

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 930  
(805) 585-1800

Filed: 3/06/06  
180th Day: 9/02/06  
Staff: Melissa Hetrick  
Staff Report: May 25, 2006  
Hearing Date: June 14-16, 2006



# Tu 23b

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-06-004

**APPLICANT:** City of Santa Barbara, Public Works Department

**PROJECT LOCATION:** Laguna Channel, 236 East Cabrillo Blvd, Santa Barbara

**PROJECT DESCRIPTION:** Improvements to the Laguna Channel Tide Gate System, including repair of concrete surrounding the tide gates, replacement of existing electric motors and gates, installation of new steel plates, hydraulic pumps, reservoirs, hydraulic rams, and secondary containment in the gate house, and other small repairs. No expansion of the tide gate system is proposed.

**SUBSTANTIVE FILE DOCUMENTS:** "Biological Resources Report Laguna Channel Tide Gate Repair Project" prepared by URS Corporation, December 2005.

### SUMMARY OF STAFF RECOMMENDATION

Staff Recommends **approval** of the proposed project with **Six (6) Special Conditions** regarding 1) Other Required Agency Permits, 2) Sensitive Species Monitoring, 3) Tidewater Goby Protection Plan, 4) Protection of Water Quality, 5) Assumption of Risk, 6) Timing of Project Operations.

The City of Santa Barbara currently proposes to repair and replace portions of the Laguna Tide Gate System, including replacement of the electric motors in the gate house with hydraulic systems, installation of secondary containment reservoirs in the gate house, installation of a steel plate on the bottom of the gate house, repair to the gates, and repair of the concrete within the gate house and on surrounding concrete structures including the gate wall, aprons, and stream channel. No expansion of the system is proposed.

Laguna Channel is a man-made drainage that extends from Highway 101 to the ocean. During the wet season, the channel erodes a channel to the ocean. In the summer, sand deposition on the beach forms a closed lagoon at the mouth of the channel that often merges with the lagoon of nearby Mission Creek. These lagoons provide habitat for several sensitive species, including tidewater goby. The tide gate system was built in the 1950's to prevent high tides and heavy stream flows from flooding the area south of Highway 101 in the vicinity of Laguna Creek. The proposed repairs and

replacements to the tide gate system will occur within a portion of Laguna Channel with a concrete streambed and concrete and riprap banks. The project will require placement of a cofferdam downstream of the tide gates and dewatering of the gate house area. The City has proposed several mitigation measures to ensure protection of tidewater goby, water quality, and other biological resources during project operations.

The standard of review for the proposed amendment application is the Chapter Three policies of the Coastal Act. As conditioned, the proposed project as amended is consistent with all applicable Chapter Three policies of the Coastal Act.

### Table of Contents

<b>I. STAFF RECOMMENDATION .....</b>	<b>3</b>
<b>II. STANDARD CONDITIONS.....</b>	<b>3</b>
<b>III. SPECIAL CONDITIONS.....</b>	<b>4</b>
1. <i>Other Required Agency Permits.....</i>	<i>4</i>
2. <i>Sensitive Species Monitoring.....</i>	<i>4</i>
3. <i>Tidewater Goby Protection Plan.....</i>	<i>5</i>
4. <i>Protection of Water Quality .....</i>	<i>6</i>
5. <i>Assumption of Risk .....</i>	<i>6</i>
6. <i>Timing of Project Operations.....</i>	<i>7</i>
<b>IV. FINDINGS AND DECLARATIONS .....</b>	<b>7</b>
A. PROJECT DESCRIPTION AND BACKGROUND .....	7
B. ENVIRONMENTALLY SENSITIVE HABITATS AND WATER QUALITY .....	9
C. HAZARDS AND SHORELINE PROCESSES .....	13
D. LOCAL COASTAL PROGRAM.....	14
E. CEQA.....	14

---

### EXHIBITS

**Exhibit 1.**Project Area

**Exhibit 2.**Project Plans

**Exhibit 3.**Aerial Photo of Project Area

**Exhibit 4.**Schematic of Proposed Project

---

## I. STAFF RECOMMENDATION

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-06-004 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.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
2. **Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject properties to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. **Other Required Agency Permits**

Prior to commencement of construction activities authorized by this coastal development permit, the applicant shall provide evidence to the Executive Director of receipt of all necessary State and Federal permits including the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, United State Fish and Wildlife Service, and California Department of Fish and Game if required.

#### 2. **Sensitive Species Monitoring**

The applicants shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to conduct sensitive species surveys and monitor project operations. At least two (2) weeks prior to commencement of any project operations, the applicants shall submit the names and qualifications of the biologist(s) or specialist(s), for the review and approval of the Executive Director. The biologist(s) or specialist(s) shall ensure that all project construction and operations shall be carried out consistent with the following:

- (a) The environmental resource specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species (including but not limited to tidewater goby, Belding's savannah sparrow, California least tern, western snowy plover, light-footed clapper rail) one day prior to any project operations including installation of cofferdam, dewatering, concrete repair, grading, and maintenance activities.
- (b) In the event that any sensitive wildlife species exhibit reproductive or nesting behavior, the environmental specialist shall require the applicants to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
- (c) In the event that any sensitive wildlife species are present in the project area, which do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. The applicants shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Game, then no development activities shall be allowed to continue until any

such review and authorizations to proceed are received, subject to the approval of the Executive Director.

