

CALIFORNIA COASTAL COMMISSION

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ADDENDUM

DATE: November 2, 2020
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 8a, Coastal Development Permit Application No. 4-16-0479 (Ritz-Carlton Bacara), Thursday, November 5, 2020

The purpose of this addendum is to (1) make revisions to the staff report and (2) include correspondence received to date.

A. Revisions to the Staff Report

The following revisions to the report are made as follows (language to be inserted is shown underlined and language to be deleted is shown in ~~strikeout~~):

1. The last sentence of the Project Description on page 1:

Application of Watermark Lodging Trust, Inc. for demolition of a 3,675 sq. ft. building consisting of restrooms, storage, and a snack bar, demolition of associated outdoor showers, demolition of an approximately 226 ft. long temporary shoreline protective device including a 36 ft. long unpermitted portion, restoration of the demolition area with native plants and public access pathway with interpretive signs, construction of a 325 sq. ft. restroom building with outdoor showers and drinking fountain, operation of an electric-powered food truck to provide snack bar services, maintenance grading of the existing emergency access ramp, and a total of 605 cu. yds. of grading. The proposed project also includes recordation of a public access deed restriction and a \$45,000 contribution to the ~~City of Goleta for the~~ fund restoration/enhancement of ~~Teeolote Creek~~ riparian habitat in the Goleta/Gaviota area.

2. Third paragraph on page 3:

To ensure the public has a legal right to access the new visitor-serving amenities, the applicant is proposing to record a deed restriction that would include the proposed restoration area, the food truck and restroom building locations, and adjacent trails and walkways to provide legal access between the beach and existing public accessways and the new amenities. To further resolve the violation associated with the unpermitted seawall, the applicant has also proposed to include the existing picnic area and an existing trail within the proposed deed restriction, contribute \$45,000 to a local non-profit, South Coast Habitat Restoration, ~~the City of Goleta to conduct invasive plant~~

~~species removal at Tecolote Creek~~ riparian habitat restoration in the Goleta/Gaviota area, and install an additional interpretive sign and benches throughout the public access area. The anticipated duration of the proposed project is approximately six months; however, the new restrooms and food truck will be open and available to the public prior to demolition of the existing Beach House.

3. First paragraph on page 4:

Once the Beach House demolition site is restored, it is proposed to be used for passive recreation activities, such as nature watching and picnicking. In order to ensure that the demolition site is properly restored and maintained, Special Condition Six (6) requires implementation of the applicant's proposed restoration plan as well as 1:1 replacement of all removed native vegetation within the project site. Further, to ensure that the proposed contribution to fund habitat restoration and enhancement at Tecolote Creek is implemented, Special Condition Twelve (12), requires the applicant to draft and enter into a memorandum of understanding with the Commission and South Coast Habitat Restoration ~~the City of Goleta~~.

4. Subsection A.1 of Special Condition Three (3) on page 10:

Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, ~~a minimum of 1 Native American monitor(s) from each tribal entity~~ with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent(s) (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, ~~excavation work, site preparation or landscaping activities~~ associated with the approved development and subsurface construction activity (such as trenching for utilities) that has the potential to impact cultural resources.

5. Special Condition Twelve (12) on pages 18 and 19:

12. Monetary Payments to ~~the City of Goleta~~ South Coast Habitat Restoration

To implement the applicant's proposal, for a period of three (3) years following the issuance of this permit, the permittee shall pay \$15,000 each year (\$45,000 in total) to ~~the City of Goleta~~ South Coast Habitat Restoration, or another entity approved by the Executive Director, in accordance with subsection B, to help fund the restoration and enhancement of ~~Tecolote Creek~~ riparian habitat within the Goleta/Gaviota area.

A. The \$45,000 amount shall be deposited into an interest-bearing account, to be established and managed by ~~the City of Goleta~~ South Coast Habitat Restoration or another entity approved by the Executive Director. The purpose of the account shall be to help fund the enhancement and restoration of native riparian habitat located within ~~Tecolote Creek~~ the Goleta/Gaviota area. The entire fee and accrued interest shall be deposited into the account within three years of issuance of this permit and must be used for the above stated purpose, in consultation with the Executive Director, within five years of the fee being deposited into the account. If any portion

of the funds remain five years after the deposit of the third and final fee payment, the permittee shall ensure that the funds are transferred into ~~another interest-bearing account~~ the Violation Remediation Account (VRA) managed by the California Coastal Conservancy for use on a similar project that restores or enhances native riparian habitat areas within the Coastal Zone of the City of Goleta.

