

CALIFORNIA COASTAL COMMISSION

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December 28, 2015

Permit Application No.: 4-14-0687

COASTAL DEVELOPMENT PERMIT

On May 13, 2015, the California Coastal Commission granted to **Santa Barbara County** this permit subject to the attached Standard and Special conditions, for development consisting of **retention of an approximately 1,200 ft. long, 11 ft. high as-built rock revetment**, more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at **Goleta Beach County Park, 5986 Sandspit Road, (Santa Barbara County)**.

Issued on behalf of the California Coastal Commission by

Charles Lester
Executive Director

A handwritten signature in black ink, appearing to read "D. Christensen".

Deanna Christensen
Supervisor, Planning & Regulation

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: _____

Signature: _____

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STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Development Authorization Period**
 - A. This coastal development permit authorizes the approved development for a period of twenty (20) years from the date of Commission action on this permit, or until the re-evaluation triggers of Special Condition 2(E-F) are reached and the deadline for submittal of a new application has passed, whichever occurs first. After such time, the authorization for retention of the approved rock revetment provided by this permit shall cease and continued retention will require a new coastal development permit. The new coastal development permit application shall be submitted no later than six months prior to the end of the permit term or within six months of notice that one of the re-evaluation triggers has occurred, and shall include at a minimum the results of the required beach and revetment monitoring reports in order to evaluate the effectiveness and impacts of the project and to address changed circumstances and/or unanticipated impacts. Provided the new permit application is received before the permit expiration and not withdrawn, the expiration date shall be automatically extended until the time the Commission acts on the new application. Failure to obtain a new coastal development permit for an additional term to retain the rock revetment shall constitute a violation of the terms and conditions of this coastal development permit, unless the Executive Director grants additional time for good cause.

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- B. Ten (10) years from the date of Commission action on this permit, the applicant shall submit a mid-term assessment report to the Executive Director, pursuant to the requirements in Special Condition 2(E) below.

2. Beach and Revetment Monitoring and Adaptive Management Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a Beach and Revetment Monitoring and Adaptive Management Plan. The plan shall be prepared by a qualified engineer with experience in coastal engineering and incorporate the following components. The plan shall include provisions for regular assessment of the beach and revetment conditions, consistent with the following:

- A. *Baseline Beach Profile Survey Data and As-built Plans*: In order to analyze changes to the beach and revetment over time, the plan shall include the existing baseline beach conditions and shoreline change, developed from historic aerial photos of the beach, profile survey data from BEACON, U.S. Geological Survey, U.S. Army Corps of Engineers, other County agencies, and background surveys of the beach used for revetment planning and design. The baseline report should include data, surveys, copies of photos, analysis of change, and the surveyed as-built revetment plans.
- B. *Periodic Beach Profile Surveys*: A licensed surveyor or engineer shall survey full depth beach profiles for each of the identified beach profile transect lines at Goleta Beach (BEACON Transect Lines GB-01, GB-02, and GB-03, as shown on Exhibit 6, or equivalent survey locations, identified as appropriate by the County, with two lines through the revetment and one line downcoast of the revetment) on a semi-annual basis each spring and fall season for the term of this permit. Each of the beach profile transects shall be established with a permanent location that can be identified by Baseline Survey Markers and GPS coordinates.
- C. *Monthly Revetment Inspections*: A visual and, as appropriate, quantitative inspection of the area of the approved revetment shall be performed on a monthly basis for the term of this permit to detect and document exposure of the revetment rock and signs of erosion. Detailed data sheets shall be developed and used for each monthly revetment inspection that includes: the results of the inspection, including photographs from pre-determined locations; site maps upon which the location, dimensions (length and height) of exposed rock areas, and other details of any exposed portions of the revetment can be noted; and the name, title, and contact information of the person(s) undertaking the revetment inspection; and the date, time and tidal conditions of the inspection. Visual inspections may be undertaken by a qualified licensed surveyor or engineer in conjunction with the periodic beach profile surveys, or by other trained personnel.
- D. *Maintenance Actions*: The plan shall reflect that future maintenance and repair of the approved rock revetment may be completed for the term of this permit consistent with the following limitations:

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1. If monthly revetment monitoring identifies that 120 linear feet or more of the approved revetment rock is exposed for 6 consecutive months, sand cover shall be placed on the exposed area and, where appropriate, planted with native coastal strand/southern foredune vegetation to help stabilize the placed sand. Any rock or other debris from the revetment that becomes dislodged through weathering, wave action, or settlement shall be removed from the beach or deposited on the revetment on an as-needed basis.
2. The rock revetment and/or sand cover may be maintained in its approved size, location, and configuration. The importation of a minor amount of new rock and/or beach-compatible sand may be allowed, if necessary, to maintain the approved size, height, footprint of the revetment and/or sand cover. The amount of beach-compatible sand that is imported for maintenance shall not exceed that necessary to cover more than 10% of the length of the approved revetment (approximately 1,000 cu. yds.). In no event shall more than 10% of the approved volume of the rock revetment be imported for any individual revetment repair project. The addition of more than these maximums for any individual maintenance project shall require a new coastal development permit and is not exempt pursuant to this condition). No future repair or maintenance, enhancement, reinforcement, or any other activity affecting the rock revetment shall be undertaken if such activity extends the seaward footprint of the revetment or expands the size, height, or footprint of the approved revetment.
3. Minor sand backpassing activities may be conducted to place beach-compatible sand on the exposed portions of the revetment on an as-needed basis, consistent with the sand coverage limitations of D.2 above. Where feasible, any planned minor sand backpassing activities to maintain sand coverage on the revetment shall be coordinated to coincide with routine beach grooming activities in order to minimize the use of mechanical equipment on the beach. Appropriately-sized donor beach nourishment material generated as a result of an opportunistic beach nourishment project or program that is approved by the Commission pursuant to a separate coastal development permit may also be utilized to bury exposed portions of the approved rock revetment on an as-needed basis.
4. Prior to any placement of imported sand at the subject site for maintenance purposes, the applicant shall conduct the following physical and chemical sediment testing for the review and approval of the Executive Director to ensure that the imported sand is safe and compatible with the subject site:

(1) Grain Size -- Physical analysis shall be conducted on representative samples of the source material proposed for placement at the site and on representative samples from the receiver beach. The material shall be analyzed for consistency with the U.S. Army Corps of Engineers (ACOE) / Environmental Protection Agency (EPA), State Water Resources Control Board and California Regional Water Quality Control

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Board (RWQCB) criteria for beach replenishment. Deposition of source material shall occur consistent with the following:

- The average grain size for source material shall be in substantial conformance with the average grain size for the receiver beach. The average grain size of the receiver beach shall be established as the grain size envelope developed through a minimum of two (2) composite sand samples taken from the toe of the revetment seaward to the intertidal limit. Source sediments shall have a grain size distribution that is within the limits of the source grain size envelope.
- Source material that does not meet the applicable physical, chemical, color, particle shape, debris, and/or compactability standards for beach replenishment shall not be used.

(2) Contaminants -- Based on U.S. EPA Tier I analyses results, Tier II bulk chemical analysis shall be conducted on representative composite samples of the source material proposed for placement at the site. The material shall be analyzed for consistency with EPA, ACOE, State Water Resources Control Board and RWQCB requirements for beach replenishment. At a minimum, the chemical analysis shall be conducted consistent with the joint EPA/Corps Inland Testing Manual. If the ACOE / EPA, State Water Resources Board or RWQCB determine that the sediment exceeds Effects Range Medium (ER-M) contaminant threshold levels as specified by the U.S. EPA, the materials shall not be placed at the site.

(3) Color -- Color classification shall be conducted on representative samples of any upland source material proposed for placement at the site. The color shall reasonably match the color of the receiving beach after reworking by wave action. Color is only an issue for upland sediment, but is not as significant for marine-derived sediment sources.

(4) Particle Shape -- Particle shape classification shall be conducted on representative samples of the source material proposed for placement on the site. The source material shall consist of a minimum of 90% rounded particles (i.e., maximum of 10% angular particles).

(5) Debris Content -- A visual inspection of the source location shall be conducted to determine the presence and types of debris such as trash, wood, or vegetation. The amount of debris within the material shall be estimated, as a percentage of the total amount of source material. Prior to placement of imported sand at the site, all such debris material shall be separated from the sand material (by mechanical screening, manual removal or other means) and taken to a proper disposal site authorized to receive such material.