- (d) The environmental resource specialist shall be present during all construction and maintenance activities. The environmental resource specialist shall require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-06-004 occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. Any native vegetation which is inadvertently contacted with herbicide or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

### **3. Tidewater Goby Protection Plan**

Prior to commencement of any project activities within Laguna Channel or lagoon, the applicant shall submit a final plan for the protection of tidewater goby during project construction. The plan shall include the following elements:

- A. The applicant shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to develop and implement the Tidewater Goby Protection Plan and to monitor project operations.
- B. The qualified biologist retained by the City shall conduct a training session for all construction personnel prior to the onset of work. The training shall include a description of the tidewater goby and its habitat; the specific measures that are being implemented to protect the tidewater goby during construction; and the project limits.
- C. The qualified biologist and a crew working under his/her direction shall clear all fish, including tidewater gobies, from the area to be dewatered downstream of the tide gates prior to construction.
- D. The qualified biologist shall inspect the dewatered areas and construction site regularly to detect whether any tidewater gobies or other fish are passing through the cofferdam and investigate whether tidewater goby protection measures are being implemented to Laguna Channel and lagoon.
- E. The qualified biologist shall be present when the cofferdams are removed and the construction area refilled with water to relocate any fish present in the construction area before completion of removal operations and to ensure successful reintroduction of aquatic habitat in the construction area.
- F. The qualified biologist, in conjunction with the City, shall prepare a post-project monitoring report documenting the efforts to protect the goby, the results, and recommendation for future projects involving similar procedures.

#### **4. Protection of Water Quality**

It shall be the applicants' responsibility to ensure that the following occurs during project operations:

- A. The work area shall be flagged to identify limits of construction and identify natural areas that are off limits to construction traffic.
- B. No construction materials, debris, or waste shall be stored on the beach or where it may be subject to erosion and dispersion. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris that may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- C. No equipment shall be stored in the project area, including designated staging and/or stockpile areas, except during active project operations.
- D. Only areas essential for construction shall be cleared.
- E. Construction equipment shall not be cleaned on the beach or in the beach parking lots.
- F. Stockpiled materials shall be located as far from stream areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of a stream bank.
- G. All debris and other construction materials shall be cleared from Laguna Channel prior to reintroduction of stream flows and tidal action to the channel following removal of the cofferdam.

#### **5. Assumption of Risk**

By acceptance of Coastal Development Permit 4-06-004, the applicant acknowledges and agrees (i) that the project site may be subject to hazards from erosion, wave action, tidal action, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

## 6. Timing of Project Operations

Repair and construction operations in Laguna Channel shall occur during the dry season from June to October. No work within the creek shall occur from November 1<sup>st</sup> through May 31<sup>st</sup> without the authorization of the Executive Director.

# IV. FINDINGS AND DECLARATIONS

## A. PROJECT DESCRIPTION AND BACKGROUND

The City of Santa Barbara Public Works Department proposes improvements to the Laguna Channel Tide Gate System, including repair of concrete surrounding the tide gates, replacement of existing electric motors and gates, installation of new steel plates, hydraulic pumps, reservoirs, hydraulic rams, and secondary containment at the existing gate house, and other small repairs.

The project will involve work in the Tide Gate House and in the concrete channels upstream and downstream of the structure (**Exhibit 2**). All work will involve repair, maintenance replacement of elements of the existing system. No expansion of the tide gate system is proposed. The following activities will occur:

- Replacement of the electric motors in the gate house that raise the tide gates with hydraulic systems including reservoirs, pumps, lines, and hydraulic ram. Biodegradable hydraulic oil and double walled storage tanks will be used.
- Placement of a secondary containment system under the hydraulic motors.
- Installation of a steel plate on the bottom of the gate house floor to strengthen it.
- Removal, repair, and reinstallation of the existing tide gates.
- Repair of concrete within the gate house and on surrounding concrete structures including the gate wall and aprons. Repair will include removal of broken or delaminated concrete, sandblasting exposed rebar and injection of epoxy into cracks.
- Periodic maintenance to damaged seals, fittings, pipe, and equipment.

Laguna Channel is a man-made drainage that extends from Highway 101 to the ocean between Santa Barbara Street and Calle Caesar Chavez at the foot of Laguna Street within the City of Santa Barbara (**Exhibits 1 and 3**). The channel is earthen from Highway 101 to Cabrillo Boulevard and fully lined in concrete downstream of Cabrillo Boulevard to the beach. During the rainy season in winter, stream flow in Laguna Creek erodes a channel to the ocean. In the summer, sand deposition on the beach forms a berm that closes the mouth of the creek off from the ocean. The Laguna Channel lagoon is often merged with the lagoon of Mission Creek.

