CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

C

W13c

ADDENDUM

DATE: April 8, 2008

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item W13c, Application No. 4-07-124 (City of Santa Barbara) Marina One Replacement Project, City of Santa Barbara, Santa Barbara County Wednesday, April 9, 2008

The purpose of this addendum is to: (1) revise the construction timing condition ensure that construction activities do not take place during the Western snowy plover breeding season (March 15 – September 15); (2) to add a condition requiring the City to conduct eelgrass surveys prior to initiating project construction; and (3) to clarify the phased construction window proposed by the applicant.

Note: ~~Strikethrough~~ indicates text to be deleted from the March 21, 2008 staff report and underline indicates text to be added to the March 21, 20008 staff report.

1. **The following shall be added to the Summary of Staff Recommendation on Page 1 of the March 21, 2008 staff report:**

   Staff recommends **APPROVAL** of the proposed project with **~~Eight (8)~~ Nine (9) CONDITIONS** regarding: (1) additional regulatory approvals; (2) pre-construction Caulerpa taxifolia surveys; (3) construction timing; (4) protection of visitor-serving boat slips; (5) construction materials; (6) water quality protection and debris removal; (7) best management practices; ~~and~~ (8) assumption of risk; and (9) eelgrass surveys.

2. **The following changes should be made to Special Condition 3 on page 5 of the March 21, 2008 staff report:**

   Construction of marina facilities during the months of July and August shall be limited to those activities that do not require pile driving, towing, or the general use of heavy equipment that cause excessive noise, odors, and vibrations in order to protect post-breeding California least terns that utilize the Harbor during these months. Additionally, pile driving activities shall be prohibited during the Western snowy plover breeding season from March 15 through September 15 unless surveys of the project site and adjacent areas determine that snowy plover nesting or breeding activities are not occurring. Snowy plover surveys shall be conducted by a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the

Executive Director if pile driving activities are proposed during snowy plover breeding season. The environmental resource specialist shall conduct a survey of the project site and adjacent sand spit and breakwater, to determine presence and behavior of snowy plovers, one day prior to commencement piling driving activities, should they be scheduled during the snowy plover breeding season. All pile driving activities shall be prohibited in the event that snowy plovers exhibit reproductive or nesting behavior and shall resume only upon written approval of the Executive Director.

Reason for change:

Although it is not likely that pile driving activities would be scheduled during the snowy plover breeding season, this condition is being revised to ensure that piling driving is prohibited within Marina One during the snowy plover breeding season from March 15 through September 15 unless surveys conducted by a qualified biologist indicate that plover nesting or breeding activities are not occurring on the sand spit or breakwater adjacent to the project site.

3. **The following shall be added as a Special Condition on page 9 of the March 21, 2008 staff report:**

9. Eelgrass Surveys

A. **Preconstruction Eelgrass Survey.** A valid pre-construction eelgrass survey shall be completed during the period of active growth of eelgrass (typically March through October) within the project area for each phase. The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The City shall submit the new eelgrass survey for the review and approval of the Executive Director within five (5) working days of completion of the new eelgrass survey and in any event no later than fifteen (15) working days prior to commencement of construction. If the eelgrass survey identifies any eelgrass within the project area that would be impacted by the proposed project, the City shall immediately notify the Executive Director.

B. **Post Construction Eelgrass Survey**. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The application shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation

Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2;1 (mitigation: impact). The exception to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require a new Coastal Development Permit unless the Executive Director determines that no new permit is required.

Reason for change:

The Commission has authorized annual dredging of portions of Santa Barbara Harbor in Coastal Development Permit No. 4-05-155. Although ongoing dredging activities create benthic conditions that are not likely to support eelgrass bed establishment within the Harbor, it is possible that eelgrass could establish within Marina One in those areas that are infrequently disturbed or avoided by dredging activities. Given the phased construction activities over 18 years, this special condition has been added to require pre- and post-construction eelgrass surveys within the project area to ensure that the proposed project would not have any adverse impacts on eelgrass over the life of the project. Should any impacts to eelgrass occur, the City would be required to offset the impacts through eelgrass mitigation. Because the subject permit allows for construction activities over an 18 year time frame, inclusion of this condition would allow for consistency with any future dredging permits for Santa Barbara Harbor, which will likely include conditions requiring eelgrass surveys.

4. **The following shall be added to the Project Description and Background on page 9 of the of the March 21, 2008 staff report:**

The City is proposing to remove and replace the main headwalk and the docks for the 520 boat slips within Fingers A through P. Fingers Q through S (72 boat slips) were added to Marina One in 1998 (CDP 4-98-066) and do not need to be replaced. The Marina One replacement project would be implemented in ten phases **(Exhibit 3)**. Each phase is expected to take up to 90 days to complete and is proposed to be scheduled ~~for the early fall or winter of each year.~~ between the months of October and May for any given phase.

Reason for change:

This revision clarifies the construction work window proposed by the applicant for each phase of the project. The construction schedule would be dependent on the timing of the bidding process and fabrication of the dock facilities, but would occur for approximately 90 days between October and May.

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Hearing Date: 4/9/08

W13c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-07-124

APPLICANT: City of Santa Barbara, Waterfront Department
Karl Treiberg, Waterfront Facilities Manager

PROJECT LOCATION: Marina One, Santa Barbara Harbor, Santa Barbara

PROJECT DESCRIPTION: Implementation of the Marina One Replacement Project involving: (1) in-kind replacement of 520 of the 592 existing boat slips within Marina One of the Santa Barbara Harbor; (2) construction of a 40-foot-long extension of Finger P and a 66-foot-long extension of Finger F (creating 12 new boat slips); and (3) installation of a 300-foot-long submarine cable on the seafloor for shoreside upgrades for electrical service to Marina One boat slips.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit CDP 4-05-155; Coastal Development Permit CDP 4-98-066; City of Santa Barbara's Coastal Development Permit CDP2007-00011; Mitigated Negative Declaration for Marinas One and Four ENV96-0209; Addendum to Mitigated Negative Declaration ENV96-0209 (MST2007-00356); City of Santa Barbara's Planning Commission Report, December 13, 2007; City of Santa Barbara's certified Harbor Master Plan, June 1996; and "Biological Resources Analysis, Santa Barbara Harbor Marina One Replacement Project," June 2007, Science Applications International Corporation.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **Eight (8) CONDITIONS** regarding: (1) additional regulatory approvals; (2) pre-construction Caulerpa taxifolia surveys; (3) construction timing; (4) protection of visitor-serving boat slips; (5) construction materials; (6) water quality protection and debris removal; (7) best management practices; and (8) assumption of risk.

The City of Santa Barbara Waterfront Department is proposing to replace the existing finger docks at Marina One, in the Santa Barbara Harbor. The proposed project would involve replacing the docks and any structurally deficient pilings at Fingers "A" through "P" and upgrading shoreside electrical equipment to meet updated code requirements. Replacement of the docks would be implemented in ten phases over the next 18 years and would involve "in-kind" removal and replacement of the existing facilities, with two exceptions. The first exception would be a 40-foot-long extension of Finger P, resulting

in the addition of two double berths (4 slips) and four new pilings. The second exception would be a 66-foot-long extension of Finger F, resulting in the addition of four double berths (8 slips) and eight new pilings. The expansion of Finger F would only occur if the existing dry dock at the end of Finger F closes.

Special conditions have been included herein to minimize impacts from the proposed project on biological resources and water quality. The subject application is only for the portion of the project within retained jurisdiction of the Commission. Thus, the standard of review for the proposed permit application is the Chapter Three policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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EXHIBITS

Exhibit 1: Vicinity Map
Exhibit 2: Map of Santa Barbara Harbor
Exhibit 3: Site Plan/Project Phasing
Exhibit 4: Switchgear West Elevation and Plan
Exhibit 5: Switchgear North and South Elevations

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-07-124 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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. These permits are not valid and development shall not commence until copies of the permits, signed by the permitee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.

2. Expiration. If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.

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 permitee to bind all future owners and possessors of the subject properties to the terms and conditions.

III. SPECIAL CONDITIONS

1. Additional Regulatory Approvals

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits needed for all aspects of the proposed project including approvals from the U.S. Army Corps of Engineers (USACOE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, State Historic Preservation Office (if needed), U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

2. Pre-construction *Caulerpa taxifolia* Survey

A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under CDP 4-07-124, the City shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia* or other non-native invasive aquatic species. The survey shall include a visual examination of the substrate.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

1. for the review and approval of the Executive Director; and

2. to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.

D. If *Caulerpa taxifolia* or other non-native invasive aquatic species is found within the project site or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project site and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur unless the Executive Director is immediately notified.

3. Construction Timing

Construction of marina facilities during the months of July and August shall be limited to those activities that do not require pile driving, towing, or the general use of heavy equipment that cause excessive noise, odors, and vibrations in order to protect post-breeding California least terns that utilize the Harbor during these months.

