review North Beach Parking Lot and Beach Campsite Improvements, prepared by Skelly Engineering, dated June 26, 2002, states that:

> There are several forms of shore protection that will work with differing degrees of effectiveness over different life times. Some potentially effective shore protection systems have been discussed in our previous report. In trying to keep with the absolute minimum form of reasonable shore protection it is possible to create a "soft" shore protection system at the site. One possible soft system would be fill material such as gravel, native cobbles, or imported sand wrapped in geotextile fabric. This is much like the burrito drain often used for drainage systems but much larger. A preliminary design would place the bottom of the fabric at or near mean sea level (MSL). The top of the wrapped fill material should be to about +7' MSL. The wrapped fill would be located under the campsite at the back of the beach. When the extreme event waves attack the site the beach will erode back to the wrapped fill. The fill will provide significant protection for several days or even weeks of direct wave attack. If the structure is damaged it can be repaired relatively easily using more fill and more fabric.

In this case, consistent with the policies of the Leo Carrillo General Plan, the applicant is proposing to utilize nonstructural, bioengineering measures to rehabilitate and protect existing facilities. These measures include abandoning the portions of the previously existing pavement that were removed through erosion in 1998. This will result in the remaining pavement and other facilities being setback further landward where they should be less frequently exposed to wave attack. Rather than construct a rock revetment, vertical seawall, or other protective device, the applicant proposes to place a 7-foot diameter tube, comprised of geotextile fabric wrapped around gravel, cobbles, and or sand along the length of the project area at the back of the beach to provide protection to the remaining paved areas during extreme storm waves. While providing "several days or even weeks" of protection from direct wave attack, the geotextile tube will not occupy a large area of the beach or focus wave energy resulting in increased erosion. If damaged, the geotextile tube can be repaired with additional fabric and fill. Further, the proposed campsites will be constructed of sand and are designed to be expendable, in that they may erode in extreme events, but can be rebuilt relatively easily with sand. Moveable improvements, like picnic tables and lifeguard towers will be relocated to landward areas of the site when extreme events are anticipated. Finally, sand fill will be used to replenish the beach and recreate the previously existing profile. The Commission finds that as proposed, the repair and rehabilitation of facilities at the North Beach area of Leo Carrillo State Park will locate development as far landward as feasible, will not include the use of revetments or seawalls, thus minimizing any impacts to shoreline processes and public access.

As described above, the proposed repair and improvement of facilities at the North Beach area of Leo Carrillo State Park will locate development in a more landward location than the previously existing facilities. Additionally, the proposed geotextile tube will provide limited protection of the paved areas during extreme storm events. Although the proposed project will increase the stability of the developed portions of the subject site in relation to wave caused erosion, there remains some inherent risk to development on such sites. The Coastal Act recognizes that certain types of development, such as the proposed project to protect existing park facilities from storm waves, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the owner's right to use the property. As such, the Commission finds that due to the unforeseen possibility of liquefaction, storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval.

Therefore, **Special Condition One (1)** requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

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

C. Environmentally Sensitive Habitat Areas and Water Quality

Section 30230 of the Coastal Act states:

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

Section 30231 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.***

Section 30240 of the Coastal Acts states:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

The proposed project site is located on a sandy beach previously covered with pavement. This area has not been designated as environmentally sensitive habitat area in the Malibu/Santa Monica Mountains Land Use Plan, although it is within the designated Arroyo Sequit Significant Watershed. The Leo Carrillo State Park General Plan (1996) identifies coastal strand habitat area in North Beach, seaward of the previously existing pavement.

