

**CALIFORNIA COASTAL COMMISSION**

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# Item W12b

## **STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-10-037

**APPLICANT:** City of Santa Barbara, Waterfront Department

**PROJECT LOCATION:** Santa Barbara Harbor, 301 W. Cabrillo Blvd., City of Santa Barbara (APN 033-120-018)

**PROJECT DESCRIPTION:** Removal and replacement of three concrete slab launch ramp lanes (10,010 sq. ft total replacement area) of an existing 21,600 sq. ft. launch ramp facility to restore three lanes for a total of 7 useable launch ramp lanes, installation of an 8 ft. by 100 ft. articulated floating dock on the east side of the launch ramp, and replacement of 25 cu. yds. of rip-rap at the toe of the launch ramp.

**MOTION & RESOLUTION:** Page 3

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### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed development **with six (6) special conditions** regarding: (1) assumption of risk, (2) indemnification, (3) construction timing and sensitive bird species surveys, (4) construction materials, (5) timing, operations, and maintenance responsibilities, and (6) approval of resource agencies.

The City of Santa Barbara Waterfront Department is proposing to remove and replace 3 launch ramp lanes (10,010 sq. ft. of a 21,600 sq. ft. area) within the existing concrete 7 lane launch ramp footprint. Four of the existing lanes were restored in 2001 and the three lanes to be restored have been out of use since approximately 2005. The section of concrete to be replaced on the east side of the launch ramp area is approximately 72 ft. wide and 70 ft. long (5,040 sq. ft.) and will be used for non-motorized water vessel launching. The section of concrete on the west side of the launch ramp to be replaced is approximately 30-32 ft. wide and 70-91 ft. long, (total area of 4,970 sq. ft.) will consist of two launch lanes for motorized vessels. The applicant also proposes to add an 8 ft. by 100 ft. floating dock to the eastern launch ramp area and proposes to replace up to 25 cu. yds. of existing rip-rap at the toe of the ramp.

Special conditions have been included herein to minimize impacts from the proposed project on biological resources and water quality. **Special Condition Three (3)** requires the applicant to conduct pre-construction bird surveys. **Special Conditions Four (4)** and **Five (5)** require the applicant to implement construction timing and maintenance and operational responsibilities, as well as to use building materials that do not contain creosote. Additionally, **Special Condition One (1)** requires the applicant to assume the risks related to building in areas subject to coastal hazards and wave action and **Special Condition Two (2)** requires indemnification by the applicant. **Special Condition Six (6)** requires the applicant to obtain any other necessary approvals from resource agencies, including the U.S. Army Corps of Engineers and the Regional Water Quality Control Board.

**PROCEDURAL NOTE:**

Submerged tidelands of the Santa Barbara Harbor have been legislatively granted to the City of Santa Barbara through the State Lands Commission. Therefore, the proposed project does not require review and approval of the State Lands Commission. However, because the project is located seaward of the mean high tide line, the project is subject to the retained original coastal permit jurisdiction of the Coastal 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. Parcel Map
  - Exhibit 3. Project Plans
  - Exhibit 4. Project Plans- West Side Repair Area
  - Exhibit 5. Project Plans- East Side Repair Area
  - Exhibit 6. Site Photo- West Side Repair Area
  - Exhibit 7. Site Photo- East Side Repair Area
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**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit No. 4-97-151;  
Coastal Development Permit No. 4-00-227.

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## I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 4-10-037 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.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

### 1. **Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, flooding, and/or sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

***Prior to issuance of the Coastal Development Permit,*** the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

## **2. Indemnification by Applicant**

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

## **3. Construction Timing and Sensitive Bird Species Surveys**

For any construction activities between February 15th and September 1<sup>st</sup>, the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct sensitive bird species surveys and monitor project operations associated with all construction activities:

At least 30 calendar days prior to commencement of any construction activities, the applicant shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. The applicant shall ensure that the environmental resources specialist, with experience in conducting bird surveys, shall conduct bird surveys 30 calendar days prior to the listed activities to detect any active bird nests in all trees within 500 feet of the project site. A follow-up survey must be conducted 3 calendar days prior to the initiation of construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.
- B. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 500 ft. of construction activities, the applicant shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 at the nest (s) site. If construction noise exceeds a peak level of 65 dB at the nest (s) site, sound mitigation measures such as sound shields, blankets around smaller equipment,

mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 500 ft. of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

- C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found, the applicant shall notify the appropriate State and Federal Agencies within 24 hours, and shall develop an appropriate action specific to each incident. The applicant shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

#### **4. Construction Materials**

Material used for construction of the floating dock shall not include timber preserved with creosote (or similar petroleum-derived products). Any materials proposed to be used as part of the dock that are 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. Plastics used to protect concrete or timber docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway.