4. Protection of Visitor-Serving Boat Slips.

A minimum of 15 boat slips shall remain available for use by visiting boaters during any construction phase for the project authorized herein. When feasible, *all* visiting boats shall be accommodated within the Harbor during construction. During the remainder of the year when construction is not occurring, 30 visitor-serving boats slips (the number of visitor-serving boat slips that are currently designated in Marina One) shall remain available for such uses. The locations for these boat slips are not specifically assigned and shall be provided within any available slip throughout Marina One.

5. Construction Materials

Material used for construction of piers, berths, fingers or pilings, shall not include timber preserved with creosote, (or similar petroleum-derived products.) Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g. PVC Pilewrap) and reinforced plastic for pilings (e.g. high density polyethylene (HDPE) pile armor), shall conform to the following requirements:

A. The material used shall be durable and a minimum of one-tenth of an inch thick.

B. All joints shall be sealed to prevent leakage.

C. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.

D. The plastic sleeves shall extend a minimum of 18 inches below the mudline.

E. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway.

F. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible.

6. Water Quality Protection and Debris Removal

The City of Santa Barbara Waterfront Department shall comply with the following construction-related requirements:

A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.

B. Any and all construction material shall be removed from the site within 24 hours of completion of construction and disposed of at an appropriate location.

C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

D. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

E. If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity.

F. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.

G. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.

H. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a separate coastal development permit shall be required before disposal can take place.

I. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants and applicants' contractors shall have adequate equipment available to contain any such spill immediately.

J. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

K. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.

L. The City shall use the least damaging method for the construction of pilings and any other activity that will disturb benthic sediments and shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

7. <u>Best Management Practices</u>

By acceptance of this authorization for development, the City of Santa Barbara Waterfront Department agrees to take the steps necessary to ensure that the long-term

berthing of boats at the approved marina will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs:

A. Boat Maintenance and Cleaning Best Management Practices

- Boat maintenance shall be performed above the waterline in such a way that no debris falls into the water.
- In-water top-side and bottom-side boat cleaning shall be by hand and shall minimize the discharge of soaps, paints, and debris. Where feasible, remove the boats from the water and perform cleaning at a location where debris can be captured and disposed of properly.
- Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
- Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- In-water hull scraping or any process that occurs underwater to remove paint from the boat hull is prohibited and shall not occur.
- Boat repair and maintenance shall only occur in clearly marked designated work areas for that purpose.
- All boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas.

B. Solid and Liquid Waste Best Management Practices

- All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene, and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or a gutter.

C. Sewage Pumpout System Best Management Practices

- Vessels shall dispose of any sewage at designated pumpout facilities provided by the Harbor Department.

D. Petroleum Control Management Measures:

- Boaters shall practice preventive engine maintenance and shall use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in

accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited.

- If the bilge needs more extensive cleaning (e.g. due to spill of engine fuels, lubricants, or other liquid materials), the boaters shall use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids.
- Bilge cleaners which contain detergents or emulsifiers shall not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

E. Public Education Measures

The City of Santa Barbara Waterfront Department shall distribute a pamphlet with the best management practices included in this condition to all users of the boat docks and end ties. Informative signage and/or depicting best management practices for maintenance of boats and boating facilities consistent with those specific herein shall be posted conspicuously.

8. Assumption of Risk

By acceptance of this permit, the City acknowledges and agrees (i) that the site may be subject to hazards from erosion, wave action, tidal action, and flooding; (ii) to assume the risks to the City 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

The City of Santa Barbara Waterfront Department is proposing to replace the existing finger docks at Marina One, in the Santa Barbara Harbor. The proposed project would involve replacing the docks and any structurally deficient pilings at Fingers "A" through "P" and upgrading shoreside electrical equipment to meet updated code requirements. Replacement of the docks would be implemented in ten phases over the next 18 years and would involve "in-kind" removal and replacement of the existing facilities, with two exceptions. The first exception would be a 40-foot-long extension of Finger P, resulting in the addition of two double berths (4 slips) and four new pilings. The second exception would be a 66-foot-long extension of Finger F, resulting in the addition of four

double berths (8 slips) and eight new pilings. The expansion of Finger F would only occur if the existing dry dock at the end of Finger F closes. Upgrading the shoreside electrical equipment would involve the construction of a 66-square-foot shed to house electrical equipment and the installation of a 300-foot-long submarine cable that would deliver electricity to the finger docks within Marina One. The subject coastal development permit is for that portion of the project within the Commission's retained jurisdiction and does not include the 66-square-foot electrical housing shed. On December 20, 2007, the City of Santa Barbara's Planning Commission approved an Addendum (MST2007-00356) to the Mitigated Negative Declaration that was approved for the Marinas 1 and 4 Expansion Project (ENV96-0209) for the entire project and a development plan/coastal development permit (CDP2007-00011) for the 66-square-foot shed that would be constructed within the appeals area defined in the City's LCP.

The Santa Barbara Harbor is located at 134 Harbor Way, south of Cabrillo Boulevard, in the City of Santa Barbara **(Exhibit 1)**. The Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. It is the only sheltered harbor along a 127 mile stretch of coast between Port San Luis to the north and the Ventura Marina to the south. The Harbor and Waterfront are the home base of the local commercial fishing fleet and the U.S. Coast Guard and provide a variety of commercial and coastal recreational resources. Common recreational uses of the project area include fishing, boating, jet skiing, bike riding, walking, sunbathing, kayaking, swimming, surfing, photography, and bird watching. The Santa Barbara Harbor is identified in the City's certified Harbor Master Plan as a sensitive habitat area due to the use of the Harbor area by sensitive species such as Western snowy plovers, California least terns, and California brown pelicans. While the Harbor supports several special status avian species, the benthic habitat within the Harbor does not support sensitive aquatic vegetation such as eelgrass beds.

There are four berthing areas within the Harbor: Marina One, Marina Two, Marina Three, and Marina Four. Marinas Two through Four are located on the eastern side of the navigation channel that runs through the harbor while Marine One lies on the western side of the channel **(Exhibit 2)**. The total number of boat slips within the entire Harbor is 1,133; 592 of which are located on the 19 finger piers (Fingers A through S) in Marina One. The majority of Marina One was constructed in the 1970's and is comprised of a concrete deck system with a polystyrene foam floatation structure. Wood walers provide the structural connection between each float. The dock fingers are connected to the main headwalk by a threaded insert and the guide and mooring piles anchoring the docks are 14-inch-in-diameter pre-stressed concrete. A recent engineering analysis and City staff assessment of Marina One concluded that the concrete docking system on Fingers A through P is nearing the end of its useful life and requires replacement.

The City is proposing to remove and replace the main headwalk and the docks for the 520 boat slips within Fingers A through P. Fingers Q through S (72 boat slips) were added to Marina One in 1998 (CDP 4-98-066) and do not need to be replaced. The Marina One replacement project would be implemented in ten phases **(Exhibit 3)**. Each phase is expected to take up to 90 days to complete and is proposed to be scheduled for the early fall or winter of each year.

Phase 1: Phase 1 would occur in 2008 and would include the in-kind replacement of the 10-foot-wide, 1,160-foot-long main headwalk, the 5.6-foot-wide, 45-foot-long gangway and landside utilities. The existing headwalk docking system covers an area of 11,600 square feet.

Phase 2: Phase 2 would occur in 2010 and would include the replacement of Fingers O and P. Replacement of Finger O would involve the in-kind replacement of the existing 301-foot-long finger with eighteen 40-foot-long slips on the west side of the headwalk, fourteen 60-foot-long slips on the east side of the headwalk, and the 109-foot-long endtie. Replacement of Finger P would involve the in-kind replacement of the existing 267-foot-long finger with eighteen 30-foot-long slips on the west side of the headwalk, fourteen 50-foot-long slips on the east side, and the 89-foot-long endtie. Additionally, two *new* 40-foot-long double berths providing four slips would be added to the existing end tie on Finger P, supported by two new guide piles and two new mooring piles. The existing concrete decking system for Fingers O and P covers an area of 11,524 square feet and the installation of the two new double berths on Finger P would result in an additional 950 square feet of docks in this location.

Phase 3: Phase 3 would occur in 2012 and would involve the in-kind replacement of the existing 350-foot-long Finger N. Finger N includes 48 30-foot-long slips and a 69-foot-long endtie. The existing concrete docking system covers an area of 5,800-square-feet.

Phase 4: Phase 4 would occur in 2014 and would include the replacement of Fingers L and M. Replacement of Finger L would involve in-kind replacement of the existing 310-foot-long finger with 44 30-foot-long slips and a 63-foot-long endtie. Replacement of Finger M would involve in-kind replacement of the existing 301-foot-long finger with 36 40-foot-long slips and an 89-foot-long endtie. The existing concrete docking system for Fingers L and M covers an area of 10,784 square feet.

Phase 5: Phase 5 would occur in 2016 and would include the replacement of Fingers J and K. Replacement of Finger J would involve in-kind replacement of the existing 272-foot-long finger with twenty 25-foot-long slips on the west side of the headwalk, eighteen 30-foot-long slips on the east side, and a 64-foot-long endtie. Replacement of Finger K would involve the in-kind replacement of the existing 322-foot-long finger with twenty 35-foot-long slips on the west side of the headwalk, nineteen 40-foot-long slips on the east side, and an 86-foot-long endtie. The existing concrete docking system for Fingers J and K covers an area of 10,092 square feet.

