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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-20-0636

Applicant: City of Santa Barbara, Parks and Recreation Department

Project Location: Thousand Steps Public Access Stairway, at the terminus of Santa Cruz Blvd., City of Santa Barbara, Santa Barbara County.

Project Description: Repair of the Thousand Steps concrete public access stairway, including: replacement of the bottom portion of the existing stairway with new stairs that would extend approximately 10 ft. further seaward with sidewalks, columns, footing, and rock scour protection; repairs to minor surface cracks in the existing concrete; installation of drainage infrastructure, new handrails, and a new concrete guard-rail at the mid-stairway main landing; and addition of new public access amenities, including bike racks, trash and recycle bins, and a pet waste bag dispenser.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **approve** coastal development permit application (CDP) 4-19-0339 with the following seven (7) special conditions: (1) Timing of Construction, (2) Public Access Program, (3) Best Management Practices, (4) Sensitive Species Monitoring, (5) Monitoring and Adaptive Management, (6)

Assumption of Risk, Waiver of Liability and Indemnity Agreement, and (7) Required Approvals.

The proposed project is the repair of the “Thousand Steps” public beach access stairway located at the southern terminus of Santa Cruz Boulevard in the East Mesa neighborhood of the City of Santa Barbara ([Exhibits 1 and 2](#)). Thousand Steps, originally constructed in 1925, is one of three existing public beach access stairways in the area. The others are a half-mile to the east and one-mile to the west, respectively. The proposed project is intended to improve the safety of the concrete stairway between the top of the bluff and the beach below and project construction is expected to last approximately two months. One construction staging area is proposed at the top of the stairway, at the terminus of Santa Cruz Boulevard ([Exhibit 3](#)). Another construction staging area is proposed at the Leadbetter Beach parking lot, approximately 1.1 miles east of the project site. A site access route for construction equipment is proposed along the beach between that staging area and the base of Thousand Steps ([Exhibit 4](#)).

The proposed project at Thousand Steps would consist of repairs and improvements to the stairway, including to drainage infrastructure, and installation of public access amenities ([Exhibits 3 and 5](#)). The project would extend the stairway approximately ten steps further seaward, covering approximately 27 square feet of beach area, a portion of which would extend past the Mean High Tide line. This additional section would include a concrete apron for scour protection and is intended to extend below the wintertime scoured beach condition to reduce the drop-off to the rocky beach from the bottom of the stairway that presently exists during low sand conditions. Approximately 26 cubic yards of sand is proposed to be excavated to accommodate installation of the stairway addition. Upon project completion, the sand would be redeposited to conform the site to pre-project grade.

The wave uprush analysis for the proposed project analyzed the potential sea level rise impacts, including for 100-year storm event wave runup elevations based on current water level and up to 6.6 feet of future sea level rise. The analysis recommended repairing the existing stairway, including the extension of the lower segment, to provide for safer public access to the beach at a greater range of beach profile and tide conditions than the existing stairway. It concludes that the proposed project, as designed, is not expected to cause any significant increase in coastal flooding, or erosion hazards relative to current conditions. Given that the proposed project, with an estimated project life of 50 years, is designed to improve the safety of present-day public access and that wave uprush conditions and sand levels at the site vary seasonally, and that the coastal engineering analysis concluded that the project is designed to withstand coastal hazards under current conditions, the Commission finds that the proposed project is consistent with the Coastal Hazards policies of the Coastal Act. However, given the uncertainty of the evolution of coastal hazards and the availability of public access at the site **Special Condition Five (5)** requires the applicant to conduct biannual monitoring, and requires the applicant to submit a Monitoring and Assessment Report to the Executive Director every five years. The report shall analyze changes in site conditions, coastal hazards, public access, and safety to determine what

adaptive management actions should be implemented, subject to CDP approval, if necessary. Due to the possibility of storm waves, surges, erosion, and flooding in this location, **Special Condition Six (6)** 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 proposed development or for the proposed development providing insufficient protection of developments adjacent to the subject site.

Since public access in the vicinity of the project site will be limited during construction, **Special Condition One (1)** is required to ensure that project construction activities will be prohibited on any part of the beach in the project area from Memorial Day through Labor Day to avoid impacts on public recreational use of the beach during the summer. To ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized, the Commission requires the applicant to submit a public access plan pursuant to **Special Condition Two (2)**.

To ensure that any potential adverse effects to beach and marine environments are minimized or protected against, **Special Condition Four (4)** requires that a qualified environmental monitor conducts a survey of the project site prior to the commencement of any excavation, construction, or site access activities associated with the project to determine whether any Western Snowy Plovers, California Gunion, or any other sensitive wildlife species are present. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, **Special Condition Three (3)** outlines construction-related requirements to provide for the safe storage of construction materials and removal of debris from the area and requires that any excavation, deposition, and re-contouring associated with the proposed project shall minimize disturbance to wrack. Finally, **Special Condition Seven (7)** requires the City provide other agency approvals to the Executive Director prior to construction.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Santa Barbara, portions of the proposed project will be located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Pursuant to Section 30601.3 of the Coastal Act, a consolidated permit was requested by the applicant and the City of Santa Barbara, and the Executive Director agreed to consolidate the permit action. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Santa Barbara LCP used as guidance. As conditioned, the project is consistent with the Chapter Three policies of the Coastal Act and the guidance policies of the LCP. Therefore, Staff recommends that the Commission **approve** CDP No. 4-20-0636 with conditions. The **motion** and **resolution** to adopt the staff recommendation of approval of the permit can be found on **page 5**.