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- (6) Compactability -- Chemical and visual inspections of the source location shall be conducted to determine the presence of elements such as iron oxides which can compact to form a hardpan surface. Source material with compactable material shall be considered for placement below the mean high tide only.
5. Maintenance actions shall be implemented in compliance with construction Best Management Practices and completed in a timely manner. No machinery or mechanized equipment shall be allowed at any time within the active surf zone, except for that necessary to remove any errant rocks from the beach seaward of the revetment. All maintenance materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. Any and all debris resulting from maintenance activities shall be appropriately removed from the project site within 24 hours. Equipment shall not be cleaned on the beach or in the adjacent beach parking areas. Any unsafe debris or other materials that may become exposed on the revetment or the beach in the area of the revetment shall be removed and exported to an appropriate offsite disposal area in order to protect public health and safety and coastal resources.
6. Maintenance actions shall avoid adverse impacts to protected sensitive species. Disturbance to beach wrack and coastal strand/southern foredune habitat shall be minimized to the maximum extent feasible. If maintenance actions are required during the nesting or breeding seasons of any potential sensitive species in the project area (including but not limited to western snowy plover) or during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and Wildlife, the applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct sensitive species surveys prior to any maintenance activities. The environmental resource specialist shall conduct a survey of the project site to determine presence and behavior of sensitive species one day prior to commencement of any maintenance activities authorized on the project site pursuant to this permit, and immediately report the results of the survey to the applicant and the Commission. In the event that the environmental resources specialist reports finding any sensitive species within 500 ft. of the required maintenance activities, the applicant shall postpone commencement of work. If the environmental resources specialist determines that any grunion spawning activity is occurring and/or that grunion are present in or adjacent to the project site, then no maintenance activities shall occur on, or adjacent to, the area of the beach where grunion have been observed to spawn until the next predicted run in which no grunion are observed. Required maintenance activities may resume only if adverse effects to the protected sensitive species can be avoided.
7. The applicant shall submit a Project Notification Report prior to the commencement of any maintenance actions, for the review and approval of the Executive Director, except under emergency conditions where immediate work is required to address public health and safety. The Project Notification Report shall describe all

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supplemental actions, timing of work, staging areas, equipment to be used and method of construction and shall include all relevant monitoring reports required pursuant to this permit for the project site to ensure that the operations are in substantial conformance with the resource protection and public access conditions of this permit. All supplemental actions and work shall be in accordance with all conditions of this coastal development permit. No change to the program beyond the supplemental actions outlined by the approved plan shall occur without a Commission-approved amendment to the permit, unless the Executive Director determines that no such amendment is required.

- E. *Annual and Mid-term Reporting Requirements:* The applicant shall prepare and submit an Annual Monitoring Report, for the review and approval of the Executive Director, for the term of this permit. The monitoring report shall include all data required by this condition, all monthly monitoring forms, and a written report prepared by a qualified coastal engineer indicating the results of the monitoring program. The monitoring report shall include analysis and conclusions regarding the condition and effectiveness of the revetment, any changes in beach/shoreline profiles, any changes in the public's ability to safely access the beach, and details on any maintenance or adaptive management actions undertaken pursuant to the approved adaptive management plan during the year. The report shall include a brief history of all previous years' monitoring results to track changes in conditions. Should the monitoring reports reveal any unanticipated significant adverse resource or public access impacts not addressed in the Commission's authorization and/or the approved Beach and Revetment Monitoring and Adaptive Management Plan, the Executive Director shall require the submittal of a new coastal development permit for the review and approval by the Commission to re-evaluate the project, the permit term, feasible alternatives, and measures to address any identified adverse resource or public access impacts.

Ten (10) years from the date of Commission action on this permit, the applicant shall submit a Mid-term Assessment Report to the Executive Director, that documents the results of the required Beach and Revetment Monitoring and Adaptive Management Plan and includes analysis and conclusions regarding the condition and effectiveness of the revetment, any changes in beach/shoreline profiles, any changes in the public's ability to safely access the beach, and details on any maintenance or adaptive management actions undertaken pursuant to the approved adaptive management plan during the year. Should this mid-term assessment report reveal any significant adverse resource or public access impacts not addressed in the Commission's authorization and/or the approved Beach and Revetment Monitoring and Adaptive Management Plan, the Executive Director shall require the submittal of a new coastal development permit for the review and approval by the Commission to re-evaluate the project, the permit term, feasible alternatives, and measures to address any identified adverse resource or public access impacts.