Phase 6: Phase 6 would occur in 2018 and would include the replacement of Fingers H and I. Replacement of Finger H would involve in-kind replacement of the existing 322-foot-long finger with 40 35-foot-long slips and an 80-foot-long endtie. Replacement of Finger I would involve in-kind replacement of the existing 245-foot-long finger, 35 25-foot-long slips, and a 59-foot-long endtie. The existing concrete docking system for Fingers H and I covers an area of 9,376 square feet.

Phase 7: Phase 7 would occur in 2020 and would include the replacement of Finger F. Replacement of Finger F would involve the in-kind replacement of the existing 226-foot-long finger with 28 35-foot-long slips and a 76-foot-long endtie. Additionally, if the existing dry dock at the end of Finger F closes, four *new* 35-foot-long double berths providing eight slips would be added to the existing end tie on Finger F, supported by four new guide piles and four new mooring piles. The existing concrete docking system at Finger F covers an area of 3,456 square feet and the installation of the four new double berths would result in an additional 1,310 square feet of docks in this location.

Phase 8: Phase 8 would occur in 2022 and would include the replacement of Fingers E and G. Replacement of Finger E would involve the in-kind replacement of the existing 160-foot-long finger with 24 25-foot-long slips with a 57-foot-long endtie. Replacement of Finger F would involve the in-kind replacement of the existing 210-foot-long finger with 32 25-foot-long slips with a 56-foot-long endtie. The existing concrete docking system at Fingers E and G covers an area of 5,292 square feet.

Phase 9: Phase 9 would occur in 2024 and would include the replacement of Fingers C and D. Replacement of Finger C would involve the in-kind replacement of the existing 130-foot-long finger with twenty 25-foot-long slips with a 57-foot-long endtie. Replacement of Finger D would involve the in-kind replacement of the existing 220-foot-long finger with 28 35-foot-long slips with a 76-foot-long endtie. The existing concrete docking system at Fingers C and D covers an area of 5,378 square feet.

Phase 10: Phase 10 would occur in 2026 and would include the replacement of Fingers A and B. Replacement of Finger A would involve the in-kind replacement of the existing 155-foot-long finger with twenty 35-foot-long slips with a 77-foot-long endtie. Replacement of Finger B would involve the in-kind replacement of the existing 110-foot-long finger with 16 25-foot-long slips with a 56-foot-long endtie. The existing concrete docking system at Fingers C and D covers an area of 4,072 square feet.

For each phase, the existing dock system would be removed by a crane located on a floating barge. The crane would be stabilized by driving temporary “spuds” into the seafloor or by tying up to existing piles. The wood, concrete, steel, and utility conduits on the existing docks would be removed from the site and recycled when feasible. Existing piles would be left in place with the exception of those that are structurally deficient. New piles would be driven by a pile driving barge that would be stabilized in the same manner as the crane barge.

Once the docking system was removed, the new docking system would be installed. Sections of the new docking system would be fabricated off-site, assembled at the Harbor boat launch ramp or the City Pier, and then floated into place. Utilities would then be installed.

Vessels currently berthed at Marina One would be relocated within the Harbor. These vessels would be accommodated within slips that are empty due to temporary cancellations and within a portion of the visitor-serving boat slips. A minimum of 15 visitor-serving boat slips would be required to be maintained during construction of all phases of the project.

In addition to the dock replacement, the proposed project involves upgrading the electrical system at Marina One. The landside portions of this component of the project are within the City of Santa Barbara's permitting jurisdiction and will be approved through a Development Plan as indicated in the City of Santa Barbara Planning Commission's Resolution 048-07, approved on December 20, 2007. The electrical system upgrade would involve the construction of a 66-square-foot switchgear enclosure that would be added to the exterior and rear of the Waterfront Administration Building at 132 Harbor Way **(Exhibits 4 and 5)**. Underground service would be extended from the existing transformer in the parking lot, through a trench, to the switchgear enclosure. From the switchgear enclosure, electrical service would be extended through a trench to the Travel Lift Pier. From the Travel Lift Pier, a 300-foot-long submarine cable, placed on the seafloor north of and parallel to the existing fish float within the Commission's retained jurisdiction, would extend electrical services to the main switchboard serving the Marina One fingers. New utilities, including electrical, water, and telephone, would be installed on the Marina One docks during each phase.

The proposed project has been designed to maximize the safety and stability of the docking system and boat slips at Marina One. However, given that the docks would be constructed within the ocean, the project still has the potential to be subject to hazards associated with erosion, wave and tidal action, and flooding. Therefore, **Special Condition Eight (8)** has been included to require that City assume the risks of injury and damage associated with these potential hazards as they relate to the proposed replacement project and indemnify and hold harmless the Commission against any claims, damages, or costs associate with damage caused by such hazards.

B. DIKING, FILLING, AND DREDGING OPEN COASTAL WATERS

Section **30233** of the Coastal Act states:

> ***The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:***
>
> ***(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial facilities.***
>
> ***(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.***
>
> ***(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.***

(4) In open coastal waters, other then wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

The City of Santa Barbara Waterfront Department is proposing to replace the existing docks within Fingers A through P of Marina One in the Santa Barbara Harbor. In-kind replacement of the docks in their current size and configuration, as proposed, would not result in any additional placement of fill within coastal waters. However, the proposed project also involves the placement of new docks at Fingers F and P, resulting in an additional 2,260 square feet of concrete docking and the placement of 12 new pilings. Additionally, upgrading the existing electrical system that serves Marina One would involve the placement of a 300-foot-long submarine cable on seafloor. The new docks, pilings, and submarine cable would constitute fill in open coastal waters. Under Section 30233 of the Coastal Act, fill of open coastal waters is only allowed when the following criteria are met: a) the project must fall within one of the allowable use categories specified; b) the proposed project must be the least environmentally damaging alternative; and c) feasible mitigation measures to minimize adverse environmental effects must be provided.

Allowable Use. Section 30233(a)(4) of the Coastal Act states that fill of open coastal waters shall be permitted for the construction of new or expanded boating facilities. The proposed project meets this "allowable use" criteria because the fill would be placed to repair existing docks and services to these docks and construct new docks that would provide an additional 12 boat slips at an existing public boating facility.

Least Environmentally Damaging Alternative. The proposed replacement docks for Fingers A through P would be the same size and constructed in the same configuration and location as the existing docks at Marina One. There are two alternatives to this portion of the proposed project. The first alternative would be the "no project" alternative, which would allow for ongoing maintenance of the docks without a complete replacement of the docks. Under this alternative, the City would conduct simple maintenance repair activity only, which would slow, but not prevent further deterioration of the docks. Marine resources could be adversely impacted by this alternative as it would allow for the deteriorating structures to continue falling into disrepair, thus creating the potential for the docks to become unusable debris in the ocean.

The second alternative to the dock replacement would be to remove the deteriorating docks and install the new docks in a different configuration, size and location than what currently exists in the Harbor. This alternative could result in new impacts to benthic habitat as a result of driving new piles and could create new impacts to water volume, circulation and quality, thus impacting the biological resources within the Harbor. In-kind replacement of the existing docks is the least environmentally damaging alternative as it would be identical to the existing conditions and Marina One and would not cause any further impacts to marine resources.

The installation of the new dock additions at Fingers F and P would result in the placement of additional fill that does not currently exist in coastal waters at Marina One. While these new docks would result in shading, loss of water volume, and alteration of benthic habitat, the installation of these docks would only increase the total amount of dock, pile structure, and associated shading in the entire Harbor by less than one percent. Furthermore, the impacts associated with installing new docks would be minimized because the dock additions would extend from the endties of the existing docks, thereby minimizing the number of pilings necessary to secure the structures. The alternative to constructing the dock extensions from the existing endties would be to construct them in an entirely new location within the Harbor, separated from the existing berths. Construction of new boat slips in an area of the Harbor that is not currently utilized for boat docks would likely result in greater environmental impacts to coastal waters, including impacts to water quality and circulation, and to sensitive biological species.

The City analyzed five alternatives for upgrading the shoreside electrical system that serves Marina One. All of the alternatives involved the replacement of the existing transformer and construction of a structure to house the meter and switchgear equipment on land. Alternative 1 included trenching through the existing sidewalk located on top of the original breakwater and connecting to the switchboard on the main headwalk. While this alternative would not require the placement of any fill within coastal waters, it would require the removal of the existing concrete boardwalk and construction of a trench within the rocks of the 70 year old breakwater. Construction of a trench in the breakwater would need to be conducted by hand and would take approximately 2 months to complete, resulting in a loss of public access of the boardwalk during this time. Furthermore, trenching within the breakwater could compromise the structural integrity of the breakwater, resulting in catastrophic damage to the areas adjacent to the project site. For these reasons, Alternative 1 was determined to be infeasible.

