

CALIFORNIA COASTAL COMMISSION

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Th11a

ADDENDUM

May 12, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th11A, APPLICATION NO. 4-20-0616 (Caltrans) FOR THE COMMISSION MEETING OF THURSDAY, MAY 13, 2021**

Since publication of the staff report, Commission staff determined that the slope located immediately seaward of the proposed secant wall at postmile (PM) 4.2 of Pacific Coast Highway (PCH) includes Southern California Coastal Bluff Scrub habitat that meets the definition of Environmentally Sensitive Habitat Area (ESHA) pursuant to Section 30107.5 of the Coastal Act. Construction of the proposed secant wall at PM 4.2 includes excavation of approximately 1,250 square feet within the ESHA in order to install horizontal anchors that are necessary to reinforce and stabilize the walls. Section 30240 states that ESHA shall be protected against significant disruption of habitat values and that only resource-dependent uses are allowed within an ESHA. The impacts from the proposed excavation, as well as the installation of infrastructure, cannot be considered resource-dependent and would significantly disrupt the habitat. Therefore, the proposed project cannot be considered consistent with 30240. As such the development would not normally be allowed under 30240; however, Section 30235 requires the Commission to authorize shoreline protection devices (or cliff retaining walls and ancillary development) even if they would be inconsistent with other Chapter 3 policies, but only when necessary to protect an existing structure or beach in danger of erosion (or when necessary to serve coastal-dependent uses) as described in Section E of the staff report. That same analysis applied to the other relevant Coastal Act Policies (30210, 30212, 30252, and 30253) is also applicable to 30240 and as such no change to the staff recommendation is necessary in light of the ESHA at PM 4.2.

The purpose of this addendum is to revise the findings of the staff report dated April 29, 2021 regarding the proposed development and ESHA. Additionally, the addendum will clarify details of Special Conditions 1 and 6. ~~Strikethrough~~ indicates text deleted pursuant to this addendum and underline indicates text added pursuant to this addendum.

I. CHANGES TO SPECIAL CONDITIONS

1. **Removal of Rock Revetment at PM 4.2.** WITHIN SIX MONTHS OF COMPLETION OF CONSTRUCTION, the Applicant shall submit a CDP application or CDP amendment for the removal of the revetment that was temporarily authorized at PM 4.2 through ECDP G-4-15- 0035 and a nature-based strategy for reconstructing the slope in front of PM 4.2 in support of restoration of coastal bluff scrub community habitat., including: The application shall include, but not be limited to: an analysis of the full range of alternatives; the proposed method for removal; the proposed construction methods for any necessary revetment removal and slope reconstruction and stabilization; including any seeding or planting, or toe protection; any feasible nature-based solutions; any colorization and texturization of the secant wall to mimic the appearance of the surrounding natural bluff, if it becomes exposed; and a list of construction equipment that will be required. A planting plan, including a list of species, shall also be submitted with the application. By accepting this permit, the Applicant agrees and ensures that all portions of the existing rock revetment at PM 4.2 shall be removed unless the approved CDP or CDP amendment authorizes a nature-based strategy that includes some retention or reuse of rock as the least environmentally damaging alternative. The Applicant shall provide evidence to the Executive Director of the location of the disposal site for all material removed from the existing rock revetment on site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid CDP for the disposal of fill material. The removal of the revetment shall be completed no later than one year after ~~completion of construction~~ the Commission's approval of the CDP or CDP amendment.

6. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE CDP, the Applicant shall submit two full-size sets of Revised Final Plans to the Executive Director for review and written approval. The Revised Final Plans shall be in substantial conformance with the proposed plans (see **Exhibit 3**), except that they shall be modified, if necessary, to meet the following requirements:
 - (a) At PM 4.0 where PCH is most constrained (for approximately 150 feet between Stations 815 and 818 as shown in Exhibit 3 Pavement Delineation Plan PD-2), the northbound and southbound shoulders shall be maintained with a minimum of 2 ft. in width to provide pedestrian and bicycle access; ~~and~~

 - (b) For all other locations within the project area, the northbound and southbound shoulders shall be maintained with a minimum 4 ft. in width to provide pedestrian and bicycle access.; and

 - (c) At PM 4.2 where there will be excavation to install the horizontal anchors for the secant pile wall: survey and document the existing vegetation species / community composition, including the location and number of coreopsis.