Laguna Channel terminates at a tide gate house with three tide gates that can be lowered to prevent flow of water from the lagoon upstream into the channel during high tides. A pump station is located between Cabrillo Boulevard and the tide gate house that removes stream flows to the channel when the tide gates are closed and

discharges them to a concrete side channel, which empties onto the beach east of the tide gate house. During times of high tides, the tide gates are kept closed and the pump bypasses any creek flows. During high stream flows and medium to low tides, the tide gates are opened to allow flows to directly reach the ocean. If the pump fails or has insufficient capacity to pump the inflow, and the tide gates cannot be opened due to high tides, there is a potential for the Laguna Channel to overtop, flooding the area downstream of Cabrillo Boulevard.

The tide gate system was built in the 1950's to prevent flooding of the area between Highway 101 and the beach in the vicinity of the channel. According to City staff, without the tide gate system, portions of the general area between Helena Avenue to the west, Highway 101 to the north, and Salispuedes Street to the east would flood during some high tide and storm events. This area encompasses several city parks, parking lots, visitor serving uses, and existing commercial and residential structures. In December 2004, the City's Maintenance Division identified several problems with operating the tide gates. It was later found that the concrete floor of the gatehouse and concrete aprons and walls around the gate area have deteriorated. The objective of the proposed project is to repair and replace various elements of the Tide Gate House to ensure reliable operations. According to City staff, the only feasible alternatives to prevent flooding of existing structures aside from upgrading the existing tide gate system are to buy the land in the flood zone and remove the existing structures or to raise the elevation of all structures in this area. Both of these alternatives are infeasible at this time.

The City has proposed several measures to prevent any construction impacts to the beach lagoon. Construction activities will not occur until a temporary cofferdam is placed downstream of the tide gate house (**Exhibits 2 and 4**). Work will occur for approximately 8 weeks in the dry season (June through October) when Laguna Channel is not likely to be flowing freely to the ocean. A temporary water-filled cofferdam will be installed 40 feet from the tide gate house in a portion of the channel that is 20 feet wide with a concrete bottom and sand, boulder, and concrete banks. The City may need to smooth the rough surfaces on the two banks and build up sediments around the downstream edge of the cofferdam in order to ensure that the cofferdam has a good seal on the banks of the channel. Additionally, the City may need to place approximately 20 cu yds. of clean sand from the adjacent dry beach along the bottom of the cofferdam facing the lagoon to form a seal and provide structural support. Upstream of the tide gates no cofferdam is needed to prevent flow during the dry season into the proposed construction area due to elevations of the channel in this area. Once the cofferdam is installed, the channel area between the tide gates and the cofferdam will be dewatered. This area will also continually be dewatered during construction to respond to seepage along the edges of the cofferdam. Electric powered sump pumps will collect water behind the cofferdam and discharge it to the adjacent dry beach where it will percolate. Any slurry in the work area will be removed and trucked to a landfill outside of the coastal zone. It is estimated that less than 10 cubic yards of slurry will be removed. Following the completion of all repairs in the channel, the water in the cofferdam bags will be pumped to the nearest sewer line and will be treated at the sewer treatment plant. The sand placed at the downstream end of the cofferdam will be respread on the beach and the site cleaned and returned to pre-construction conditions.



Prior to installations of the cofferdam and dewatering of the construction area, the City has proposed that a biologist prepare a tidewater goby protection plan that will include seining of the construction area for tidewater goby and placement of any caught gobies downstream of the cofferdam. In addition the pump intake used for dewatering will be screened to ensure that no tidewater gobies are entrained in the pump. Additionally, a biologist will be present during all dewatering operations.

## **B. ENVIRONMENTALLY SENSITIVE HABITATS 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** of the Coastal Act states:

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

Section **30236** Water supply and flood control

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Section **30240** of the Coastal Act 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.*

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored; protection shall

be given to areas and species of special significance; and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30236 allows for alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts that could degrade those resources. Environmentally Sensitive Habitat Areas are defined as areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Laguna Channel is a man-made drainage that extends from Highway 101 to the ocean between Santa Barbara Street and Calle Caesar Chavez at the foot of Laguna Street within the City of Santa Barbara. The channel is earthen from Highway 101 to Cabrillo Boulevard and fully lined in concrete downstream of Cabrillo Boulevard to the beach. During the rainy season in winter, Laguna Channel erodes a channel to the ocean. In the summer, sand deposition on the beach forms a berm that closes the mouth of the creek off from the ocean. The Laguna Channel lagoon often merges with the lagoon of Mission Creek.

The tide gate system was built in the 1950's to prevent flooding of the portions of the general area east of Helena Avenue, south of Highway 101, and west of Salispuedes Street from high tides and heavy stream flows from Laguna Creek. The system consists of a tide gate house with three tide gates that can prevent inflow from high tides into Laguna Creek and surround areas. A pump station is located between Cabrillo Boulevard and the tide gate house that removes stream flows in the creek when the tide gates are closed and discharges them to a concrete side channel, which empties onto the beach near the tide gate house. During low flows and times of high tides, the tide gates are kept closed and the pump bypasses any creek flows. During high flows and medium to low tides, the tide gates are opened to allow flows to directly reach the ocean. If the pump fails or has insufficient capacity to pump the inflow, and the tide gates cannot be opened due to high tides, there is a potential for the Laguna Channel to overtop, flooding the area downstream of Cabrillo Boulevard. If the tide gates are left open during high tides and heavy rainfall events, areas surrounding Laguna Creek south of Highway 101, including several existing residences, commercial structures, parking lots, and parks, can be flooded.