Alternative 2 included the placement of a concrete encasement along the sand just north of the boardwalk adjacent to Marina One. This alternative would result in the permanent loss of beach access and for this reason was determined to be an inappropriate solution. Alternative 4 included the use of existing landside conduit and the construction of a 15-foot-high shed place on piles adjacent to the Marina One gangway. The placement of a shed in this proposed location would adversely impact the existing viewshed in the harbor. The City determined that this alternative would be infeasible given that it would not likely be approved by the Architectural Board of

Review due to its view impacts. Alternative 5 included the placement of a submarine cable across the harbor from just east of the launch ramp to the Marina One East Restroom. This alternative would involve the placement of the submarine cable within the federal channel in the Harbor, thus requiring excavation and burial of the cable to avoid impacts to this utility during dredging. The biological impacts of this alternative associated with the loss of benthic habitat would be more significant than any of the other alternatives.

Alternative 3, the proposed alternative for the project, involves the placement of a 300-foot-long submarine cable along the seafloor, parallel to the shoreline between the shore and the existing "fish float". Although the placement of this cable would cause a disturbance of benthic sediments within an approximately 1-foot-wide area along the entire cable route, the biological resources analysis prepared for the project determined that these impacts would be temporary, localized, and less than significant.

For the reasons described above, the proposed project is the least environmental damaging alternative to achieve the goals of the Waterfront Department for Marina One.

Feasible Mitigation Measures. Additionally, Section 30233 requires that where fill or alternations of coastal waters is allowed, feasible mitigation measures should be implemented to minimize adverse environmental effects. Specific mitigation measures to protect marine resources and water quality have been required in **Special Conditions Two (2), Three (3), Four (4), Five (5), and Six (6)** and are discussed in further detail in Sections IV-C and IV-D below.

For the reasons described above, the proposed project is an allowable use and is the least environmental damaging feasible alternative that includes mitigation measures to minimize environmental effects. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30233 of the Coastal Act.

C. MARINE RESOURCES AND ENVIRONMENTALLY SENSITIVE HABITAT AREA

Section **30240** of the Coastal Act 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 impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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 30240 of the Coastal Act requires that the proposed project avoid significant disruption to sensitive resources. Section 30230 of the Coastal Act states that uses of the marine environment should be carried out in such a way as to sustain the biological productivity of coastal waters.

Santa Barbara Harbor is identified in the City's certified Harbor Master Plan as a sensitive habitat area. Construction activities associated with the Marina One replacement project have the potential to cause temporary disturbances to organisms living in and on the ocean floor, in the water column, and in adjacent upland habitats. Several state or federal-listed species are known to use portions of the Harbor, at least on a seasonal basis. Western snowy plovers regularly utilize the harbor sand spit during winter, California brown pelicans are yearly residents and forage and roost within the Harbor and on the sand spit, California Least Terns utilize the Harbor after their breeding season during the months of July and August, California sea lions rest on buoys and other man-made structures just offshore from the Harbor, and harbor seals have been occasionally observed feeding within the Harbor. Additionally, the hard substrate of the existing docks and pilings in Marina One provide habitat for a variety of sessile invertebrate and algal species, including barnacles, sponges, mussels, and worms. These sessile communities serve as prey for birds, fish, and mobile invertebrates such as snails, crabs, starfish, shrimp, and isopods.

Avian Species

The Mitigated Negative Declaration for the project indicates that the majority of constructions activities, with the exception of pile driving, would not affect Western snowy plovers utilizing the sand spit as they are generally found on the ocean side of the breakwater (a minimum of 400 feet away from proposed project activities). Although the noise and vibration associated with pile driving has the potential to adversely impact the plovers, these construction activities would be intermittent and of short duration and impacts to plovers are expected to be local, short-term, and less than significant. Additionally, California brown pelicans utilize Santa Barbara Harbor throughout the year and are acclimated to periodic disturbances related to dredging and other activities. Disturbances to pelicans associated with the project would be short-term and less than significant.

California least terns utilize the harbor during their post-breeding period during July and August. Construction activities associated with the proposed project could adversely impact terns at the project site. In order to minimize the impacts of the project on post-breeding least terns, **Special Condition Three (3)** has been included to limit construction activities during the months of July and August to those activities that do

not require pile driving, towing, or the general use of heavy equipment that cause excessive noise, odors, or vibrations.

Marine Mammals

Pile driving activities have the potential to adversely impact marine mammals in or adjacent to the project site. The level of sound produced by pile driving is dependent on the type of piling being installed and the method of installation. Generally, steel piles driven by a percussion or drop hammer generate the highest sound levels. NOAA Fisheries has designated the peak level of sound recognized to harass and potentially injury marine mammals at 180 dB. Pile driving for the replacement project would occur for approximately 10 minutes per pile, with only a few piles being installed in each phase of the project. Small-size concrete piles would be installed and sound generated as a result of driving these piles would not exceed 180 dB. Additionally, it is likely that sea lions and harbor seals would avoid the project area during construction activities. Therefore, the proposed project would not adversely impact marine mammals at or adjacent to the Harbor.

Aquatic Vegetation

Demolition and driving of piles on the sea floor also has the potential to disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia*. *Caulerpa taxifolia* is a tropical green marine alga that spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. Because of toxins in its tissues, *Caulerpa taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *Caulerpa taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the Mediterranean[1]. Because of the grave risk to native habitats, in 1999, *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to

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[1] References:

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

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Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for Caulerpa species: Fates of fragments and implications for management of an invasive weed. Marine Ecology 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga Caulerpa taxifolia introduced to the Mediterranean Sea. Marine Ecology Progress Series 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga Caulerpa taxifolia introduced into the Mediterranean Sea. Marine Ecology Progress Series 146:145-153.

Gacia, E. C. Rodriquez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of Caulerpa taxifolia from the northwestern Mediterranean. Aquatic Botany 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga Caulerpa taxifolia introduced into the Mediterranean. Aquatic Botany 51:163-169.

sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50ºF. Although warmer southern California habitats are most vulnerable, until better information if available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several States, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* or other non-native invasive aquatic species are present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of *C. taxifolia* and other non-native species, **Special Condition Two (2)** has been included. Special Condition Two (2) requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia* and other non-native invasive aquatic species. If *C. taxifolia* or other non-native invasive aquatic species are present in the project area, no work may commence and the applicants shall immediately notify the Executive Director.

Additionally, pile driving and the installation of new docks could have the potential to impact eelgrass, if it is present at the project site. Eelgrass is a flowering plant that grows in estuaries and shallow coastal areas and provides habitat for foraging, breeding, and predator refuge for invertebrate and fish species. In addition to habitat and resource attributes, eelgrass serves beneficial physical roles by dampening wave and current action, trapping suspended particulates, and reducing erosion by stabilizing the sediment. Eelgrass beds also improve water clarity, cycle nutrients, and generate oxygen during daylight hours. In order to protect the biological and physical functions of eelgrass habitat, the Commission typically requires that applicants conduct pre-construction surveys for eelgrass for projects that have the potential to impact the seafloor. However, on April 13, 2006, the Commission issued CDP 4-05-155 to the City of Santa Barbara Harbor Department, which authorized the continuance of annual dredging of portions of the Santa Barbara Harbor along with other portions of the Santa Barbara Waterfront. The biological study conducted for this project did not identify any eelgrass beds or other sensitive aquatic vegetation on the seafloor of the Harbor. Based on the fact that eelgrass has not historically existed at the project site and that the benthic habitat at the Harbor is dredged and disturbed on a yearly basis to maintain access for boat traffic, it is not likely that there are currently any eelgrass beds present at the project site. Therefore, pre-construction surveys for eelgrass are not being required for the proposed Marina One project.

Invertebrate Species

Removal of dock sections and piles would result in temporary disturbance to the water column and a loss of marine organisms attached to these structures below the water surface. Disturbances to the water column are expected to be similar to those caused by normal boating activity within the Harbor. Impacts to plankton, fish, and birds will be temporary and are not expected to have any population impacts. While Marina One includes over 50 percent of the boat slips within the Harbor, less than 17 percent of the Marina One docks would be removed and replaced at any one time for each phase of the project; thus the amount of hard substrate removed and replaced in each phase would be a small portion of the total amount of this habitat present in the Harbor. Furthermore, the sessile communities are expected to recolonize the new docks prior to a subsequent phase of removal and replacement being initiated. Therefore, the project would not adversely impact the overall condition of these biological communities within the Harbor.

Resource Agency Approvals

Finally, in order to ensure that concerns regarding the proposed project have been addressed by the other State and Federal resource agencies with jurisdiction over the project site, **Special Condition One (1)** has been included to require that, prior to the commencement of the development authorized herein, the City submit approvals from agencies, such as the U.S. Army Corps of Engineers, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and California Department of Fish and Game for the proposed project.

For the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with 30230 and 30240 of the Coastal Act.

D. WATER QUALITY

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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.***

Section **30232** of the Coastal Act states:

> ***Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.***

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity and water quality of coastal waters. Section 30232 requires that protection from spillage of oil, gas, petroleum products, and other hazardous substances should be provided as part of any development associated with such materials.