- F. *Trigger for Re-evaluation of the Approved Revetment:* Should significant erosion and overtopping of the rock revetment occur in which 200 linear feet or more of the approved revetment is exposed for 24 months in total from the date of permit issuance (despite good-faith attempts to maintain it in its approved configuration and maintain sand coverage), the

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applicant shall submit a new coastal development permit application for re-evaluation of the approved shoreline protection plan for Goleta Beach County Park, including a complete evaluation of all feasible alternatives to the retention of the rock revetment in its approved as-built location. The evaluation of all feasible alternatives shall address, at a minimum, removal and/or relocation of the approved rock revetment and relocation of threatened park facilities and utilities to more landward locations outside of the expected wave-caused erosion zone (managed retreat). The information concerning the alternatives evaluation shall be sufficiently detailed to enable the Coastal Commission to coequally evaluate the feasibility of each alternative for addressing shoreline protection, public access, and other coastal resource issues under the Coastal Act. The new permit application shall be submitted within six months of reporting this trigger.

- G. *Public Access Maintenance and Management*: Safe pedestrian beach access shall be maintained across the approved revetment between the upland portion of the park and the sandy beach and shore. Should continuous portions of the rock revetment that are 200 feet or more in lineal extent become exposed through wave action or erosion, and it is no longer feasible or effective to cover those portions of the rock revetment with sand pursuant to the maintenance actions identified in part D of this condition, designated beach accessways over the revetment (such as temporary steps or stairway) that are a minimum of 3 feet wide shall be constructed for every 100 feet of continuous revetment exposure. The temporary beach accessways shall be oriented at an angle to the predominate wind direction to avoid blow-outs and be maintained clear of obstructions or barriers to allow safe pedestrian access. Should the temporary beach accessways no longer be necessary to cross the revetment to reach the shore due to the build-up and coverage of sand on the revetment, the temporary beach accessways shall be removed.

The permittee shall undertake development and program management in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Limitations on Beach Grooming and Wrack Management

Mechanized beach grooming activities shall be limited to above the high high water line and for no more than three (3) times per calendar year - once immediately before Labor Day, Fourth of July, and Memorial Day. Grooming activities shall be implemented in a manner that avoids the removal or disturbance of wrack and coastal strand and southern foredune vegetation to the maximum extent feasible; i.e. during grooming, backpassing, or nourishment activities, wrack shall be avoided with the exception of debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed as needed. Trash shall be removed by hand to the maximum extent feasible and the mechanical removal of large debris that poses a clear threat to public safety shall be allowed.

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4. Public Access Program

By acceptance of this permit, the applicant agrees to the following:

- A. Safe public access to or around areas where maintenance and adaptive management activities will occur shall be maintained during all project operations. Public parking areas shall not be used for staging or storage of maintenance equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required to implement the maintenance activities and for the staging of equipment, machinery and employee parking shall be used. The applicant shall post the maintenance site with a notice indicating the expected dates of construction and/or beach closures.
- B. The applicant shall continue to provide free (no charge) public access and vehicle parking at Goleta Beach County Park for the term of this permit.

5. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, liquefaction, waves, flooding, tsunami, and 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.

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.

6. Indemnification by Applicant

Liability for Costs and Attorney's Fees: By acceptance of this permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

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7. Required Approvals

Prior to issuance of this Coastal Development Permit, the applicant shall obtain all other necessary State permits that may be necessary for all aspects of the proposed project (including approvals from the California Department of Fish and Wildlife, California State Lands Commission, and Regional Water Quality Control Board, unless evidence is submitted that such approval(s) are not required). In addition, by acceptance of this permit, the applicant agrees to obtain all necessary Federal permits that may be necessary for all aspects of the proposed project (including, but not limited to, the U.S. Army Corps of Engineers).

8. Condition Compliance

Within 6 months of Commission action on this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions Chapter 9 of the Coastal A