- B. Prior to issuance of this permit, the applicant shall draft and enter into a memorandum of understanding (MOU) with the Commission and ~~the City of Goleta South Coast Habitat Restoration~~, or another entity approved by the Executive Director, which shall include, but not be limited to, the following: 1) a description of how the funds will be used to fund ~~the Tecolote Creek riparian habitat restoration and enhancement project~~; 2) a requirement that ~~the City of Goleta South Coast Habitat Restoration~~, or other approved entity, must only spend the funds on ~~the Tecolote Creek riparian habitat restoration and enhancement project within the Goleta/Gaviota area~~; 3) a requirement that ~~the City of Goleta South Coast Habitat Restoration~~, or other approved entity, will set up an interest-bearing account and the applicant will deposit the first payment into that account no later than 60 days after issuance of this permit, 4) a payment schedule indicating that the second payment shall be deposited within two years of permit issuance and the third payment shall be deposited within three years of permit issuance, and 5) the terms provided in subsection A of this condition.

6. Last paragraph on page 22:

Finally, to ensure that the public has a legal right to access the new visitor-serving amenities, the applicant is proposing to record a deed restriction, which would include the proposed restoration area, the food truck and restroom building locations, and adjacent areas in order to provide legal access between the beach and existing public accessways and the new amenities as shown on Exhibit 4. Proposing to record a deed restriction over the new access areas is also one component of resolving the violation associated with the unpermitted seawall. Other components of the violation resolution include incorporating the existing up-coast picnic area and the existing trail that connects the emergency access road with the public access trail on the east terrace into the proposed deed restriction and installing an additional picnic table at the existing picnic area, two benches within the proposed restoration site, one bench next to the new restroom structure, and an additional interpretive sign. Further, in order to mitigate for the ecological impacts caused by the unpermitted portion of the seawall, the applicant has proposed to contribute \$45,000 (\$15,000 per year for three years) to ~~the City of Goleta South Coast Habitat Restoration~~ (a non-profit organization that is a project of the Earth Island Institute and involved in planning and implementing a variety of habitat restoration projects throughout Santa Barbara and Ventura Counties) to fund enhancement and restoration of native riparian habitat located within ~~Tecolote Creek, a portion of which is located on the subject property~~ the Goleta/Gaviota region.

7. The last paragraph on page 30 and the first paragraph on page 31:

As described in more detail below in Section F, the applicant has proposed to contribute funds to the ~~City of Goleta~~ South Coast Habitat Restoration to conduct enhancement and restoration of ~~native riparian habitat within Tecolote Creek~~ the Goleta/Gaviota area, which runs through the subject property, up-coast of the existing Beach House. ~~Tecolote Creek contains riparian and wetland vegetation and~~ Riparian corridors provides habitat for amphibians and ~~several small fish species on which waterfowl and other water associated birds, such as herons and kingfishers, feed.~~ However, non-native plant species have invaded the creek corridors in the region. Non-native species often outcompete native species for resources, such as sunlight and water, which can degrade the habitat for native fauna and decrease the abundance of native species. Thus, the removal of non-native plant species would serve to restore the native vegetation and enhance the habitat within ~~Tecolote Creek~~ the creeks. In order to implement the applicant's proposal to contribute funds for habitat restoration and enhancement ~~at Tecolote Creek,~~ Special Condition Twelve (12), is necessary to require that the proposed payments are deposited into an interest-bearing account to be established and managed by ~~the City of Goleta~~ South Coast Habitat Restoration within specific timeframes and requires the applicant to draft and enter into a memorandum of understanding with the Commission and ~~the City of Goleta~~ South Coast Habitat Restoration that describes how the funds will be used for the restoration and enhancement ~~project,~~ of riparian habitat in the Goleta/Gaviota area and that the City of Goleta South Coast Habitat Restoration must only spend the funds on the Tecolote Creek project the restoration of riparian habitat in the Goleta/Gaviota area.

8. The last paragraph on page 35 and the first paragraph on page 36:

Finally, Watermark has proposed contributing \$45,000 to ~~the City of Goleta's creek restoration program for use on Tecolote Creek—the creek that passes through the Bacara property and exits onto the beach near the Beach House and unpermitted seawall.~~ South Coast Habitat Restoration, a project of the Earth Island Institute, in furtherance of ongoing riparian restoration projects in the Goleta/Gaviota coast area. It is now a well-established precept that tidal creeks—which form part of the estuarine ecosystem—not only help filter out pollutants from entering the nearshore ecosystem, but also provide access to inland habitat for salt-water organisms. Further, as tidal creeks and marshes provide food and habitat with low predation opportunity, they are considered primary nursery areas for numerous species of fish and shellfish, including commercially important species (Hettler, W.F., 1989. Nekton use of regularly flooded saltmarsh cordgrass habitat in North Carolina, USA. Mar. Ecol. Prog. Ser. 56, 111 – 118). Thus, by agreeing to contribute to ~~the City of Goleta's restoration of the Tecolote Creek,~~ South Coast Habitat Restoration's ongoing riparian restoration efforts in the area, Watermark will be helping to ensure the continued health of the region's creeks and nearshore ecosystems.

B. Correspondence Received

Correspondence from a member of the public is included in the correspondence packet. The letter expresses support for the staff recommendation and does not raise any new issues that have not already been addressed in the staff report.