The proposed Marina One replacement project would involve the removal and replacement of existing docks and any structurally deficient pilings and the installation of 2 new dock additions and 12 new pilings at Fingers F and P. Pile removal and installation, work barge stabilization, anchor setting and lifting, and propeller wash from vessels removing old dock sections and towing in new dock sections all have the potential to disturb bottom sediments, thereby suspending them into the water column and causing turbidity. Turbidity reduces the penetration of sunlight needed by aquatic vegetation, which translates to negative effects on plant establishment and overall productivity, which in turn impacts aquatic species that depend on such vegetation for food and cover. In addition, aquatic biota is affected by turbidity in the following ways: reduced visibility for visual predators such as birds and mammals; and inhibited feeding effectiveness for benthic filter feeding organisms.

The biological resources analysis prepared for the proposed project indicates that pile driving and removal would disturb bottom sediments within in a small area (a few square feet) and for a short duration. Turbidity plumes generated by pile driving and removal would be small and would dissipate rapidly (within hours) due to mixing with adjacent waters and settling of suspending sediments. Sediments that are suspended as a result of propeller wash would be similar to that caused by other vessel traffic within the Harbor. Impacts to water quality associated with turbidity are expected to be minimal. In order to ensure that the proposed project would not adversely impact water quality as a result of turbidity, **Special Condition Five (5)** has been added, requiring that the City deploy a silt curtain should significantly turbid conditions be generated during construction.

Use of construction materials that contain chemicals that could leach out into coastal waters would cause adverse impacts to water quality at the project site. **Special Condition Four (4)** has been included to ensure that the material used for construction of piers, berths, fingers or pilings does not contain toxins such as creosote and requires that the use of plastic wrapped pilings be according to specific criteria that is protective of water quality.

To ensure that water quality is protected during construction activities, **Special Condition Five (5)** has been included to require that construction material, debris, or other waste associated with project activities does not fall, wash, or blow into the water. Special Condition Five (5), requires that: (1) all construction materials, debris or other waste are placed or stored in areas that are not subject to wave erosion and dispersion; (2) floating booms be used to contain debris discharged into coastal waters; and (3) divers recover non-buoyant debris discharged into coastal waters as soon as possible after loss. Furthermore, Special Condition Five (5) requires that all construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours and disposed of at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material by a coastal development permit or other authorization from the Commission.

Furthermore, in order to protect water quality and biological resources in the project area, **Special Condition One (1)** has been included**,** which requires the review and approval of the project by other relevant state and federal agencies prior to commencement of construction.

The proposed reconstruction of the docks at Marina One has the potential to adversely impact coastal water quality through introduction of pollutants associated with boating activities. Potential sources of pollutants associated with boating activities such as chemicals, petroleum, cleaning agents and sewage result in potential adverse impacts to water quality in the Harbor and surrounding coastal waters. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. Such cumulative impacts can be minimized through the implementation of boating BMPs. Therefore, **Special Condition Six (6)** requires the City to implement to Best Management Practices (BMPs) that will protect water quality from the potential impacts associated with boating activity.

Furthermore, **Special Condition Six (6)** requires that all vessels berthed at Marina One dispose of any sewage at designated pumpout facilities. Currently, there are a total of five pumpout stations in the entire Harbor, three of which are located in Marina One.

Within Marina One, one pumpout station is located along the main headwalk between Fingers A and B, the second is located between Fingers P and Q, and the third is located between Fingers R and S. The two pumpout facilities at Fingers P – S would be available for use throughout the entire dock replacement project. The pumpout facility on the main headwalk would be unavailable for several weeks during construction of Phase 1. During the few weeks that the pumpout facility on the main headwalk in unavailable, vessel sewage disposal would be sufficiently accommodated by the remaining four pumpout stations within the Harbor. Furthermore, the five pumpout facilities are adequate to serve the current needs of Marina One and would be sufficient to accommodate the proposed expansion of an additional 12 berths at Fingers F and P.

For the reasons described above, the construction of proposed replacement project would not result in adverse impacts to coastal water quality. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

E. RECREATION

Section **30213** of the Coastal Act states (in part):

> ***Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.***

Section **30220** of the Coastal Act states:

> ***Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.***

Section **30224** of the Coastal Act states:

> ***Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.***

Section **30234** of the Coastal Act states:

> ***Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.***

Santa Barbara Harbor is a full-service public marina with approximately 1,133 boat slips available for public use. The proposed project would result in the in-kind replacement of 520 of the existing 592 boat slips within Marina One. Implementation of the proposed project would serve to significantly extend the life of the berthing facilities within Marina One, thereby protecting the existing recreational boating uses of the Harbor. Additionally, the proposed project would include the installation of an additional 12 boat slips on Fingers F and P. This minor expansion would accommodate additional recreational boaters by creating boat slips for eight 35-foot-long boats and four 40-foot-long boats. The proposed project would preserve and enhance the existing recreational uses at the Harbor. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231, 30220, 30224, and 30234 of the Coastal Act.

F. COASTAL 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.***

Section **30231** of the Coastal Act states, in part:

> ***Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Development providing public recreational opportunities are preferred.***

Sections 30210 and 30211 of the Coastal Act mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30231 of the Coastal Act requires that low-cost visitor-serving public access and recreational facilities be protected, encouraged and provided.

The proposed project involves the removal and replacement of a majority of the boat docks and the installation of two new dock extensions within Marina One in the Santa Barbara Harbor. The land and waterside areas of the Harbor provide recreational and public access opportunities. Public access on the land side of the project site includes the multi-use public access pathway or beachway that runs along the entire Santa Barbara shoreline. Additionally, Leadbetter Beach is directly west of the project site and provides the public with opportunities for both passive and active recreation activities such as walking, jogging, fishing, picnicking, and wildlife viewing. The proposed project would not have any impacts on the existing public access beachway or on Leadbetter

Beach, as most construction activities would occur within the water. The 66-square-foot housing for the electrical equipment would be constructed on land as an addition to the existing building at 132 Harbor Way and would not have any impacts on public access.

Public access on the water side of the project site is associated with boating activities. The Santa Barbara Harbor provides 1,133 boat slips that are available to all members of the public. Recreational boating provides a unique coastal public access experience, allowing members of the public to get physically on the ocean and view the surrounding shoreline and landscape from an alternative perspective. This public access experience can foster appreciation of the biological and physical features of the coastal environment and facilitates additional public access opportunities that are not available from land.

Currently, Marina One provides berthing opportunities for a variety of boat sizes ranging from 20 feet in length to over 100 feet in length, with the majority of boat slips measuring between 25 and 40 feet in length. The slip mix (number and size of various berths) at Marina One would not change as a result of the proposed project with the exception of the new dock additions at Fingers F and P, which would create 8 additional slips for 35-foot-long boats and 4 additional slips for 40-foot-long boats. Maintaining a diversified mix of boat slip sizes is essential for protecting public access boating activities at Marina One. Elimination of small boat berths would preclude the use of the marina by members of the public that cannot afford to own larger boats. The availability of berthing for smaller boats allows for the continuation of lower cost boating access within the Santa Barbara Harbor.

Currently, there are 30 designated visitor-serving boat slips available within Marina One. Additionally, as a result of temporary cancellations of slips by permanent slipholders, there are between 50 and 70 additional empty boat slips within the Harbor at any given time. During the proposed replacement project, resident boats that are displaced by dock removal would be relocated to empty slips within the Harbor. This would result in the relocation of approximately 50 boats for 2 to 3 months, every other year, for each phase of the project. Based on use data collected over the past year at Marina One, it appears that the number of empty slips available on a daily basis in the Harbor (between 85 and 105) should be sufficient to accommodate the relocation of the permanent slipholders (approximately 50 boats) while still providing availability to all visitor-serving boat slips (30 slips). However, in order to ensure that some low-cost, visitor-serving boat slips are available for visiting boaters, **Special Condition Four (4)** has been included to require that a minimum of 15 visitor-serving boat slips remain available during the construction phases of the proposed project. When feasible during construction, all 30 of the visitor-serving boat slips (the number of visitor-serving boat slips that are currently designated in Marina One) shall remain available. During the remainder of the year when construction is not occurring, 30 visitor-serving boats slips shall remain available for such uses. The locations for these boat slips are not specifically assigned and shall be provided within any available slip throughout Marina One. In order to inform visiting boaters of the potential impacts associated with project, the Waterfront Department would provide ample notice to the public regarding the pending construction by: publishing public notices in various boating publications such

as “The Log,” “Latitude 38,” “Santana,” etc.; posting notices on the marina gates at the Santa Barbara Harbor; and holding public meetings.

The addition of 12 new boat slips at Fingers F and P would increase the demand for parking at the Harbor. Currently, the harbor area has an estimated 2,043 available parking spaces. The Addendum to the Mitigated Negative Declaration for the proposed project states that there is ample reserve parking available within the harbor area and that the small increase in parking demand as a result of the 12 new slips would be accommodated with the existing adequate parking supply. Therefore, the proposed project would not result in any adverse impacts to public access parking adjacent to the project site.

Based on the fact that the project would not result in an intensification of use, and would not result in an adverse impact on coastal access (including shoreline pathways, beach access and parking), the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210 and 30211.