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EXHIBITS

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[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Access Route](#)

[Exhibit 5 – Site Photos](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 4-20-0636 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. 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.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Timing of Construction.** All project operations, including, but not limited to, construction, staging, demolition, operation of equipment, sand excavation, or other construction, maintenance, material removal, or activities involving mechanized equipment, shall be prohibited on any part of the beach or public parking lot in the project area from Memorial Day in May through Labor Day in September of each year, to avoid impacts on public recreational use of the beach, unless additional time is allowed by the Executive Director for good reason.
2. **Public Access Program. Prior to the issuance of the coastal development permit,** the applicant shall submit, for the review and approval of the Executive Director, a Public Access Program and Plan that describes the methods (including signs, fencing, posting of project staff people, etc.) by which safe public access around construction activity areas and staging areas shall be maintained during all project operations. The Public Access Plan shall also include signs directing the public to alternative parking areas for the duration of construction activities. Where public paths or bikeways will be closed during active operations, a person(s) shall be on-site to detour traffic or adequate fencing and signage shall be used to direct the public to alternative paths or bikeways. Where use of public parking spaces is unavoidable, only the minimum number of public parking spaces that are required for the staging of equipment, machinery, and employee parking shall be used. The applicant shall maintain public access pursuant to the approved version of the Public Access Program. Any proposed changes to the approved Public Access Program shall be reported to the Executive Director. No change to the Public Access Program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.
3. **Best Management Practices.** It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after the completion of, all project operations:
 - A. No construction material, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion. Any and all debris resulting from construction activities shall be removed immediately. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.
 - B. Construction vehicles shall be restricted to designated haul routes. Construction equipment and materials shall be stored only in designated staging and

stockpiling areas as depicted on the final approved plans. Equipment shall not be in contact with coastal waters at any time.

- C. Any fueling and maintenance of construction equipment shall occur only within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters.
- D. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.
- E. Best Management Practices (BMPs) shall be implemented to control erosion from the disturbed area and prevent sediment and potential pollutants from entering coastal waters and/or native habitat plant communities during project construction and excavation.
- F. Construction activities shall be implemented in a manner that avoids the removal or disturbance of wrack to the maximum extent feasible. However, if construction activities cannot feasibly avoid removal or disturbance of wrack located within the construction area or along the access route, it shall be removed for the duration of the construction work, and subsequently relocated to the area from which it was removed upon completion of the work. Unless temporarily relocated for the duration of construction work, this permit does not allow for the removal of wrack from this area. Debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed.

4. Sensitive Species Monitoring. The applicant shall retain the services of an environmental resources specialist with appropriate qualifications acceptable to the Executive Director. The applicant shall ensure that the environmental resources specialist performs all of the following duties, and the applicant shall observe the following requirements:

- A. At least 30 calendar days prior to commencement of any construction activities, the applicant shall submit the name and qualifications of the environmental resource specialist, for the review and approval of the Executive Director. The applicant shall have the environmental resource specialist ensure that all construction activities are carried out consistent with the following:
 - 1. The environmental resource specialist shall conduct sensitive species surveys (e.g. western snowy plover, California grunion, raptors, California least tern, black-crowned night herons, great blue herons, snowy egrets, or other sensitive species) no more than two weeks before any construction

activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site.

2. By February 25 of each year until construction is completed, the applicant shall obtain the seasonally predicted run schedule for the California grunion, as identified by the California Department of Fish and Wildlife. In the event that excavation, construction, or site access activities, will occur during the seasonally predicted run period and egg incubation period for the California grunion, then the environmental monitor shall document any grunion spawning activity, and if grunion are present in any life stage, no excavation, construction, or site access activities, shall occur during the grunion spawning activity below the semilunar high tide mark.
3. In the event that any sensitive species are present in the project area but 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 construction 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 impacts to such resources are avoided. The applicant 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 Fish and Wildlife Department, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.
4. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor or heron is found, the applicant shall notify the appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The applicant shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
5. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor or heron is found within 300 feet of construction activities (500 feet for raptors), the applicant shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The applicant shall ensure that the environmental resources specialist is present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The applicant shall ensure that the environmental resources specialist shall monitor birds and noise during all periods of construction

activities. Activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest site(s). If construction noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft. for raptors) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

- B. If the environmental resource specialist becomes aware of any breach in permit compliance or any unforeseen sensitive habitat issues, the environmental resources specialist shall so inform the applicant, and the applicant will cease work. 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 revised, or supplemental, program shall be submitted to the Executive Director for review and approval.