Coastal strand habitat has the potential to support western snowy plovers. The Pacific Coast population of western snowy plover (*Charadrius alexandrinus nivosus*) are small, sand colored shorebirds that use sandy beaches for nesting and roosting from southern Washington to Baja California. The snowy plover forages on invertebrates in the wet sand; amongst surf-cast kelp; on dry sandy areas above the high tide; on salt pans; on spoil sites; and along the edges of salt marshes, salt ponds, and lagoons (USFWS 20001). Plovers breed primarily above the high tideline on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. They tend to be site faithful, with the majority of birds returning to the same nesting location in subsequent years (USFWS 2001 citing Warriner et al. 1986). The breeding season for snowy plovers along the Pacific coast extends from early March to mid-September. The majority of California's wintering plovers roost and forage in loose flocks on sand spits and dune-backed beaches, with some occurring on urban and bluff-backed beaches, which are rarely used for nesting (USFWS 2001). Roosting plovers usually sit in small depressions in the sand, or in the lee of kelp, other debris, or small dunes (USFWS 2001 citing Page et al 1995).

The snowy plover was listed by the U.S. Fish and Wildlife Service (USFWS) as a threatened species in March 1993. Subsequently USFWS designated 180 miles of coastline in California, Oregon, and Washington as critical habitat in 1999. Critical habitat is a specific designation that identifies areas that are essential to conservation of an endangered species. The proposed project site at Leo Carrillo State Park is **not** within the designated critical habitat area.

The Leo Carrillo State Park General Plan (1996) states that:

> The federally-listed western snowy plover has been seen on the coastal strand of Leo Carrillo State Beach during the winter. It is unknown if this species breeds in the unit, but suitable habitat (loose sand above the wave slope) is present. Nests of this species are easily and inadvertently destroyed by beach users, dogs off-leash, patrol vehicles, and maintenance activities.

The plan does not provide information regarding the western snowy plover that is specific to the North Beach area. However, the Mitigated Negative Declaration and Initial Study for Leo Carrillo State Park, November 2001 states that "No rare, threatened, or endangered species are known from the project area, therefore no impacts are anticipated." Staff has confirmed with the applicant that snowy plovers have not been seen using the North Beach area by Department of Parks and Recreation staff. The high intensity recreational use of the project area, along with the wide area of sandy beach that was previously paved may have made the North Beach area less likely to support use by the snowy plover. The proposed project will occupy areas that have been developed and devoted to recreational use. Based on this information, it seems unlikely that the proposed project will have adverse impacts on this bird species. However, if snowy plovers were to utilize any of the undeveloped coastal strand area of the site, there could be potential impacts during the construction of the proposed project.

In order to ensure that construction of the proposed improvements does not adversely affect the western snowy plovers, **Special Condition Four (4)** requires a qualified resource specialist to examine the beach area at dusk and dawn, one week prior and immediately prior to construction of the geotextile tube, campsites, or placement of sand fill, to identify the presence of western snowy plovers in order to preclude potential adverse impacts to them. As a result, the resource specialist shall ensure that prior to these construction activities, there are no western snowy plovers in the project area or its vicinity. The monitor shall ensure that project activities do not commence until plovers have left the project area or its vicinity.

Another species that may potentially utilize the site is the California grunion. The California grunion is a small fish in the silversides family and is extremely unusual among fish in its spawning behavior. The grunion spawns on sandy beaches immediately following high tides from mid-March through August. The eggs are incubated in the sand until the following series of high tide conditions, when the eggs hatch and are washed into the sea. California grunion is a species of concern due to its unique spawning behavior, and carefully managed as a game species. Potential impacts from projects on sandy beaches include disturbance of adult grunion during the run period and/or the burying of incubating grunion eggs. In this case, the proposed construction activities will be located well landward of the mean higher high water level of 2.68 feet for the area (North Beach Erosion Study Leo Carrillo State Beach, September 1999, by Skelly Engineering). As such, no impacts to grunion from the project would be expected.

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. It is particularly important to avoid potential impacts to water quality in the area of the project site. The North Beach area is within the designated Area of Special Biological Significance (State Water Quality Control Board). There are kelp forest areas directly offshore. It is therefore especially important to ensure that any water quality impacts from the proposed project are minimized and mitigated.

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. 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.

