



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Community Services
Department No.: 052
For Agenda Of: October 13, 2015
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department George Chapjian, Director, Community Services 568-2467
Director:
Contact Info: Jill Van Wie, Capital Projects Manager, Community Services 568-2470
**SUBJECT: California Coastal Commission Coastal Development Permit Indemnity Agreement;
Goleta Beach Project
Second Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Risk Management

As to form: Yes

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Acknowledge receipt of and accept the California Coastal Commission Coastal Development Permit No. 4-14-0687 (Attachment 1) for the Goleta Beach Project (CDP), including all standard and special conditions imposed;
- B. Approve and authorize the Director of Community Services or designee to execute the CDP acknowledgment thereby accepting the terms and conditions of the CDP;
- C. Approve and authorize the Chair to execute the Indemnity Agreement incorporating all of the terms of Special Conditions No. 5 and No. 6 of the Coastal Development Permit (CDP) (Attachment 2) for the Goleta Beach Project; and
- D. Determine that the approval and execution of the CDP and Indemnity Agreement are statutorily exempt from the California Environmental Quality Act pursuant to California Public Resources Code section 21080.5 and the Guidelines for the Implementation of CEQA, 14 CCR Section 15002(l) and 15251(c) (certified regulatory plan in lieu of EIR), and direct staff to post the attached Notice of Exemption (Attachment 3) on that basis.

Summary Text:

On May 18, 2014, the Board unanimously directed staff to submit a coastal development permit to retain the unpermitted sections of revetment at Goleta Beach. On May 13, 2015, the California Coastal Commission (CCC) approved Coastal Development Permit No. 4-14-0687 (CDP) for the County to retain the as-built 1,200 linear foot, 11 foot high rock revetment at Goleta Beach for up to 20 years with certain conditions; two of these conditions (Special Conditions No. 5 and No. 6) encompass providing an Indemnity Agreement that protects the CCC in the event of claims that may arise by leaving the revetment in place. The Board's approval and execution of the Indemnity Agreement will allow staff to satisfy the special conditions by November 13, 2015 prior to the CCC's final issuance of the CDP.

Background:

Since 1995 subsequent to a series of El Nino type storm and wave activity, Goleta Beach Park has experienced extensive shoreline erosion resulting in the loss of coastal recreation and other park amenities; the cost of incurring repairs and temporary revetments to restore the beach and park since that time has totaled approximately \$10 million in County and Federal funding. In 2002 and 2005, the County received permits from the CCC for temporary emergency rock revetments to protect Goleta Beach Park; a condition of these permits required the County to develop a management strategy for long-term protection of the park. The County submitted an application for such management plan (Goleta Beach 1.0) to the CCC in 2008; the application was denied in 2009 with the direction to develop an alternative management solution for the park. The Board hence authorized the County to begin the Goleta Beach (2.0) Project in September of 2012, and commence with the associated EIR in May of 2012. On May 18, 2014, the proposed project alternatives were presented in the Proposed Final EIR and were brought to your Board for the selection of a project alternative for Goleta Beach; the Board subsequently directed staff to submit a permit application and Proposed Final EIR to the CCC to retain the existing unpermitted revetments.

On May 13, 2015, the CCC approved CDP No. 4-14-0687 for retention of the revetments with certain special conditions; these special conditions must be satisfied by November 13, 2015 prior to issuance of the permit (see Attachment 1). Special Conditions No. 5 and No. 6 comprise a standard written indemnification agreement for the County to assume the risk, waive the CCC from liability and indemnify the CCC if claims arise against the CCC in defense of the revetments remaining in place and in the event of erosion, liquefaction, waves, flooding, tsunami or sea level rise. While these particular permit conditions are standard CCC language, they require Board acceptance. Other notable permit conditions include: a beach and revetment monitoring and adaptive management plan prepared by a qualified engineer with experience in coastal engineering; a baseline survey of the beach and revetment; attaining compulsory State and Federal permits; parking remain free; the County receives CCC's Executive Director's approval prior to beach nourishment or back passing; access to the beach is maintained after a significant storm event; rocks must be covered if more than 120 linear feet of revetment is exposed for more than 6 months; and a new coastal development permit will be required if 200 linear feet of revetment is exposed for 24 months in total from date of permit.

After receiving the permit, the County's annual requirements include semi-annual (spring and fall) beach profile surveys performed by a licensed surveyor or engineer, monthly revetment inspections – visual and quantitative – which can be performed by staff once trained by a licensed surveyor or engineer, an annual report prepared by a qualified coastal engineer and a mid-term (10 year) report with analysis and conclusions regarding the condition and effectiveness of the revetments, beach profiles, safe public access and details on maintenance actions.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The Community Services Department (CSD) is able to use the existing Coastal Impact Assistance Program (CIAP) grant (#F12AF00307) for preparation of the adaptive management plan.

Staffing Impacts:

None

Special Instructions:

Please send a minute order of the hearing and two signed originals of the Indemnity Agreement to Jill Van Wie, Community Services Department (CSD) – Parks Division.

Attachments:

Attachment 1: CDP 4-14-0687 Notice of Intent to Issue Permit

Attachment 2: CCC CDP 4-14-0687 Indemnity Agreement for the Goleta Beach Project (3 originals)

Attachment 3: CEQA Notice of Exemption