All requirements above and all requirements of the approved Revised Final Plans

shall be enforceable components of this CDP. The Applicant shall undertake development in accordance with this condition and the approved Revised Final Plans. Minor adjustments to the above requirements, as well as to the Executive Director-approved Revised Final Plans, which do not require a CDP amendment or a new CDP (as determined by the Executive Director), may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

10. Restoration and Monitoring Program. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and approval of the Executive Director, a detailed Restoration and Monitoring Program. The Monitoring Program shall be prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director.

- A. Any coreopsis (*Coreopsis gigantea*) that may be impacted by excavation shall be removed from the project site and transplanted to an appropriate nearby location, in consultation with a qualified botanical expert (with qualifications acceptable to the Executive Director); any disturbed areas shall be restored via hydroseeding and container plants to their pre-construction condition, i.e., coastal bluff scrub habitat community composition; and coreopsis shall be replaced on-site at a 2:1 ratio.
- B. The Monitoring Program shall include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the area of the initial transplanting and planting work; the sizes and location of plants to be transplanted and planted; a detailed description of the process, materials and methods, performance standards, the preferable time of year to carry out transplanting and planting; and a description of the irrigation that may be necessary.
- C. Annual reports shall be submitted to the Commission at the end of each calendar year following completion of construction to document the status of the restoration, including total percent cover of the native plants.
- D. Five years from the date of issuance of this coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a final report, prepared by a qualified biologist or environmental resource specialist, that certifies that 75% cover criteria of the hydroseeding, transplanting and planting of coreopsis and coastal bluff scrub species have survived and established, and no more than 5% cover of non-native invasive species. The monitoring report shall include photographic documentation of plant establishment.
- E. If the monitoring report indicates that 75% cover criteria of the hydroseeded, transplanted and/or planted coreopsis and coastal bluff scrub species were unable to survive or that there is greater than 5% cover of non-native, invasive species, the applicant, or its successors in interest, shall submit a revised or supplemental program for the review and approval of the Executive Director. The revised program must be prepared by a qualified biologist or environmental resource specialist and shall specify measures to remediate

those portions of the original plan that have failed or are not in conformance with the original approved program.

II. CHANGES TO STAFF REPORT

A. On page 6 of the staff report, the second full paragraph shall be modified as follows:

Finally, although no environmental sensitive habitat areas (ESHA) or wetlands have been identified within the proposed project area at PM 4.0, the slope between the shoulder of PCH and the state beach at PM 4.2 contains Southern California Coastal Bluff Scrub ESHA and construction of the proposed secant wall would require excavation of the slope in order to install horizontal anchors to stabilize and reinforce the secant wall. Section 30240 states that ESHA shall be protected against significant disruption of habitat values and that only resource-dependent uses are allowed within an ESHA. The impacts from the proposed excavation, as well as the installation of infrastructure, cannot be considered resource-dependent and would significantly disrupt the habitat. Therefore, the proposed project cannot be considered consistent with 30240. As such the development would not normally be allowed under 30240; however, Section 30235 requires the Commission to authorize shoreline protection devices (or cliff retaining walls and ancillary development) even if they would be inconsistent with other Chapter 3 policies, but only when necessary to protect an existing structure or beach in danger of erosion (or when necessary to serve coastal-dependent uses).

Despite the effect of the override required by Coastal Act Section 30235 with respect to the ESHA at PM 4.2 that will be directly impacted, the other policies cited above still require the proposed development to avoid impacts to biological resources other than that ESHA at PM 4.2. Additionally, even though Section 30235 overrides Section 30240 here, the project must remain as consistent with Section 30240 as possible. Giant coreopsis (*Coreopsis gigantea*) are located in the area of the proposed excavation. In order to ensure that individual coreopsis are not impacted by any project activities, **Special Condition Six (6)** requires the applicant to survey, document, and map any coreopsis that may be impacted and to transplant the coreopsis to an appropriate nearby location. **Special Condition Six (6)** also requires that any disturbed areas be restored to their pre-construction condition and requires that any coreopsis which have been transplanted be replaced on-site at a 2:1 ratio. **Special Condition Ten (10)** requires the submission of a Restoration and Monitoring Program prior to commencement of construction. Finally, in light of the coastal bluff scrub ESHA at PM 4.2, **Special Condition One (1)** requires the applicant to remove the revetment that was temporarily authorized and to implement a nature-based strategy to protect the vegetated slope in order to restore coastal bluff scrub habitat.