While the project is located in a portion of Laguna Channel that is lined in concrete, the project area is subject to tidal influence and is part of a larger natural brackish water lagoon that is often connected with Mission Creek lagoon. According to the biological report prepared for the project, the lagoon supports various marine and rakish water species, including crustaceans, insects, staghorn sculpin (*Leptocottus armatus*), topsmelt (*Atherinops affinis*), and Threespine stickleback (*Gasterosteus aculeatus microcephalus*) (URS 2005). Tidewater goby (*Eucyclogobius newberryi*), a listed federally endangered species, has been reported to occur in the lagoon waters of Mission Creek and Laguna Channel and are likely to be found in the project area. Steelhead trout (*Oncorhynchus mykiss*) have been documented to use Mission Creek

when migrating to and from the ocean during spawning season. The Mission-Laguna lagoon is also an important resource for resident and migrant water-associated birds in the region, including gulls, pelicans, grebe, coot, egrets, sandpipers, etc. The threatened and endangered California brown pelican (*Pelecanus occidentalis californicus*), California least tern (*Sterna antillarum browni*), and western snowy plover (*Charadrius alexandrinus nivosus*) are known to forage and nest in the Santa Barbara Waterfront area, although no studies to date have recorded recent nesting near the proposed project site (URS 2005).

The City of Santa Barbara currently proposes to repair and replace portions of the Laguna Tide Gate System, including replacement of the electric motors in the gate house with hydraulic systems, installation of secondary containment reservoirs in the gate house, installation of a steel plate on the bottom of the gate house, repair to the gates, and repair of the concrete within the gate house and on surrounding concrete structures including the gate wall, aprons, and stream channel. No expansion of the system is proposed. According to City staff, no feasible alternatives to prevent flooding of existing structures currently exist outside of repair and maintenance of the existing tide gate system.

The proposed project is necessary in order to prevent flooding of existing development. In addition, the alteration of streambeds (as proposed by this project) is consistent with Section 30236 of the Coastal Act, when required for flood control project to protect public safety or existing development and when adverse effects have been mitigated to the maximum extent feasible. In this case the proposed project could result in some potential adverse effects to surrounding habitat and water quality due to disturbance from construction equipment, dewatering, and maintenance activities. The open water of the Laguna lagoon and creek are considered ESHA's as described in Section 30240 of the Coastal Act because the lagoon and creek provide important habitat for sensitive species, including tidewater goby. The City has proposed several measures to minimize impacts to biological resources and water quality as requires by Section 30230, 30231, 30236, and 30240. The following discusses the mitigation measures proposed and the degree to which these measures will prevent impacts to biological resources and water quality.

The City has designed the project to prevent any construction impacts to the beach lagoon. Construction activities will not occur until a temporary cofferdam is placed downstream of the tide gate house. Work will occur for approximately 8 weeks in the dry season (June through October) when Laguna Channel is not likely to be flowing freely to the ocean. A temporary water-filled cofferdam will be installed 40 feet from the tide gate house in a portion of the channel that is 20 feet wide with a concrete bottom and sand, boulder, and concrete banks. To ensure a good seal on both banks, it may be necessary to smooth the rough surfaces on the two banks and build up sediments around the downstream edge of the cofferdam. Once the cofferdam is installed, the channel area between the tide gates and the cofferdam will be dewatered. This area will also continually be dewatered during construction to respond to seepage along the edges of the cofferdam. Electric powered sump pumps will collect water behind the cofferdam and discharge it to the adjacent dry beach where it will percolate. Any slurry in the work area will be removed and trucked to a landfill. Following completion of

repair activities, the water in the cofferdam bags will be pumped to the nearest sewer line and will be treated at the sewer treatment plant. The sand placed at the downstream end of the cofferdam would be respread on the beach and the site cleaned and returned to pre-construction conditions.

The proposed project would involve short-term impacts to the endangered tidewater goby and other aquatic species as a portion of Laguna Channel will be temporarily blocked off by a cofferdam and dewatered to allow for repairs and construction. While steelhead trout have been found in neighboring Mission Creek, the project is scheduled to occur in the dry season when the mouth of the Mission-Laguna lagoon is closed and creek flows do not flow to the ocean. As steelhead would likely only be present in the project area when the creeks are connected to the ocean, it is unlikely that this species would be present in the project area.