5. Monitoring and Adaptive Management.

- A. **Photographic Monitoring.** The subject stairway shall be photographed at least bi-annually (twice per year) from a number of inland and seaward locations (as feasible based on tide conditions) to provide complete photographic coverage of the bottom portion in relation to the water line, sand, and the bluff. For each session of photographic monitoring, two sets of photographs shall be taken during daylight hours, one set at higher high tide, and one set at lower low tide, on the same day as feasible. All photographs shall be documented on a site plan that notes the location of each photographic viewpoint, the date and time of each photograph, as well as data for tide conditions. Such photo documentation shall commence no later than six months following the date of construction completion.
- B. **Reporting Requirements.** A Monitoring and Assessment Report shall be submitted to the Executive Director for review and approval, by October 1st of every fifth year following the date of construction completion until adaptive management actions are required to maintain public access. Each report shall include the results of the bi-annual sessions of photographic monitoring required pursuant to Part A, as well as a summary and assessment of the monitoring results. These shall include: (a) any noticeable changes in site conditions; (b) estimated hours per day seasonally that the public can safely gain lateral access across the beach in front of the subject stairway; (c) closure assessment (including date, duration, and cause of all safety closures); and (d) any projected needs for adaptation actions to provide for continuing safe public use of the stairway, to eliminate existing adverse impacts of the stairway on lateral public access, or to avoid anticipated future adverse impacts to public access.

- C. **Adaptive Management.** If the Monitoring and Assessment Report required pursuant to Part B of this condition indicates that adaptation actions are required to provide for continuing safe public use of the stairway, to eliminate adverse impacts of the stairway on lateral public access, or to avoid anticipated future adverse impacts to public access, the applicant shall submit to the Commission, within one year of submittal of the Annual Monitoring and Assessment Report, an application for a CDP amendment to implement such adaptive measures. The required amendment application shall conform to the Commission's permit filing regulations at that time.

6. Assumption of Risk, Waiver of Liability and Indemnity Agreement.

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (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.
- 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.

- 7. Required Approvals.** By acceptance of this permit, the applicant agrees to obtain and comply with all other State or Federal approvals that may be necessary for all aspects of the proposed project (including from the Regional Water Quality Control Board and the U.S. Army Corps of Engineers). Any change in the approved project which may be required by another agency shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The Thousand Steps public beach access stairway, located at the southern terminus of Santa Cruz Boulevard, is one of three existing public beach access stairways located in the Mesa area of the City of Santa Barbara ([Exhibits 1 and 2](#)). Another stairway at Shoreline Park is located approximately a half-mile to the east and the Mesa Lane Steps are located approximately one mile to the west. The proposed project is intended

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to improve the safety of the concrete stairway at Thousand Steps ([Exhibit 5](#)), which extends from the top of the bluff near existing public access parking and a blufftop public accessway to the beach below.

Specifically, the subject repairs include demolition and reconstruction of the bottom portion of the stairway located on the beach, repairs and improvements to other portions of the stairway, and installation of new public access amenities at the top of the stairway ([Exhibit 4](#)). The new bottom portion of the stairway would include an approximately 10 ft. extension further seaward, covering approximately 27 square feet of beach area. This proposed stairway extension is intended to ensure that the lowest step(s) are below the wintertime scoured beach level in order to enhance seasonal useability by reducing the drop-off from the bottom of the existing stairway to the beach. The construction of the new extension would include placing formwork for the new steps and foundation at the beach elevation and on top of any old, structurally intact foundation and competent bedrock, installing reinforcing metal via epoxied dowels, and pumping concrete down from the street, using a hose running along the existing stairway. Some minor surface cracks in the existing concrete will be repaired as needed. Approximately 26 cubic yards of sand are proposed to be excavated. Upon project completion, the sand would be redeposited to pre-project grade. Rocks gathered onsite, ranging from approximately 1- to-3 feet in diameter, are proposed to be installed around the base of the footing of the extended stairs for additional scour protection and will be buried after project completion.

Drainage improvements are also proposed and include placing a new channel drain to capture groundwater flows, routing new drainage pipes behind existing low walls to tie into the adjacent trough drain, and sloping the resurfaced mid-stair landing to ensure positive drainage to the new trench drain. A new concrete guard-rail at the mid-stairway main landing is proposed to be constructed to mimic the historic design. Additionally, new stainless-steel handrails are proposed to be installed along the full length of the stairway. Lastly, new public access amenities are proposed to be installed adjacent to the top of the stairway, including bike racks, trash and recycle bins, and a pet waste bag dispenser.

Construction is expected to last approximately two months. One construction staging area is proposed at top of the stairway, at the terminus of Santa Cruz Boulevard ([Exhibit 3](#)). Another construction staging area is proposed at the Leadbetter Beach parking lot, approximately 1.1 miles east of the project site. An access route for construction equipment is proposed along the beach between the staging area and the base of Thousand Steps ([Exhibit 4](#)).