Additionally, the Sycamore Cove day use beach provides habitat for California Grunion and the bluff face, which will be temporarily impacted by cable mesh netting, provides habitat for Cliff Swallows, Red-Tailed hawks, and Mexican Free-tailed Bats. Therefore, the Commission finds that **Special Condition Nine (9)** is necessary, which requires biological surveys prior to construction and biological monitoring during construction.

B. On page 25 of the staff report, the second full paragraph shall be modified as follows:

In this case, PCH, the pre-Coastal Act existing structure, is at risk currently due to geologic instability and wave runup, as well as in the future from storm surge and sea level rise, all of which threaten its structural integrity. The proposed secant walls are intended to restore stability to PCH, and as described below, there is no feasible alternative to the proposed secant walls at this time that could both protect the endangered pre-Coastal Act structure and remain consistent with all applicable provisions of the Coastal Act. Although there are revetments at both Postmile 4.0 and 4.2, which currently provide some protection to PCH, Commission staff concur with the Applicant that the proposed secant walls are needed to ensure the near-term geologic and engineering stability of the existing public highway and to protect access to coastal dependent uses. Thus, while the project cannot not be found consistent with the prohibitions under Section 30253 regarding protective devices, as well as Sections 30210, 30212 and 30252 regarding maximum access from the nearest public roadway to the shoreline and along the coast, particularly for non-automobile circulation, and Section 30240 regarding protection of ESHA, the armoring in this case is authorized using the “override” provisions of 30235.

C. On page 36 of the staff report, the third full paragraph shall be modified as follows:

Pursuant to the project application materials at At PM 4.2, the northbound and southbound shoulders of PCH are bare of vegetation and the slope that extends from the southbound shoulder to the day use beach is vegetated with primarily Laurel sumac, Lemonade berry, Toluaca (*Datura wrightii*), and invasive species, such as Purple fountain grass (*Pennisetum Setaceum*), and Tree tobacco (*Nicotiana glauca*). Similar to PM 4.0, After reviewing the information provided in the application materials Commission staff ecologists initially concluded ~~verified~~ that the vegetation identified in the project impact area does not constitute ESHA pursuant to Section 30107.5 of the Coastal Act. However, after review of subsequent information, including site photos, Commission staff ecologists have determined that the project impact area does in fact constitute Southern California Coastal Bluff Scrub ESHA and approximately 1,250 square feet will be permanently impacted as a result of the excavation of the slope in order to install the horizontal anchors.

Southern California coastal bluff scrub is a native plant community of continuous to more scattered cover that occurs on bluffs between the beach and coastline. Most plants are woody shrubs or succulents. The shrubs tend to be greater than 1 meter (m) in height but less than 3 m tall. Southern California coastal bluff scrub is a community exposed to winds with high salt content and soil that is usually rocky and poorly developed. Characteristic species include coastal sagebrush (*Artemisia californica*), Menzies goldenbush (*Isocoma menziesii*), buckwheat (*Eriogonum spp.*), lemonade

berry (*Rhus integrifolia*), prickly pear (*Opuntia littoralis*), giant coreopsis (*Coreopsis gigantea*), and live-forever (*Dudleya spp.*).¹

The California Natural Diversity Database, an inventory of the status and locations of rare natural communities, plants, and animals, managed by the California Department of Fish and Wildlife's Biogeographic Division, has assigned Southern California coastal bluff scrub, which occurs along the coast south of Point Conception, including at Point Mugu and Point Dume, the rarest rarity ranking possible, G1 S1.1, in their September 2010 Natural Community list for the state.²