The proposed project is designed to minimize impacts to water quality. The applicant proposes to not replace the pavement that has been lost to the erosion of the site, thereby reducing the amount of impervious surface on the site. Additionally, the project includes the construction of curb and gutter around the remaining parking areas to direct runoff to new proposed catch basins with filtering media. The incorporation of these Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site will serve to minimize impacts to water quality, if they are properly sized. 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 measures 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. Further, the Commission finds it necessary to impose **Special Condition Two (2)**, that requires that no machinery is used in the intertidal area and that all construction materials and debris are removed from the beach, ensuring that they will not be introduced to the marine environment.

The Commission finds that the proposed project, as conditioned, will minimize impacts to environmentally sensitive habitat areas, to water quality, and to the marine environment, consistent with Coastal Act Sections 30230, 30231 and 30240.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states:

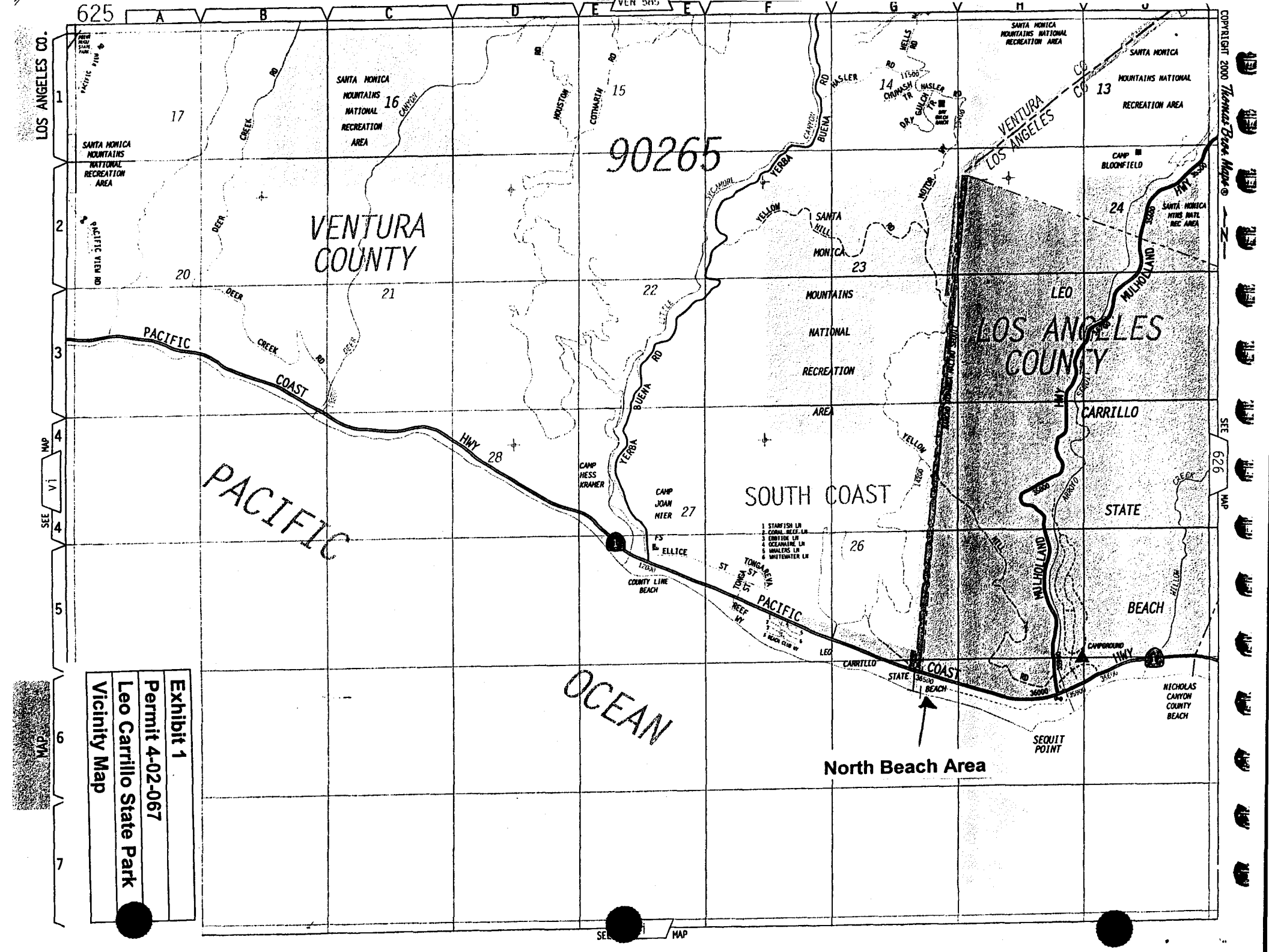
> ***Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).***