The existing Thousand Steps public access stairway was originally constructed in 1925 and has been repaired and rehabilitated multiple times to deal with issues related to hazards, including bluff erosion, groundwater flow, and ocean wave action. However, the history of coastal access for the public has an even longer history at the site. A housing subdivision map dated 1919 indicates a trail to the beach existed at the same location at that time, although the trail and steps were likely simple timber or compacted soil construction. The Santa Barbara City Council established a dedicated open public

thoroughfare to the beach in 1923. The existing concrete stairway, officially named “Camino al Mar” (now more commonly referred to as “Thousand Steps”), originally included 157 concrete steps, concrete side walls, and a hexagonal-shaped mid-stairway landing capped by a redwood timber pergola. While the wooden pergola no longer exists, three of the original six supporting concrete columns are still standing. At the beach level, concrete columns mark the accessway up from the beach, and while these exist now, they are damaged and will be replaced in the subject project. Because the subject accessway is considered a historic structure, the City of Santa Barbara Historic Landmarks Commission reviewed and approved the proposed project.

The subject CDP application for the proposed project was submitted to the Commission on November 23, 2020. The permit application was deemed incomplete and letters outlining the additional information needed were sent to the applicant on December 23, 2020, and March 4, 2021. The applicant provided all of the information requested by staff and the permit application was deemed complete for filing on June 3, 2021.

B. Consolidated Permit

The proposed project includes components that are located within the City of Santa Barbara Local Coastal Program (LCP) jurisdiction, as well as components within the retained jurisdiction of the Coastal Commission. The City of Santa Barbara would typically have jurisdiction over the portions of the project within its respective LCP jurisdiction. However, Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application, when certain criteria are satisfied, for the entirety of a proposed project that would otherwise require separate coastal development permits from both a local government with a certified local coastal program and the Commission.

Pursuant to Section 30601.3(a)(2), the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. In this case, the City of Santa Barbara Planning Commission recommended the issuance of a consolidated CDP on November 5, 2020, as explained in a letter submitted in the application to Commission staff dated November 18, 2020. The applicant both consented to and facilitated this consolidated jurisdictional process.

The standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3(a) is Chapter Three of the Coastal Act (commencing with Section 30200), with the appropriate local coastal program(s) used as guidance. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Santa Barbara Local Coastal Program (LCP) serving as guidance.

C. Coastal Hazards

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

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(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) 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.

Policy 5.1-13 of the City of Santa Barbara's Land Use Plan (LUP) states:

Monitor, assess, and inform the public and City decision-makers about the effects of sea level rise on coastal resources, coastal access, public infrastructure and facilities, and existing development in order to make informed recommendations on adaptation and revise plans and policies as needed. This includes activities such as:

A. Supporting sea level rise modeling, vulnerability identification, and adaptation planning efforts;

B. Tracking NOAA tide gauge records and other resources to establish a long-term monitoring record of sea level changes;

C. Coordinating with the State Lands Commission, other state and federal agencies, other jurisdictions, academic and research institutions, and other organizations along the coast to obtain mean high tide line survey data in order to document baseline data and monitor movement of the shoreline and public trust boundary;

D. Documenting coastal bluff and beach erosion through photographs, mapping, and field notes;

E. Documenting tide conditions, storm event flooding depths and duration, wave height and frequency, beach and coastal bluff erosion, and property damage through photographs, mapping, and field notes to validate numerical modeling results and track the frequency of events; and

F. Supporting efforts to monitor sea level rise impacts to recreational resources (e.g. beaches), natural resources, and ESHAs.

Policy 5.1-19 of the LUP states:

New development and substantial redevelopment shall consider the expected life of proposed development in conjunction with the best available information on climate change effects, particularly sea level rise, and incorporate adaptation measures, as needed, in the location, siting, and design of structures in order to minimize hazards and protect coastal resources for the life of the development.

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. LUP Policy 5.1-13 requires the City to monitor, assess, and inform the public about the effects of sea level rise on coastal assets. LUP Policy 5.1-19 includes requirements for substantial redevelopment to incorporate adaptation measures, as needed, to minimize hazards and protect coastal resources for the life of the development.

The applicant provided a wave uprush study for the project prepared by Moffatt & Nichol, dated May 2020, that described the existing structure and provided a coastal engineering analysis for the proposed project, including an analysis of hazards and potential impacts of sea level rise. According to that report, the existing concrete stairway descends from an elevation of approximately +88 feet NAVD88 at the top of the stairs to approximately +4.5 feet NAVD88 at the toe of the bottom step on the beach. Additionally, it states that the “individual steps are generally 4 feet wide, 12 inches in length and rise 6 inches each, forming an effective 2:1 (horizontal: vertical) slope”. The report further explains that, the sand level at the bottom of the stairs varies by several feet seasonally, and that a drop-off from the bottom step to the sand level often exists throughout the year during normal beach conditions, but is more significant in eroded beach conditions.