Prior to installations of the cofferdam and dewatering of the construction area, the City has proposed that a biologist prepare a tidewater goby protection plan that will include seining of the construction area for tidewater goby and any other fish and placement of any caught gobies and other fish downstream of the cofferdam. In addition, the pump intake used for dewatering will be screened to ensure that no tidewater gobies or other fish are entrained in the pump. The city has also proposed that a biologist be present during all dewatering and construction operations. The City has also timed the project to avoid the tidewater goby spawning period (late April through early May). In order to ensure that these mitigation measures to protect tidewater goby are employed, **Special Condition Three (3)** requires that the City submit, for the review and approval of the Executive Director, a Tidewater Goby Protection Plan to be prepared by a qualified biologist or environmental resource professional and implemented during project construction. The plan shall include measures for construction worker education about aquatic species, fish relocation, monitoring, secondary containment in the event that installation of new concrete is required, monitoring of the construction site, and reporting to the Coastal Commission. **Special Condition Six (6)** also requires the City to limit any work in and around the creek and lagoon to the dry season from June to October to prevent polluted runoff from the site and impacts to biological resources. This time period also avoids the spawning seasons of tidewater goby (April and May) and steelhead trout (January through April).

In order to further ensure that the proposed activities minimize impacts on sensitive species, **Special Condition Two (2)** requires the applicant to obtain the services of an environmental resource specialist or biologist to survey the site prior to construction and remain onsite to monitor all project activities. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur, should any nesting or reproductive behavior be observed, or if other unforeseen sensitive habitat issues arise. **Special Condition Two (2)** further stipulates that if significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

The stream and estuarine environment of Laguna Channel could also be adversely impacted as a result of the implementation of project activities by unintentional

introduction of sediment, debris, or chemicals with hazardous properties to the channel and lagoon. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, the Commission finds **Special Condition Four (4)** is necessary to define the applicant's responsibility for proper disposal of solid debris and material unsuitable for placement into the marine environment. As provided under Special Condition Four (4), it is the applicant's responsibility to ensure that no construction materials, debris or other waste is placed or stored where it could be subject to wave erosion and dispersion. Furthermore, Special Condition Four (4) requires that all construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours. Debris shall be disposed of at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material by a coastal development permit or other authorization from the Commission. Further, construction equipment shall not be cleaned on the beach or in the beach parking lots. In order to protect water quality and biological resources in the project area, the Commission also requires **Special Condition One (1)**, which provides for the review and approval of the project by other relevant state and federal agencies.

The Commission notes that the applicant is not proposing significant grading outside of removal of slurry in the concrete portion of Laguna Channel (approximately 10 cu yds.) near the tide gate house and movement of small amounts of sand to secure the proposed cofferdam (approximately 20 cu. yds. of sand). The applicant has proposed removal of the slurry to a landfill outside the Coastal Zone and resurfacing of the sand on the beach following construction. Should significant concrete removal or grading of the stream be required, the applicant will be required to obtain either an amendment, new coastal development permit, or authorization from the Executive Director for these actions.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections **30230**, **30231**, **30240**, and **30236** of the Coastal Act.

## **C. HAZARDS AND SHORELINE PROCESSES**

Section 30253 of the Coastal Act states, in part:

***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 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed improvements at the Laguna tide gates is to maintain the system in order to

prevent flooding of Laguna Channel and existing structures in surrounding areas. According to City staff, without the tide gates, the portions of the general area east of Helena Avenue, south of Highway 101, and west of Salispuedes Street is subject to flooding when tides are high and stream flows elevated. Without the tide gate system, several existing commercial, recreational, and residential structures would be threatened by flooding. The tide gates are designed to prevent high tides from reaching the upper reaches of Laguna Channel and to redirect stream flows around the gates via several water pumps as described in the previous sections. The proposed project is for the repair and replacement of portions of the tide gate system. The system will not be expanded in any way as a result of the project, merely upgraded.

The Commission notes that the proposed project is located in an area of the Coastal Zone that has been identified as subject to potential hazards from flooding, tidal action, high surf conditions, and storm surge. Although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of developed areas, there remains some inherent risk to any flood control projects. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve some risk. As such, the Commission finds that due to the unforeseen possibility of storm waves, surges, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Five (5)** requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development.