The western half of the bluff between the beach and the road shoulder, where the proposed secant wall will be built, is characterized by a nearly pristine and high cover Southern California coastal bluff scrub community consisting of coastal sagebrush, Menzies goldenbush, California buckwheat (*Eriogonum fasciculatum*), lemonade berry, bladderpod (*Peritoma arborea*), giant coreopsis (*Coreopsis gigantea*), Toluaca or Jimsonweed (*Datura wrightii*), and some invasive species, such as purple fountain grass (*Pennisetum setaceum*), and tree tobacco (*Nicotiana glauca*). In addition to this community being rare Southern California coastal bluff scrub, it also meets the Manual of California Vegetation³ membership rules for *Coreopsis gigantea* shrubland alliance that has a rarity ranking of G3 S3.⁴ The western section of the bluff is characterized by Southern California coastal bluff scrub which also supports *Coreopsis gigantea* shrubland alliance. These natural communities rise to the level of environmentally sensitive habitat or ESHA because they are rare and easily disturbed by human activities and development such as grading and slope stabilization.

At PM 4.2, there is also an adjacent sandy beach area, which is devoid of vegetation, but is known to be California grunion (*Leuresthes tenuis*) habitat.

D. On page 36 of the staff report, the sixth paragraph shall be modified as follows:

While Section 30240 ~~does not apply~~ to this project because ESHA ~~does not occur~~ within the project impact area at PM 4.2 and the ESHA would normally be protected under 30240, as described previously in Section E of the staff report, the ESHA impacts and inherent conflict with 30240 are authorized in this case pursuant to the "override" provisions of Section 30235. Despite the override of 30235 with respect to the ESHA at

¹ Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Department of Fish and Game. 156 pgs.

² Global (G) and State (S) Level 1 communities or species are identified as "critically imperiled = at very high risk of extinction due to extreme rarity (often <5 populations), very steep declines, or other factors".

³ Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society, Sacramento, CA. 1300 pgs.

⁴ Global (G) and State (S) Level 3 communities and species are identified as "vulnerable = at moderate risk of extinction due to a restricted range, relatively few populations (often <80), recent and widespread declines, or other factors".

PM 4.2, the other policies cited above still require the proposed development to avoid impacts to biological resources other than the ESHA at PM 4.2. Additionally, even though Section 30235 overrides Section 30240 here, the project must remain as consistent with Section 30240 as possible. Both of the proposed secant walls will consist of 42-inch diameter piles drilled within the unvegetated road shoulder of PCH until bedrock is reached. After completion of drilling the piles will be filled with concrete and horizontal anchors will be installed. All of the work is expected to take place within or adjacent to the road shoulder and no mechanized equipment will be required to access the beach or intertidal environment. Construction would likely result in minimal/incidental sedimentation and rockfall directly into the underlying rocky intertidal zone. This sedimentation has the potential to reduce the biological productivity and quality of coastal waters because sedimentation directly affects marine ecology by increasing water turbidity. Turbidity reduces the penetration of sunlight needed by aquatic vegetation, which translates to negative effects on plant establishment and overall productivity, which in turn impacts aquatic species that depend on such vegetation for food and cover. In addition, aquatic animals are affected by turbidity in the following ways: reduced visibility for visual predators such as birds and mammals and inhibited feeding effectiveness for benthic filter feeding organisms.

E. One page 37 of the staff report, the following shall be added after the first full paragraph:

Giant coreopsis (*Coreopsis gigantea*) are located in the area of the proposed excavation and in order to ensure that individual coreopsis are not impacted by any project activities **Special Condition Six (6)** requires the applicant to survey, document and map any coreopsis that may be impacted and to transplant the coreopsis to an appropriate nearby location. **Special Condition Six (6)** also requires that any disturbed areas be restored to their pre-construction condition and requires that any Coreopsis which have been transplanted be replaced on-site at a 2:1 ratio. **Special Condition Ten (10)** requires the submission of a Restoration and Monitoring Program prior to commencement of construction. Finally, in light of the coastal bluff scrub ESHA at PM 4.2, **Special Condition One (1)** requires the applicant to remove the revetment that was temporarily authorized and to implement a nature-based strategy to protect the vegetated slope in order to restore coastal bluff scrub habitat.