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a 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 that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any 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.


625
LOS ANGELES CO.
VENTURA COUNTY
LOS ANGELES COUNTY
PACIFIC OCEAN
SOUTH COAST
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
90265
PACIFIC COAST HWY 28
MULHOLLAND HWY
CAMP HESS KRAMER
CAMP JOAN MIER
CAMP BLOOMFIELD
LEO CARRILLO STATE BEACH
COUNTY LINE BEACH
NICHOLAS CANYON COUNTY BEACH
SEQUIT POINT
CAMPGROUND
SEE MAP 626
SEE MAP VI
COPYRIGHT 2000 Thomas Bros. Maps®
North Beach Area
Exhibit 1
Permit 4-02-067
Leo Carrillo State Park
Vicinity Map

PACIFIC COAST HIGHWAY

North Beach Camping Area

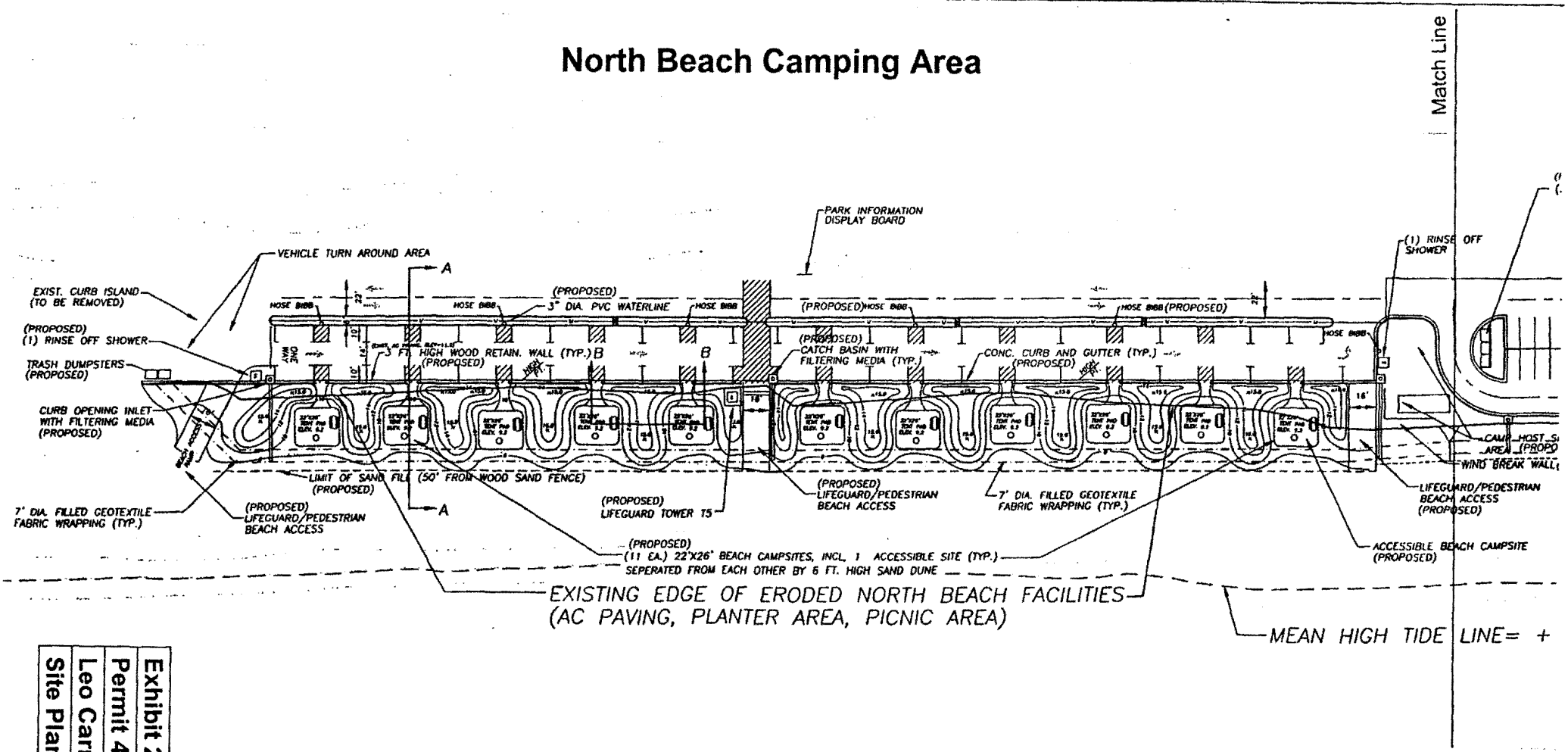


Exhibit 2
Permit 4-02-067
Leo Carrillo State Park
Site Plan (West Half)