G. VISUAL RESOURCES

Section **30251** of the Coastal Act states, in part:

> ***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas.***

The Santa Barbara Harbor is located along the Santa Barbara waterfront and is visible from the multi-purpose public access shoreline pathway (beachway), Leadbetter Beach, Cabrillo Boulevard, and from public parking areas. Construction activities associated with the proposed project would include pile driving, removal of old docks, and installation of new docks. During construction, impacts to visual resources associated with construction work and equipment would occur; however, these impacts would be temporary in nature. Once the new docks are in place, they would rest on the surface of the water and would not block any views to or along the coast. The proposed project would not result in any permanent impacts to views. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with 30251 of the Coastal Act.

H. LOCAL COASTAL PROGRAM

The proposed project area lies within City of Santa Barbara, but falls within the Commission’s area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the City of Santa Barbara (Land Use Plan and Implementation Ordinances) and the Harbor Master Plan, which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

I. CEQA

Section 13096(a) 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 conditioned 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 a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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 all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, 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. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact 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.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

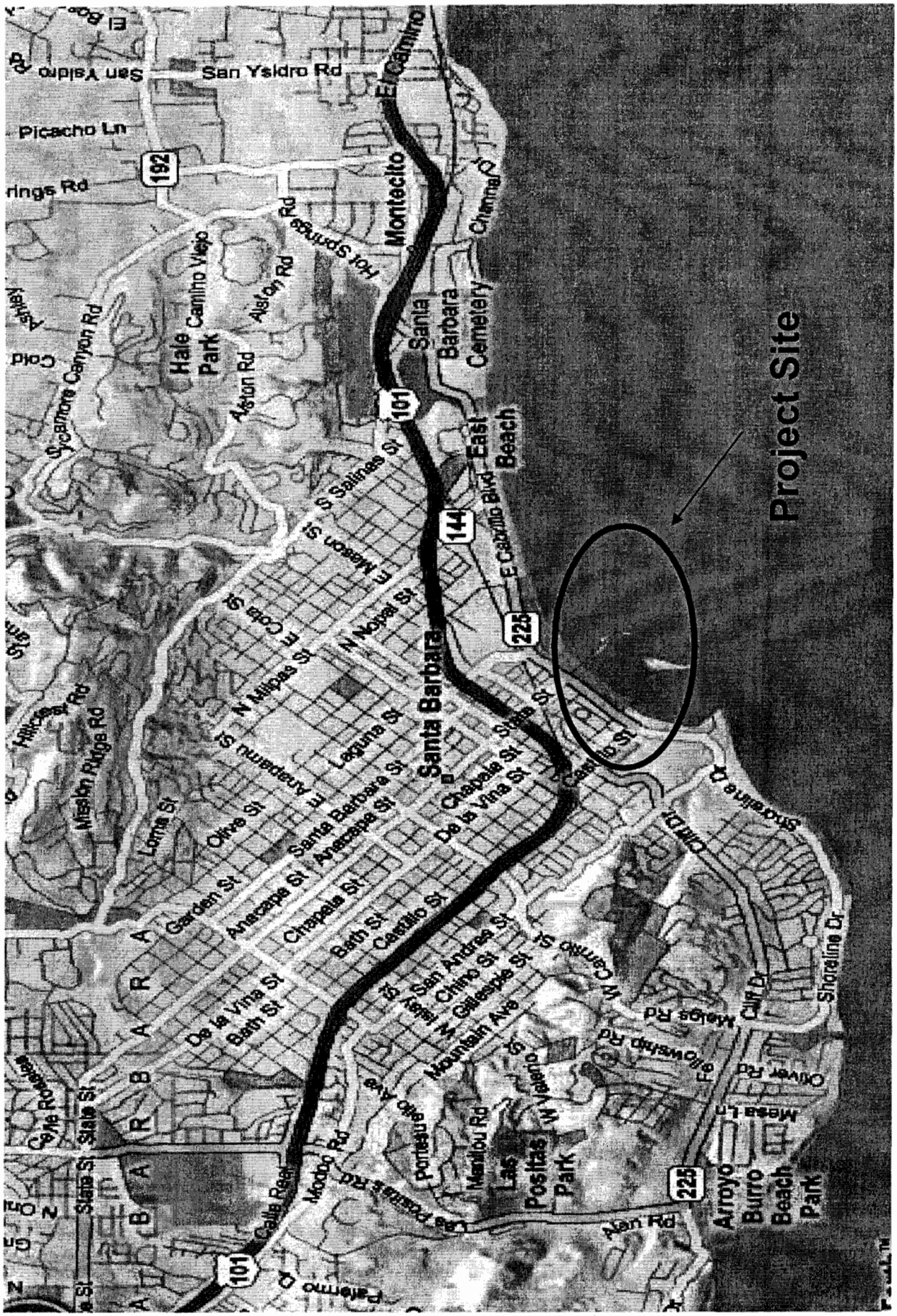


EXHIBIT 1
CDP 4-07-124 (City of SB)
Vicinity Map

NO SCALE

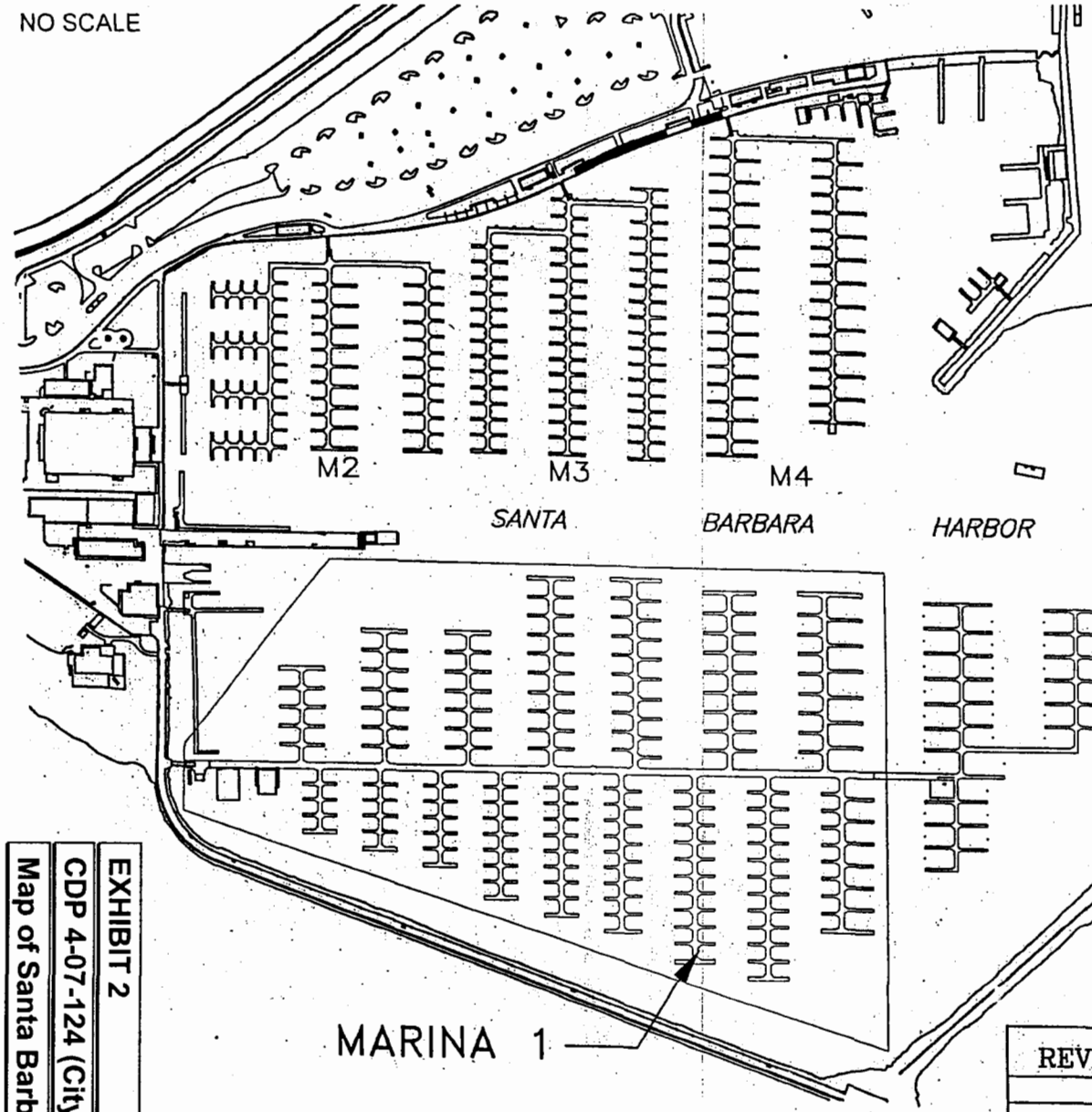


Exhibit A
Location and Site Map

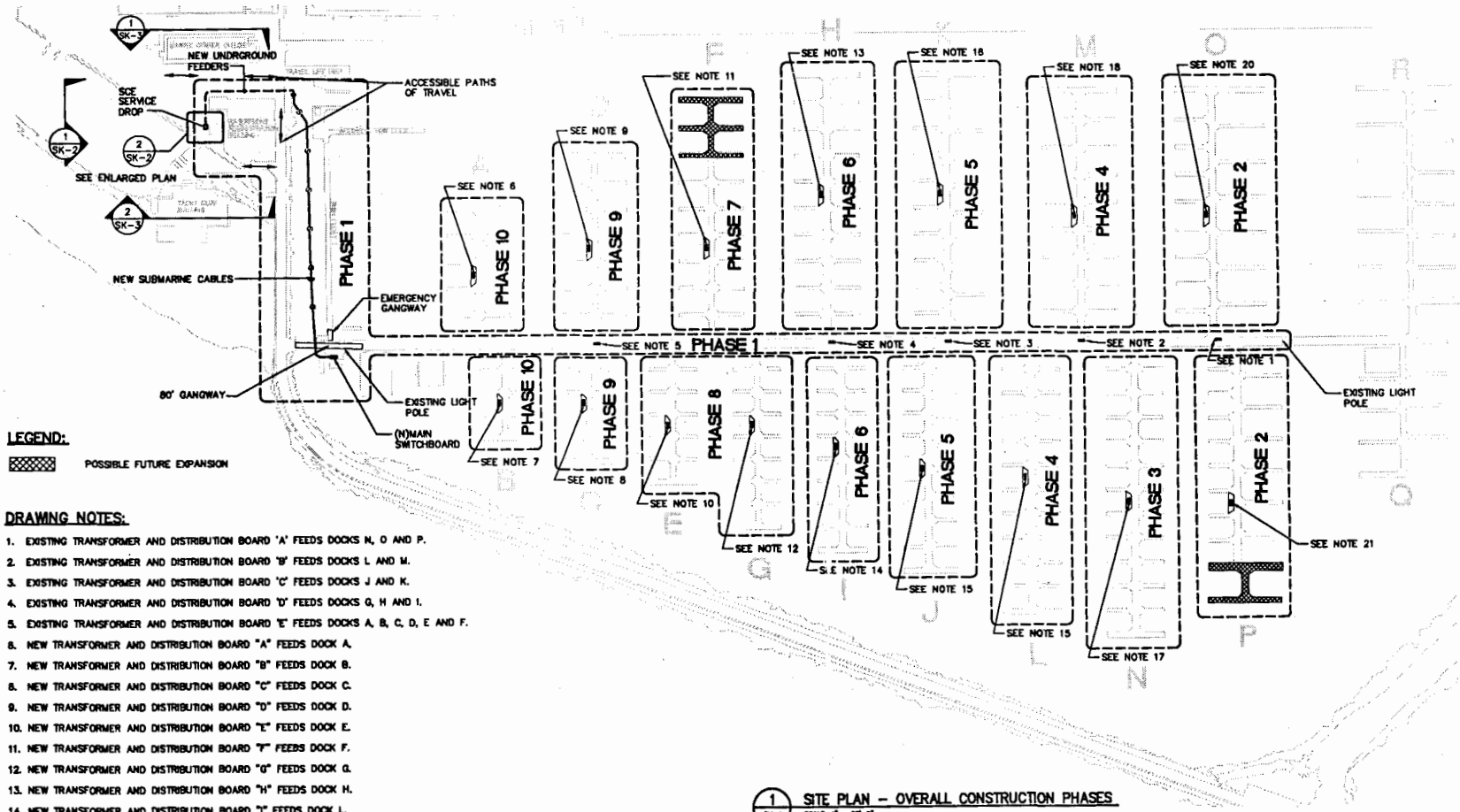
G15-01.7
City of Santa Barbara

EXHIBIT 2
CDP 4-07-124 (City of SB)
Map of Santa Barbara Harbor

REVISIONS	MARINA 1 VICINITY MAP		