The proposed stairway extension would extend approximately 10 ft. beyond the existing configuration and cover an area of 27 sq. ft ([Exhibit 3](#)). Specifically, the proposed stairs would extend seaward by an additional ten (10) steps (with the bottom step tying into the toe of the proposed concrete apron around the stair extension for scour protection) in order to make access to the beach safer by eliminating the existing drop-off from the final stair to the sand. Portions of the proposed stairway extension would be covered by sand seasonally when sand levels are higher, (typically in the summer and before winter storms increase seasonal erosion) and would be exposed when sand elevation is lower. The applicant has also proposed to reconfigure existing rock around the proposed concrete apron in order to disperse wave energy at the footing of the stairway that could occur during extreme low sand supply conditions. Rocks used for this purpose, ranging from approximately 1-to-3 feet in diameter, would be collected from the excavation area and within 50 feet from the base of the stairway. No imported rock or other material would be used. The proposed rock is only for scour protection during extreme low sand supply conditions to prevent undermining of the concrete apron, and will not function as a shoreline protection device. This rock would be buried in the sand and is only anticipated to be exposed during extreme low sand conditions. The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council’s (OPC) Science Advisory Team released “Rising Seas in California: An Update on Sea-Level Rise Science.” This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. This science synthesis was integrated into the OPC’s State of California Sea-Level Rise Guidance 2018 Update. This Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Notably, it provides a set of

projections that OPC recommends using when assessing potential sea level rise vulnerabilities for various projects. Taken together, the Rising Seas science report and updated State Guidance account for the current best available science on sea level rise for the State of California.

While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

The OPC Guidance provides sea level rise projections for twelve California tide gauges, and recommends using the projections from the tide gauge closest to the project site. In this case, the Santa Barbara Tide Gauge is the closest. Given the range of the many uncertainties incorporated into these models, these projections are not precise, but are intended to reflect a precautionary approach. The low-risk aversion scenario is estimated to have a 17% probability of being exceeded, and the medium-high risk aversion scenario has an estimated 1 in 200 chance, or a 0.5%, probability of being exceeded. The extreme risk aversion scenario is based on the extreme ice loss scenario and does not have an associated probability at this time. The physical processes that will lead to the extreme scenario of sea level rise are predicted to be unlikely to occur before the latter part of the century. The following table depicts the projected sea level rise at the Santa Barbara Tide Gauge under low-risk, medium-high risk, and extreme risk aversion scenarios over the 50-year project life as suggested by the applicant, and through the year 2100.

Projected Sea Level Rise (in feet)			
	Low Risk Aversion	Medium-High Risk Aversion	Extreme Risk Aversion
2030	0.4	0.7	1.0
2040	0.7	1.1	1.6
2050	1.0	1.8	2.5
2060	1.3	2.5	3.6
2070	1.7	3.3	4.9
2080	2.1	4.3	6.3
2090	2.6	5.3	7.9
2100	3.1	6.6	9.8

The appropriate time horizon to use to evaluate sea level rise depends on the anticipated duration of development, after which such development is expected to be removed, replaced, or redeveloped. Pursuant to information provided by the applicant, the useful life of the proposed project is anticipated to be 50-years. The submitted wave uprush study for the project described the existing structure and provided a coastal engineering analysis for the proposed stairway extension, including an analysis of hazards and potential impacts of sea level rise. The sea level rise projections utilized in this report are consistent with the guidance, described above and considered wave

runup associated with a 100-year storm event for future sea level rise scenarios based on a Medium-High Risk Aversion scenario, which is recommended for projects that are adaptable but have limited future flexibility. Based upon the results of this analysis, it was determined that the subject accessway has been designed to remain stable for its anticipated lifespan of 50-years, and will minimize risk and assure stability and structural integrity consistent with Coastal Act Section 30253. Although the proposed project is anticipated to remain stable, over time, portions of the stairway will be subject to increased wave run-up and the amount of the beach that would be useable for public access is anticipated to decrease due to sea level rise. By the end of the estimated 50-year useful project life in 2070, the base of the stairway is expected to be frequently exposed to tidal action for longer durations on a daily basis.

The applicant considered a number of alternatives, including a no-project alternative and reduced project alternatives, but determined the proposed project would best achieve a balance between minimizing the project footprint and ensuring safe access to the beach during seasonal eroded beach conditions. Additional alternative designs that could use different orientations (rather than a straight staircase) were determined infeasible at this time due to geological uncertainties at the site and concerns about maintaining the historical character of the development; however, these kinds of alternatives should be explored further in the future when implementation of adaptive measures may necessary to respond to sea level rise.

As it currently exists, the beach at the project site is quite narrow. The existing stairs are subject to wave action when the tide is at or above +3.3 feet NAVD88 (according to the tide gauge in Santa Barbara Harbor), and that while this varies seasonally, the high tide exceeded that level for one to two hours daily during daylight hours in 2020. Therefore, the area of the beach that is currently useable for public access and recreation is already reduced a couple daytime hours every day. With the proposed seaward extension, the amount of time that the stairs would be subject to wave action would increase (particularly with sea level rise), and the total area of beach that the subject stairway would occupy would increase as well.