North Beach Day Use Area

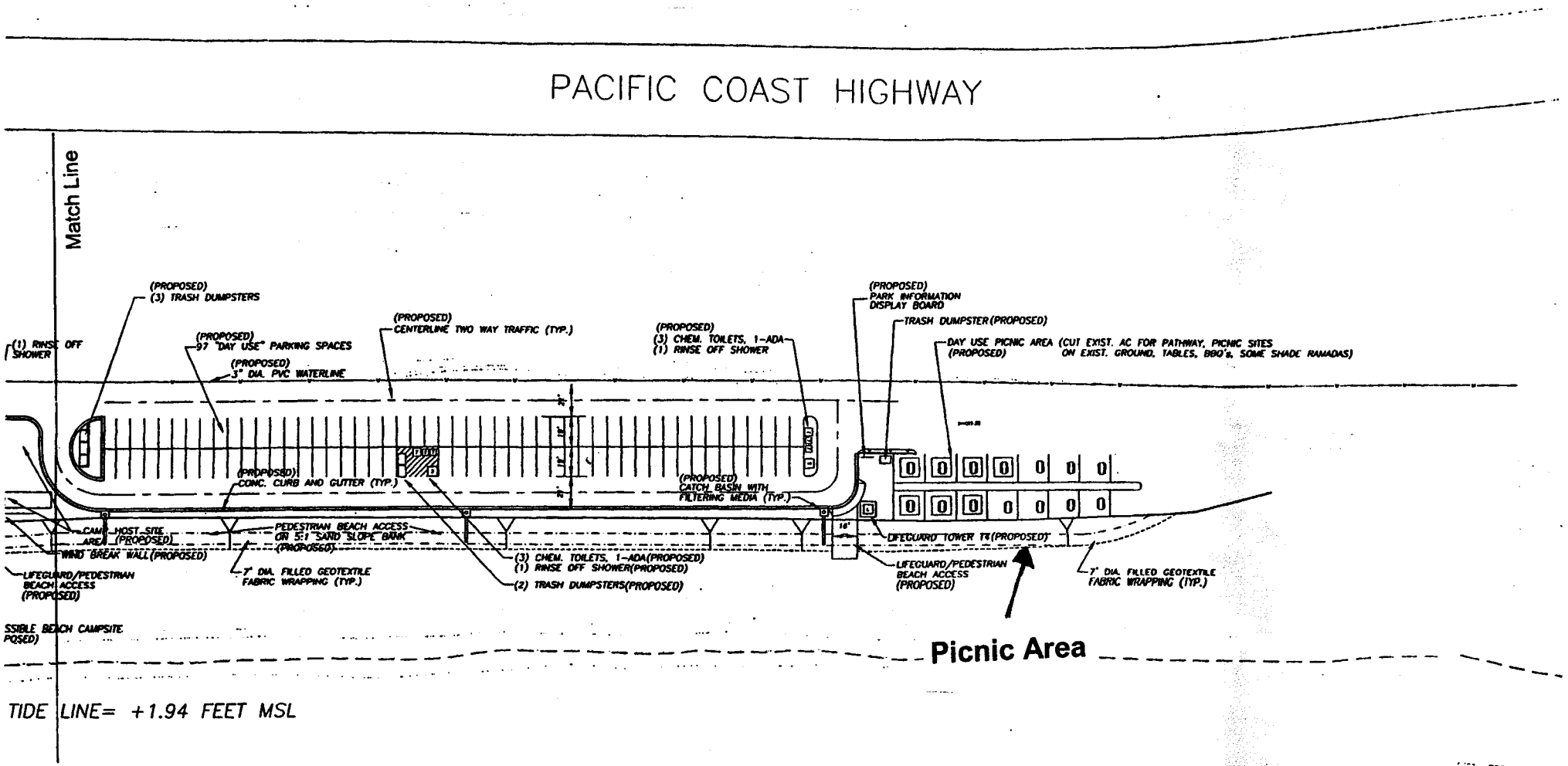


Exhibit 3
Permit 4-02-067
Leo Carrillo State Park
Site Plan (East Half)