	1" = 300'	K. Treiberg	T. Lawler
	1/29/2007	Santa Barbara Harbor	Marina 1
	City of Santa Barbara Waterfront Department		1 of 1

is solely for purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor onstrued to as a waiver or limitation of any state interest in the subject or any other property.

GK



LEGEND:

POSSIBLE FUTURE EXPANSION

DRAWING NOTES:

1. EXISTING TRANSFORMER AND DISTRIBUTION BOARD 'A' FEEDS DOCKS N, O AND P.
2. EXISTING TRANSFORMER AND DISTRIBUTION BOARD 'B' FEEDS DOCKS L AND M.
3. EXISTING TRANSFORMER AND DISTRIBUTION BOARD 'C' FEEDS DOCKS J AND K.
4. EXISTING TRANSFORMER AND DISTRIBUTION BOARD 'D' FEEDS DOCKS G, H AND I.
5. EXISTING TRANSFORMER AND DISTRIBUTION BOARD 'E' FEEDS DOCKS A, B, C, D, E AND F.
6. NEW TRANSFORMER AND DISTRIBUTION BOARD "A" FEEDS DOCK A.
7. NEW TRANSFORMER AND DISTRIBUTION BOARD "B" FEEDS DOCK B.
8. NEW TRANSFORMER AND DISTRIBUTION BOARD "C" FEEDS DOCK C.
9. NEW TRANSFORMER AND DISTRIBUTION BOARD "D" FEEDS DOCK D.
10. NEW TRANSFORMER AND DISTRIBUTION BOARD "E" FEEDS DOCK E.
11. NEW TRANSFORMER AND DISTRIBUTION BOARD "F" FEEDS DOCK F.
12. NEW TRANSFORMER AND DISTRIBUTION BOARD "G" FEEDS DOCK G.
13. NEW TRANSFORMER AND DISTRIBUTION BOARD "H" FEEDS DOCK H.
14. NEW TRANSFORMER AND DISTRIBUTION BOARD "I" FEEDS DOCK I.
15. NEW TRANSFORMER AND DISTRIBUTION BOARD "J" FEEDS DOCK J.
16. NEW TRANSFORMER AND DISTRIBUTION BOARD "K" FEEDS DOCK K.
17. NEW TRANSFORMER AND DISTRIBUTION BOARD "L" FEEDS DOCK L.
18. NEW TRANSFORMER AND DISTRIBUTION BOARD "M" FEEDS DOCK M.
19. NEW TRANSFORMER AND DISTRIBUTION BOARD "N" FEEDS DOCK N.
20. NEW TRANSFORMER AND DISTRIBUTION BOARD "O" FEEDS DOCK O.
21. NEW TRANSFORMER AND DISTRIBUTION BOARD "P" FEEDS DOCK P.

1 / SK-1 SITE PLAN – OVERALL CONSTRUCTION PHASES
SCALE: 1" = 60'-0"

ESTIMATED CONSTRUCTION SCHEDULE

DESCRIPTION	CONSTRUCTION DATE
PHASE 1	4TH QUARTER OF 2007
PHASE 2	2nd QUARTER OF 2009
PHASE 3	2nd QUARTER OF 20011
PHASE 4	2nd QUARTER OF 201?
PHASE 5	2nd QUARTER OF 201?
PHASE 6	2nd QUARTER OF 201?
PHASE 7	2nd QUARTER OF 201?
PHASE 8	2nd QUARTER OF 202?
PHASE 9	2nd QUARTER OF 202?
PHASE 10	2nd QUARTER OF 202?

PRELIMINARY

GRAPHIC SCALE: 1" = 60'