The City of Santa Barbara has incorporated policies to address hazards such as sea level rise into the certified LUP. Additionally, the City has completed a Vulnerability Assessment as well as an Adaption Plan in order to further assess and plan for areas of the City vulnerable to sea level rise. As described above, the subject stairway is a highly utilized public access amenity within the City. Although it is located in an area that is currently, and will continue to be impacted by hazards including sea level rise, maintenance of a public stairway down the bluff to the beach in this location for as long as feasible is important for public access.

Given the uncertainty of the evolution of coastal hazards at the site, and as guided by LUP Policies 5.1-13 and 5.1-16 in relation to monitoring and adaptation, it is critical to monitor the project site to identify trends in sea level rise, increased wave action, and beach/bluff erosion, etc. The information gained through monitoring the site will help to ensure that adaptive actions are planned for and implemented as conditions change, especially as those changes could result in adverse impacts to lateral public access in

the project area. As such, **Special Condition Five (5)** requires the applicant to conduct biannual monitoring, and requires the applicant to submit a Monitoring and Assessment Report to the Executive Director every five years, analyzing changes in site conditions, coastal hazards, public access, and safety, to determine when adaptive management actions will be required, and submission of an application for those actions if necessary.

Furthermore, the Commission finds that certain types of development, such as the proposed project to enhance public access, may involve accepting some risk. Coastal Act policies require the Commission to assess the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in or designed to protect areas of identified hazards is proposed, the Commission considers the hazards and the potential cost to the public. As such, the Commission finds that due to the possibility of storm waves, surges, erosion, and flooding in this location, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Six (6)** 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 proposed development or of it providing insufficient protection of developments adjacent to the subject site. The applicant's assumption of risk will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and in the surrounding areas, and which may adversely affect the stability or safety of the public access stairway.

Lastly, the Commission notes that approvals from the US Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) are necessary and serve to further reduce potential for hazards associated with the proposed project. The City currently has a Water Quality Certification from the RWQCB (No.34221WQ06) that is valid until May 27, 2026. However, the required USACE approval has not yet been finalized. To ensure that approvals are in place for the construction of the project, **Special Condition Seven (7)** requires the City to provide the approval from the USACE when it is available, prior to construction.

Therefore, the Commission finds that, for the reasons set forth above, the proposed project, as conditioned, is consistent with Coastal Act Sections 30253 and the applicable guidance policies of the LCP.

D. Public Access

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Policy 3.1-2 of the LUP states:

Lateral access along the beach is a public right. Public access opportunities along the coast shall be maximized consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. No attempts to prohibit or interfere with the public's lawful use of the beach area shall be allowed.

Policy 3.1-3 of the LUP states:

Existing City-owned coastal bluff stairways to the beach (Shoreline Park, Thousand Steps [Camino al Mar], and Mesa Lane) shall be maintained and, as necessary, improved to provide public vertical access to the shoreline and along the coast. Public access opportunities shall be maximized consistent with the protection of coastal resources, public safety, private property rights, and to protect the public's right to lawfully access the shoreline. City-owned vertical access ways shall continue to receive trash collection services.

Policy 3.1-35, part G, of the LUP identifies the following as a "Key Public Access Parking Area":

On-street parking along Santa Cruz Boulevard from its terminus at Thousand Steps to Pacific Avenue (for access to Thousand Steps);

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided, and that development not interfere with the public's right to access the coast. LUP Policy 3.1-2 protects lateral access along the beach. LUP Policy 3.1-3 protects vertical access to the shoreline, and specifically states that the Thousand Steps stairway shall be maintained and, as necessary, improved. LUP Policy 3.1-35, part G, identifies Santa Cruz Boulevard, at the top of Thousand Steps, as a key public access parking area.

The proposed project is designed to maintain and improve the safety and useability of an existing public beach access stairway. Properties located adjacent to the stairway are single family homes, and there is on-street public parking available. This on-street parking provides important coastal access to the community as is identified by Policy 3.1-35, part G, of the LUP. Approximately four parking spaces will be temporarily impacted during construction by staging at the top of the stairway, but are not proposed to be impacted by the project post-construction. At the terminus of Santa Cruz Blvd. there is an existing informal coastal viewing area on the bluff top ([Exhibit 5](#)) and the proposed project includes installation of additional amenities in this area, including bike racks, trash and recycle bins, and a pet waste bag dispenser ([Exhibit 3](#)).

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Public access in the vicinity of the project site will be limited during construction, including the temporary closure of the public access stairway at the site, limited disruption from the site access route along the beach, and use of a portion of the Leadbetter Beach parking lot for staging ([Exhibit 4](#)). However, these limits to access are temporary in nature (construction is anticipated to last approximately two months) and the proposed project is intended to enhance public use of the access stairway. The applicant has proposed signage directing the public to use Shoreline Steps Coastal Access Stairway (approximately 0.5-miles east of Santa Cruz Boulevard) when Thousand Steps is closed for construction, as well as signage to be posted at Shoreline Steps and Mesa Lane Steps (1 mile to the west) indicating that lateral access along the beach will be closed at Thousand Steps during construction. No public access restrictions are proposed along and across the construction access route. Although access will be predominantly maintained around the project site during construction, in order to ensure that any potential adverse effects to public access are avoided during the time of year when beach access is typically highest. Therefore, **Special Condition One (1)** is required to ensure that project construction activities will be prohibited on any part of the beach in the project area from Memorial Day in May through Labor Day in September of each year, to avoid impacts on public recreational use of the beach, unless additional time is allowed by the Executive Director for good reason.