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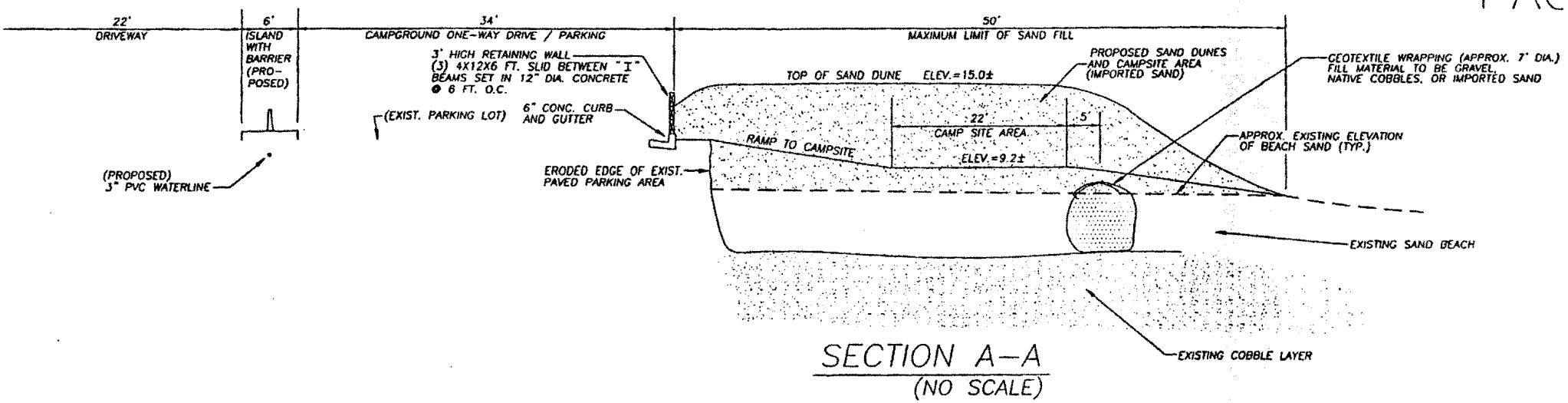
Section Showing Beach Fill, Geotextile Tube, and Dunes in Camping Area



SECTION A–A
(NO SCALE)