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

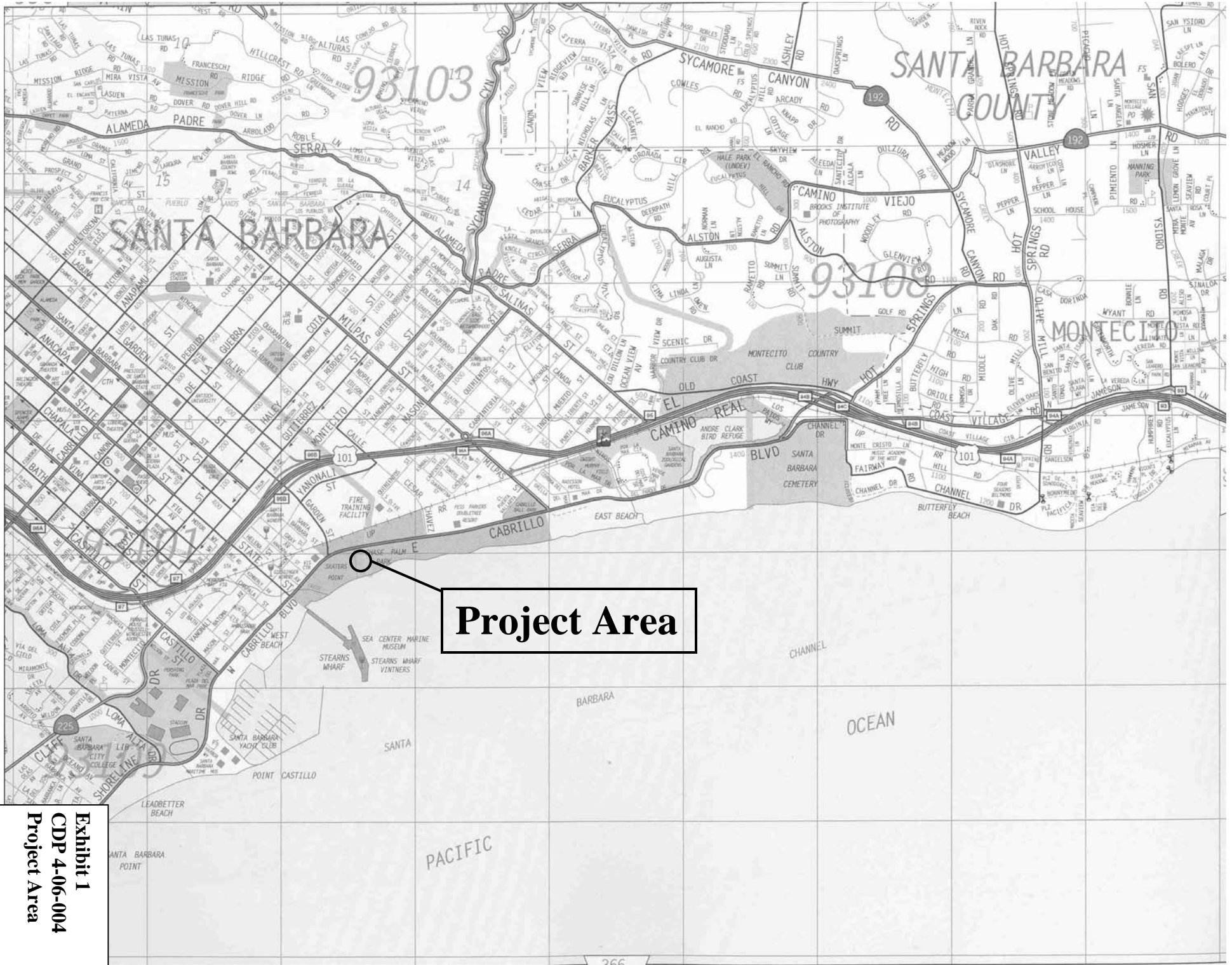
## **D. LOCAL COASTAL PROGRAM**

The proposed project area lies within City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the City 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.