Furthermore, as described above, construction for the proposed project would require the temporary use of some public access and recreational areas, including at the project site, as well as an area at the terminus of Santa Cruz Boulevard (including four public street parking spaces) and 26 parking spaces within the Leadbetter Beach parking lot for construction staging. To ensure the safety of recreational users at the project site and to ensure that the interruption to public access at the project site is minimized, the Commission requires the applicant to submit a public access plan, pursuant to **Special Condition Two (2)**, to the Executive Director for review and approval. **Special Condition Two (2)** also requires a description of the methods (including signs, fencing, etc.) by which safe public access to and around the construction activity areas shall be maintained during all project operations. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces that are occupied for the staging of equipment, machinery and employee parking shall be used.

In 1975 the State of California dedicated the tidelands of the California coast between Santa Barbara's eastern and western city limits to the City of Santa Barbara, including the area adjacent to the base of the stairway. The dedication of tideland property expressly conditions the use of tidelands for the public interest including public parks and pedestrian ways. The proposed project would include an extension of the stairway into the tideland property to enhance vertical public access. While the proposed extension of the stairway has the potential to reduce lateral access along the beach during higher water level conditions (particularly with sea level rise), the bluff immediately to the east of the project site appears to extend out to a similar distance, and would likely be a similar natural obstruction to lateral access at those times. Therefore, there would be effectively no net loss of access from the extension of the stairway.

Given that the proposed project is designed to improve the safety and useability of present-day public access and to account for seasonal variations in wave uprush and sand conditions at the site, the Commission finds that the proposed project is consistent with the Public Access policies of the Coastal Act. However, given the uncertainty related to the potential adverse impacts on vertical and lateral access at the site as sea level rises, and as guided by LUP Policies 3.1-2 and 3.1-3, **Special Condition Five (5)** (as discussed above) requires the applicant to conduct biannual monitoring, and requires the applicant to submit a Monitoring and Assessment Report to the Executive Director every five years, analyzing changes in site conditions, coastal hazards, public access, and safety, to determine when adaptive management actions will be required, and submission of an application for those actions if necessary.

For these reasons, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210, 30211, and the applicable guidance policies of the LCP.

E. Marine Resources and Sensitive Habitats

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and 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

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impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Policy 4.1-32 of the LUP states:

Grooming and other disturbance activities on the beach shall be implemented in a manner to avoid the removal or disturbance of wrack (seaweed or other vegetation cast on the shore) to the extent feasible. All mechanized beach grooming should be restricted to dry sand area only and should not occur any closer to the ocean than ten feet landward of the predominant wrack line or the mean high tide line, whichever is further landward. Wrack should not be removed seaward of the predominant wrack line or the mean high tide line during grooming activities unless debris is entangled in the wrack that poses a threat to public safety or if the wrack is found to otherwise pose an immediate threat to public health and safety.

Policy 4.1-33 of the LUP states:

New development, including but not limited to grooming and other disturbance activities, on the beach shall be designed to avoid impacts to any western snowy plovers, grunion (including grunion eggs), least terns, or other sensitive species present through timing of implementation, biological surveys, signage, temporary fencing, or other avoidance measures recommended by a qualified biologist and which are consistent with the policies of the Coastal LUP, including policies protecting public access to and along the shoreline

Policy 4.1-35 of the LUP states, in part:

Access to beach areas by motorized vehicles, including off-road vehicles, shall be prohibited, except for permitted beach grooming, emergency services, lifeguard services, or for construction, maintenance, or flood control activities approved through a Coastal Development Permit.

Policy 4.1-36 of the LUP states:

A. Activities that could impact nesting or breeding birds (including tree trimming, tree removal, construction activities, noise, vibration, or lighting) within or adjoining ESHAs, creeks, wetlands, special wildlife areas, or known nesting or breeding areas shall be prohibited during the nesting and breeding season for birds (February 1-August 30) where feasible.

B. If it is not feasible to complete such work outside the bird nesting and breeding season, then work may be approved subject to a condition requiring bird nesting and breeding surveys. These surveys should be performed by a qualified biologist no more than fourteen calendar days prior to the start of any activities that could impact nesting or breeding birds. If active nesting or breeding is found, activities that could impact the nesting birds shall be prohibited until any active nest is vacated. If any activities must occur to

remediate an imminent danger, measures shall be implemented to avoid and minimize impacts to nesting birds.