Exhibit 4
Permit 4-02-067
Leo Carrillo State Park
Cross Section

Leo Carrillo State Park—North Beach Area

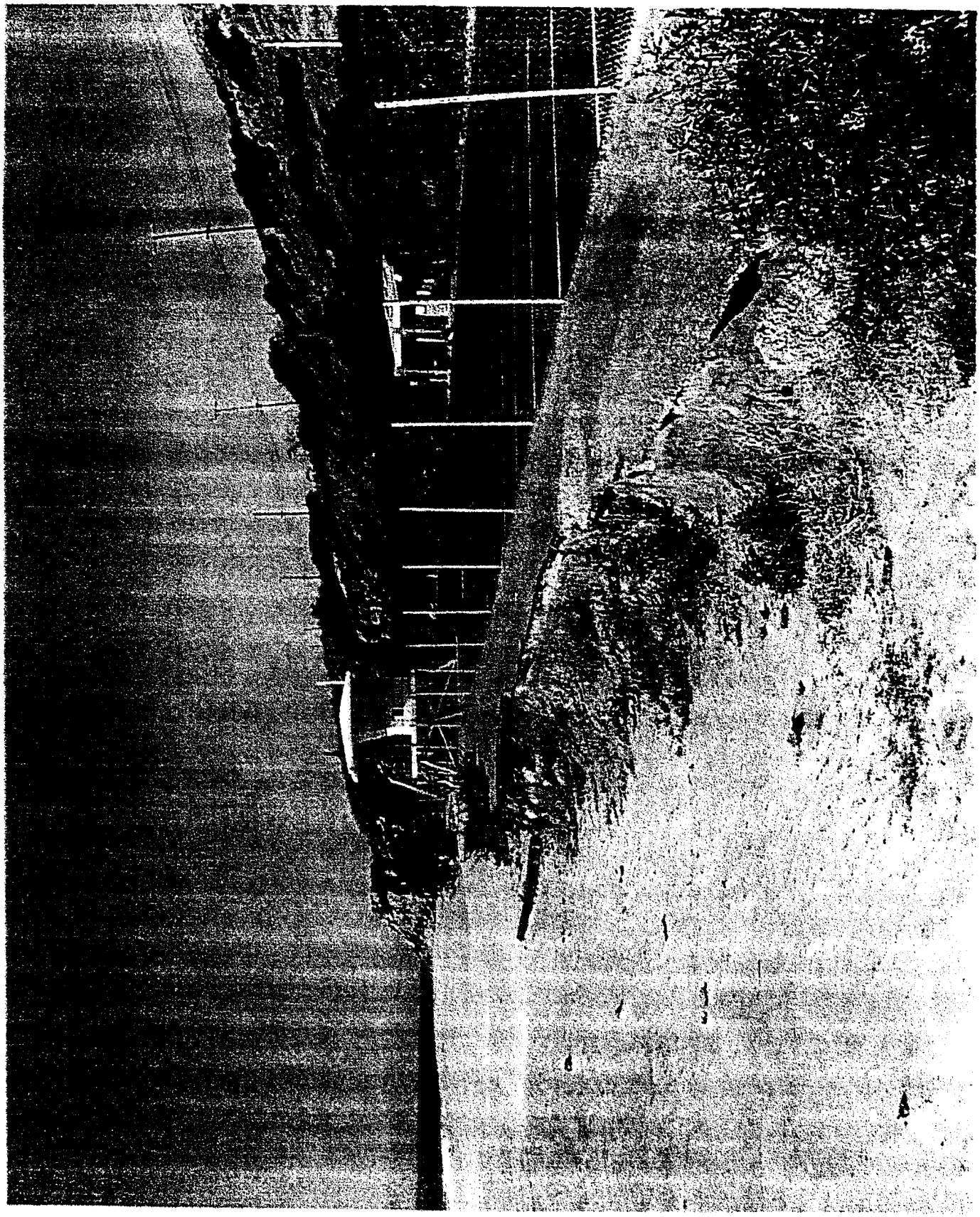


Photo showing eroded edge of pavement

Exhibit 5
Permit 4-02-067
Leo Carrillo State Park
Photo