CASH & ASSOCIATES
(714)895-2072
JOB# 30990099

DESCRIPTION	DATE	APPROVED
REVISIONS		

DESIGN
DRAWN
CHECKED DAC
TRAN. PL.
TRAN. END
ATLAS

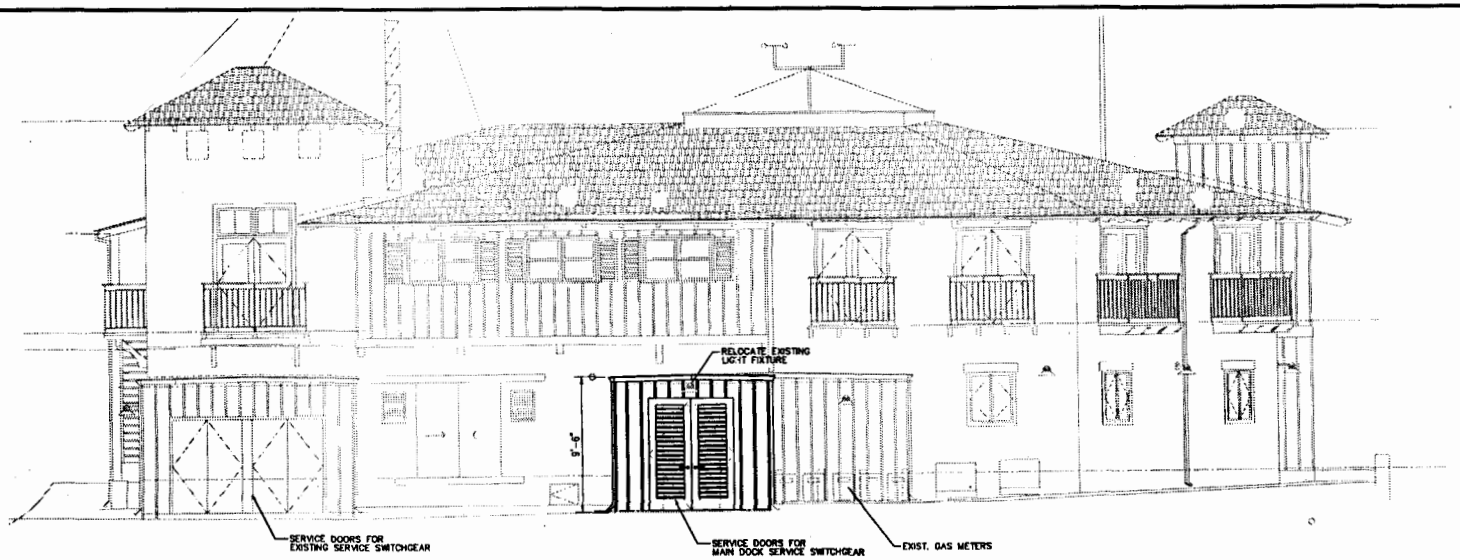
PROJECT ENGINEER DATE

OVERALL CONSTRUCTION PHASES
CITY OF SANTA BARBARA WATERFRONT PROJECT
MARINA 1 HEADWALK REPLACEMENT

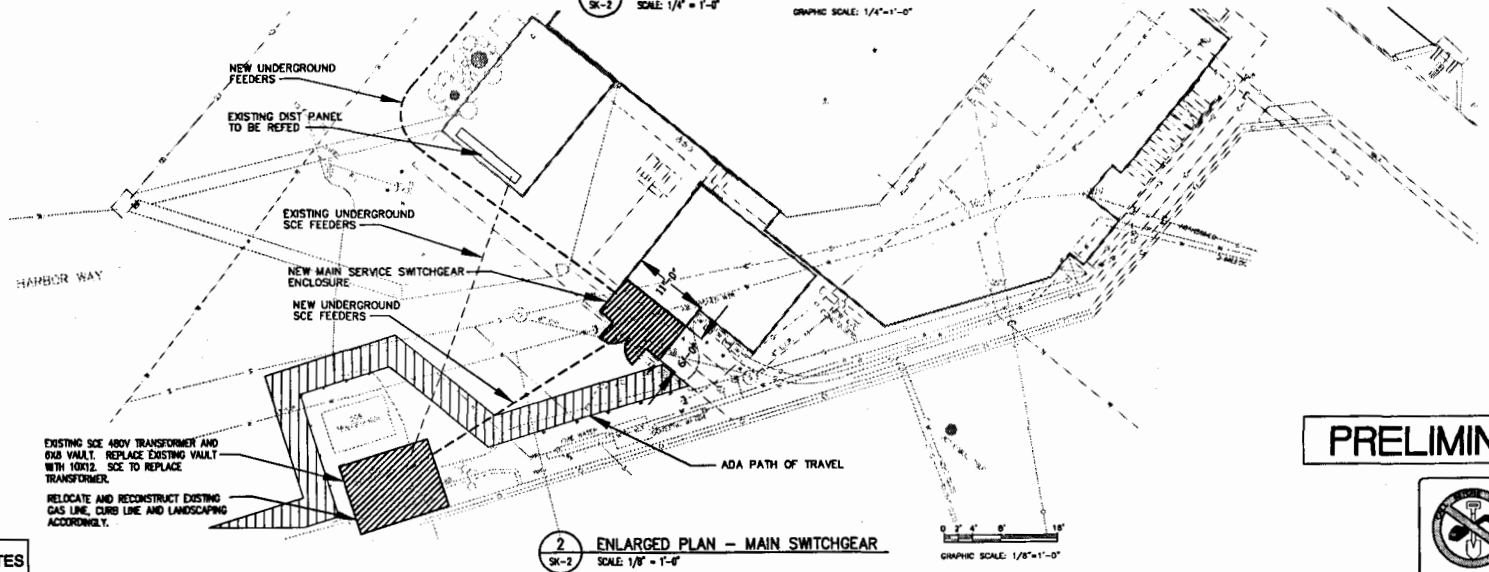
CITY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT-ENGINEERING DIVISION
APPROVED:
CITY ENGINEER DATE JO

DWG NO. SK-1
PROJ. NO.
SHT. OF SHTS
ARCH NO.
SHEET NO.

EXHIBIT 3
CDP 4-07-124 (City of SB)
Site Plan/Project Phasing



1 SK-2 WEST ELEVATION
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4"=1'-0"



2 SK-2 ENLARGED PLAN – MAIN SWITCHGEAR
SCALE: 1/8" = 1'-0"
GRAPHIC SCALE: 1/8"=1'-0"

PRELIMINARY

Underground Service Alert
Call: TOLL FREE 1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG

CASH & ASSOCIATES
(714)895-2072
JOB# 30990099

DESCRIPTION	DATE	APPROVED
REVISIONS		

DESIGN
DRAWN
CHECKED DAC
TRANS. PL.
TRANS. ENGR.
ATLAS

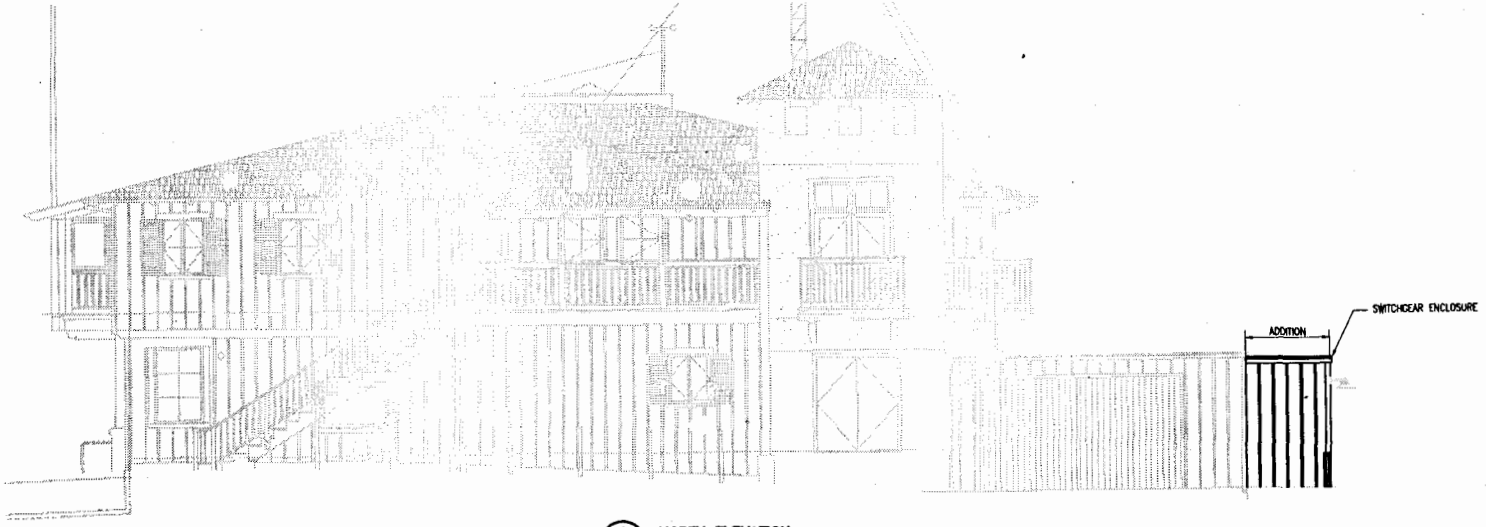
PROJECT ENGINEER DATE

ENLARGED PLAN & MAIN SWITCHGEAR WEST ELEVATION
CITY OF SANTA BARBARA WATERFRONT PROJECT
MARINA 1 HEADWALK REPLACEMENT

CITY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT-ENGINEERING DIVISION
APPROVED:
CITY ENGINEER DATE 20

DWG NO. SK-2
ARCH. NO.
PROJ. NO.
SHT. OF SHTS.
SHEET. NO.

EXHIBIT 4
CDP 4-07-124 (City of SB)
Switchgear West Elevation and Plan



1 / SK-3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

2 / SK-3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PRELIMINARY

0 1' 2' 4' 8'
GRAPHIC SCALE: 1/4"=1'-0"

ASH & ASSOCIATES
(714)895-2072
JOB# 30990099

DESCRIPTION	DATE	APPROVED
REVISIONS		

DESIGN
DRAWN
CHECKED DAC
TRAN. PL. —
TRAN. ENG —
ATLAS

PROJECT ENGINEER DATE

MAIN SWITCHGEAR NORTH & SOUTH ELEVATION
CITY OF SANTA BARBARA WATERFRONT PROJECT
MARINA 1 HEADWALK REPLACEMENT

CITY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT-ENGINEERING DIVISION
APPROVED :
CITY ENGINEER DATE ,20

DWG NO. SK-3
PROJ. NO
SHT OF SHTS
ARCH NO
SHEET NO

EXHIBIT 5
CDP 4-07-124 (City of SB)
Switchgear North and South Elevations