C. In the event that an active nest not previously identified is discovered during any tree trimming, tree removal, or construction activity, the contractor shall immediately cease all activities in the area of operations and shall notify the City's Environmental Analyst. Thereafter, a qualified biologist must inspect the site and follow the abovementioned procedures to protect the nesting birds

Section 30231 requires that the biological productivity and quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health be maintained. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Section 30240 requires that environmentally sensitive habitat areas (ESHA), as well as areas adjacent to ESHA and parks and recreation areas, be protected from significant disruption of habitat values. LUP Policy 4.1-32 provides standards for to avoid the removal or disturbance of wrack. LUP Policy 4.1-33 provides standards for avoidance of sensitive species on beaches. LUP Policy 4.1-35 requires a CDP for accessing beach areas by motorized vehicles for construction or maintenance activities. LUP Policy 4.1-36 provides standards to avoid impacts to impact nesting or breeding birds.

A biological survey conducted on behalf of the City by MRS Environmental, Inc., dated November 6, 2019, provides observations about project site conditions, survey results, and recommendations, for the project related to sensitive biological resources. The report identified several rock outcrops located in the vicinity of the coastline that support numerous aquatic intertidal species (solitary anemone, colonial anemone, limpets, barnacles, etc.), and explained that the bluffs along the beach and in the proposed construction area consist of 30 to 50-foot tall cliffs vegetated with a combination of both native and non-native plant species. The report identified several bird species along the beach and immediate coastal waters, as well as within the vegetation along the bluff and surrounding the site. Western snowy plover were not observed during the survey and are not known to nest in the area, but could be expected as winter visitors and to forage along the beach wrack line. The proposed project would not be located in designated Critical Habitat for this species. The report explained that no nests were observed of any bird species in the area, but that suitable nesting habitat is located along the vegetation on bluffs and landscaped areas near parking facilities. The report also contains recommendations, including that an additional site visit with the biological resources specialist immediately prior to the proposed work is conducted to ensure that biological conditions have not changed and that no new biological resources require attention.

This survey report shows that both on-site habitat conditions and past biological monitoring indicate that sensitive species have the potential to be present in the project area at the time of construction and site access activities. As such, the proposed project has the potential to result in adverse impacts to sensitive species and habitat due to

unintentional disturbance from construction equipment and grading activity. Therefore, to ensure that any potential adverse effects to beach and marine environments are minimized, **Special Condition Four (4)** requires that the applicant ensures that a qualified environmental resource specialist conducts a survey of the project site prior to the commencement of any excavation, construction, or site access activities associated with the project, to determine whether any Western Snowy Plovers, California Grunion, or any other sensitive wildlife species are present.

If the environmental resource specialist becomes aware of any unforeseen sensitive habitat issues, the applicant will cease work. 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 revised, or supplemental, program shall be submitted to the Executive Director for review and approval. Finally, in order to avoid impacts to California grunion, **Special Condition Four (4)** also requires that by February 25 of each year until construction is completed, the applicant shall obtain the seasonally predicted run schedule for the California grunion, as identified by the California Department of Fish and Wildlife. In the event that excavation, construction, or site access activities, associated with the project, will occur during the seasonally predicted run period and egg incubation period for the California grunion, then the environmental monitor shall document any grunion spawning activity. If grunion is present in any life stage, no excavation, construction, or maintenance, activities shall occur during the grunion spawning activity below the semilunar high tide mark.

Furthermore, the coastal waters located adjacent to the project site could be adversely impacted as a result of construction activities by unintentional introduction of sediment or debris. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, **Special Condition Three (3)** outlines construction-related requirements to provide for the safe storage of construction materials and removal of debris from the area. Additionally, the proposed project has the potential to affect beach wrack through the use of heavy equipment on the beach. While the proposed project construction does not specifically include any beach grooming activities, the proposed project does include excavation of dry sand for construction and stockpiling on the beach above the high tide line, use of nearby rock for scour protection, and backfilling of sand at the end of construction activities, as well as construction access across the beach from the Leadbetter Beach parking lot staging area to the stairway location ([Exhibit 4](#)). While much of the construction activities take place well landward of the typical wrack line, given the importance of wrack in beach habitats, the Commission finds it necessary to ensure that impacts to wrack are avoided. Therefore, in order to avoid potential adverse impacts to sensitive habitat, **Special Condition Three (3)** requires that any excavation, deposition, and re-contouring associated with the proposed project shall minimize disturbance to wrack. **Special Condition Three (3)** further requires that wrack shall not be removed from the beaches during construction activities; however, debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed.

As conditioned, marine resources will be maintained, and special protection will be given to areas and species of special biological significance. The special conditions will also ensure that the biological productivity and the quality of these coastal waters are maintained by preventing substantial interference with surface waterflow. Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act, and the applicable guidance policies of the LCP.

F. California Environmental Quality Act

Section 13096 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 modified 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 approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to any public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. **Special Conditions One (1) through Seven (7)** are required to assure the project's consistency with Section 13096 of Title 14 of the California Code of Regulations. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application No. 4-20-0636 and associated file documents.

City of Santa Barbara Certified Local Coastal Program.