## **E. CEQA**

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

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



**Project Area**

**Exhibit 1**  
**CDP 4-06-004**  
**Project Area**





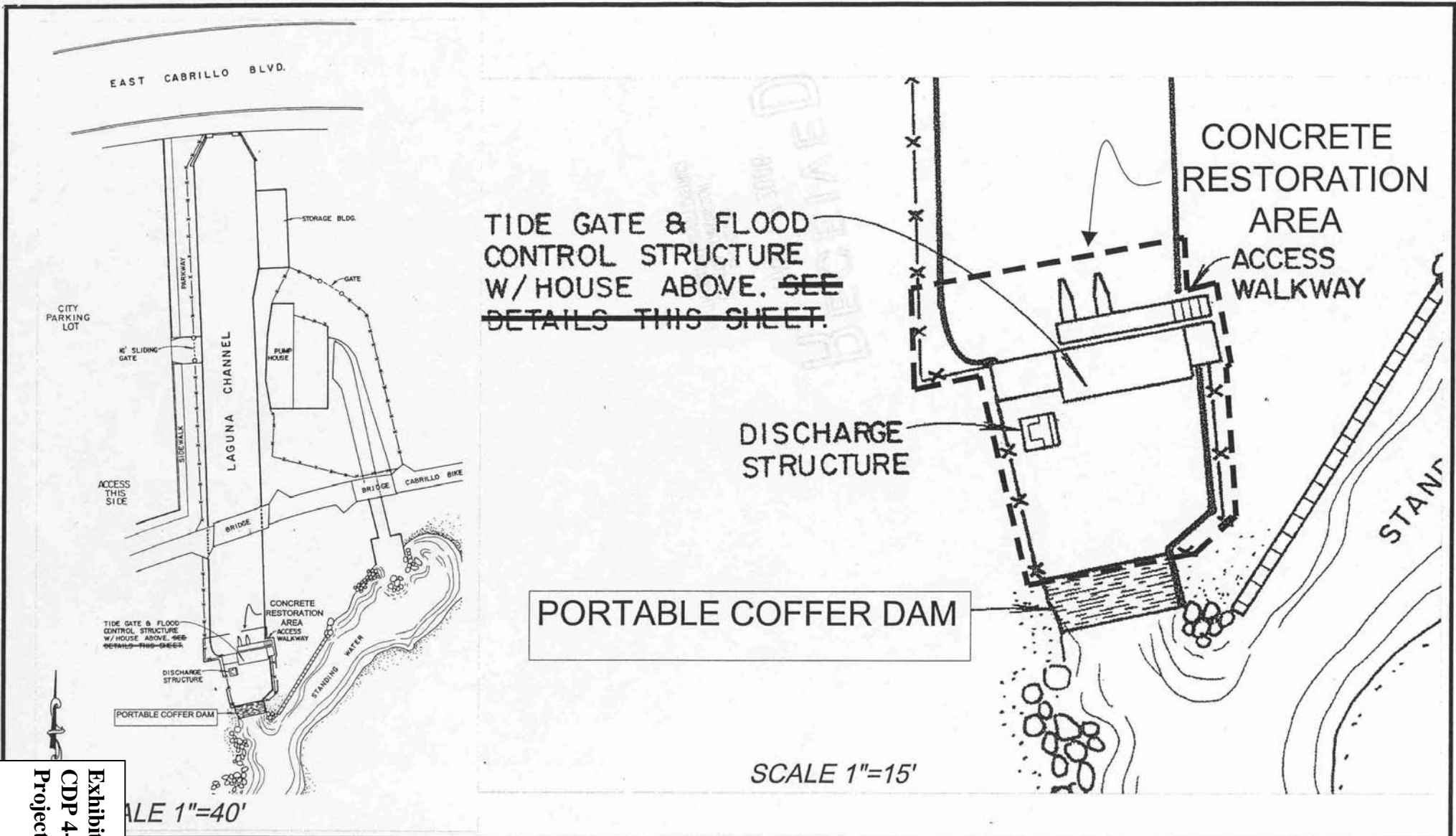


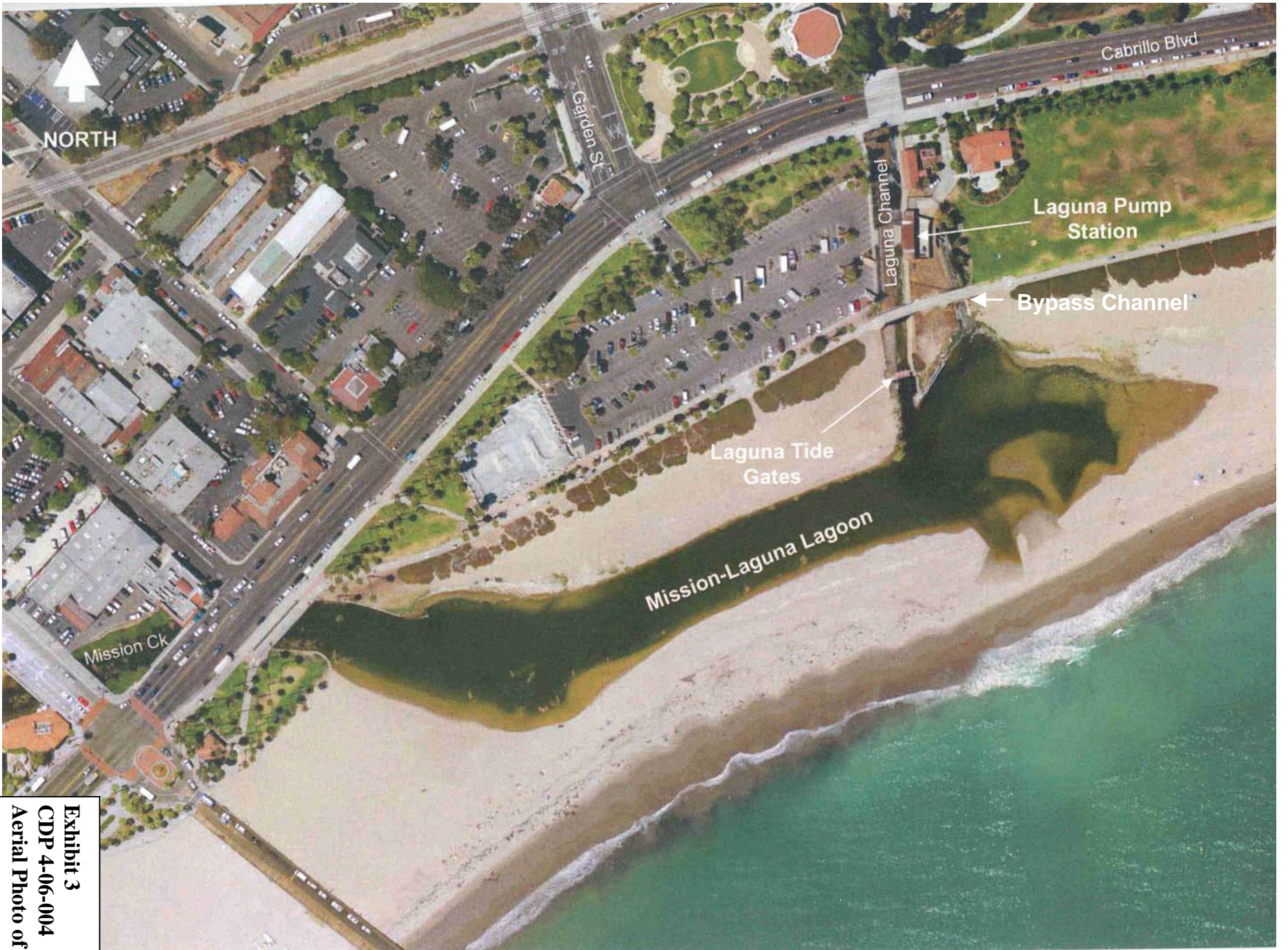
Exhibit 2b  
 CDP 4-06-004  
 Project Plans

2 OF 2

# LAGUNA CHANNEL GATES REPAIR

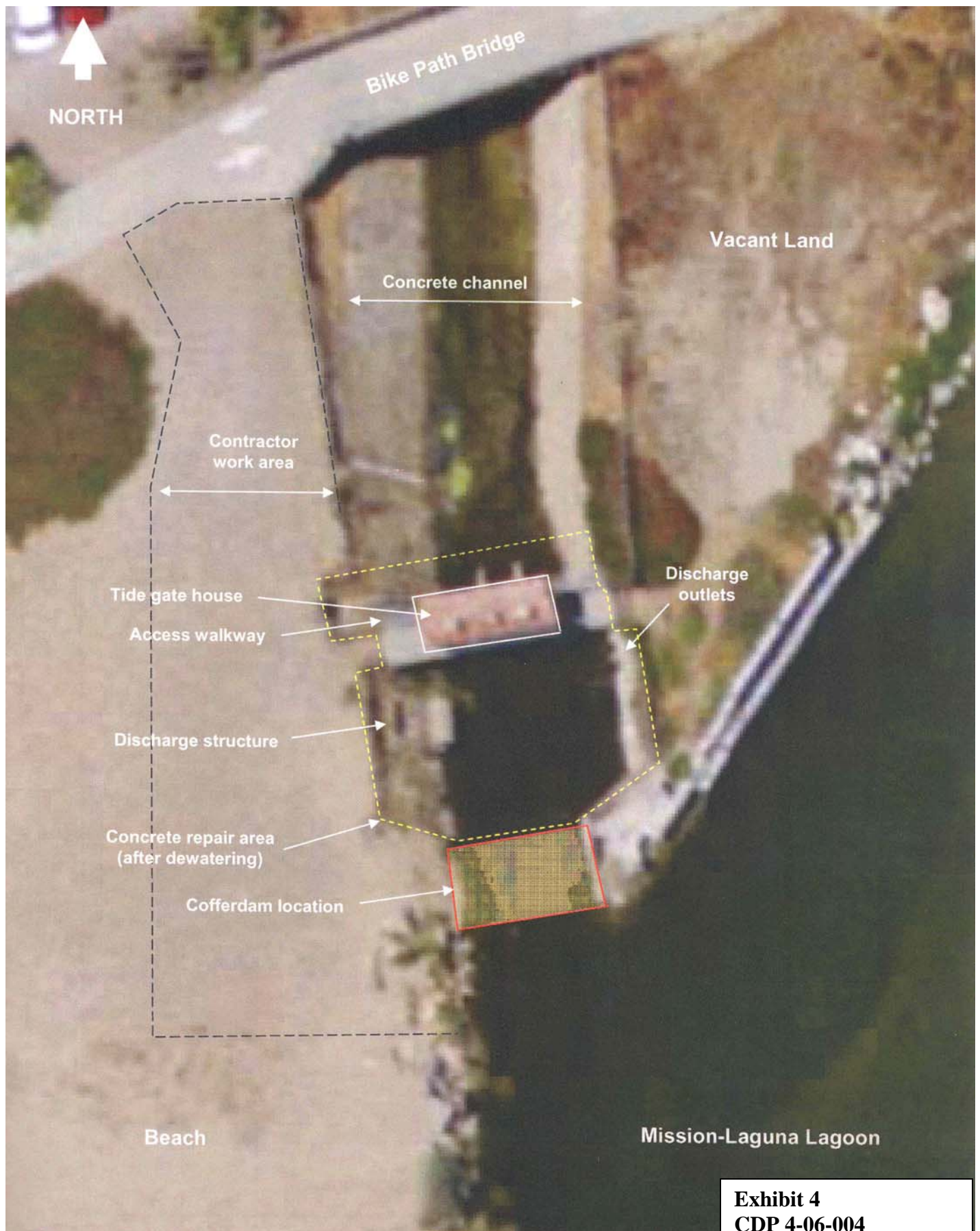






**Exhibit 3**  
**CDP 4-06-004**  
**Aerial Photo of Site**





**Exhibit 4**  
**CDP 4-06-004**  
**Schematic of Proposed**  
**Project**