#### **5. Timing, Operations, and Maintenance Responsibilities**

- A. It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:
- (1) All project activities, with the exception of monitoring, shall occur Monday through Friday, excluding state holidays. No work shall occur on Saturday or Sunday. The Executive Director may authorize work outside of this time frame for good cause.
  - (2) Staging areas shall be used only during active construction operations and will not be used to store materials or equipment between operations, should construction operations cease for a period of 14 days or more.
  - (3) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
  - (4) Construction equipment shall not be cleaned in public areas.
  - (5) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

- (6) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- (7) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

## **6. Agency 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, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The City of Santa Barbara Waterfront Department is proposing to remove and replace 3 deteriorated launch ramp lanes (10,010 sq. ft. of a 21,600 sq. ft. area) within the existing concrete 7 lane launch ramp footprint. Four existing lanes were restored in 2001 and the three other lanes to be restored have been out of use since approximately 2005. The section of concrete to be replaced on the east side of the launch ramp area is approximately 72 ft. wide and 70 ft. long (5,040 sq. ft.) and will be used for non-motorized water vessel launching. The section of concrete on the west side of the launch ramp to be replaced is approximately 30-32 ft. wide and 70-91 ft. long, (total area of 4,970 sq. ft.) will consist of two launch lanes for motorized vessels. The applicant also proposes to add an 8 ft. by 100 ft. floating dock to the eastern launch ramp area and proposes to replace up to 25 cu. yds. of existing rip-rap at the toe of the ramp to maintain traction so the boat wheels do not slide off the bottom of the launch ramp. (Exhibits 3-7)

The project site is the Santa Barbara Harbor launch ramp located on the shoreline within the east side of the Santa Barbara Harbor. (Exhibit 1) Boats on trailers access the launch ramp site from Shoreline Drive and Harbor Way, traveling through the harbor

parking lot to the Sea Landing area where the launch ramp is located. The existing launch ramp facility is comprised of four driveable, grooved concrete boat launching lanes (each 18 ft. wide and 91 ft. long), and two boarding floats. The existing driveable launch ramp lanes and boarding floats were reconstructed in 2001 pursuant to Coastal Development Permit No. 4-00-227.

The launch ramp is adjacent to a large trailer parking lot which serves the Harbor's commercial and recreational boaters. (Exhibits 2-3). The project site will be accessed for construction from the adjacent trailer parking lot located directly north of the launch ramp apron. The adjacent parking lot is the proposed location for the construction staging area. The new concrete for launch ramp replacement is pre-cast off-site in individual sections and then placed on the launch ramp with a crane or large excavator. No concrete will be poured on site with the possible exception of a ramp to the new boarding float for the non-powered watercraft well above the waterline (MHHW) at the easterly side of the launch ramp. The launch ramp area demolition and replacement is proposed to be constructed in two phases, the eastern portion and the western portion, to allow four launch ramp lanes to remain open at all times. Construction of the launch ramp area is proposed to occur Monday through Friday from 7am to 4pm and will not take place on holidays or weekends. Construction of each phase is proposed to take approximately 3 weeks.

The applicant proposes to install informational signage at the launch ramp area. One sign will be placed at the east portion of the launch ramp area, near the coin-opp hose bib. Another sign will be placed at the west end of the launch ramp, near another coin-opp hose bib. The signs will describe the project and project timing and identify areas where public access to the launch ramp is available. Additionally, as part of the project, the applicant also proposes to implement a construction and maintenance responsibilities plan and proposes to dispose of all demolition and construction debris at an appropriate disposal location outside of the coastal zone, described below.

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications (See also 14 C.C.R. §13055(e)). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application, should such a defense be necessary. Consistent with Section 30620(c), the Commission imposes **Special Condition Two (2)**, requiring reimbursement of any costs and attorneys fees the Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee challenging the approval or issuance of this permit.

## **B. MARINE RESOURCES**

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.***

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 than 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.**

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. Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The applicant proposes removal and replacement of 3 deteriorated concrete launch ramp lanes (10,010 sq. ft. of a 21,600 sq. ft. area) within the existing concrete 7 lane launch ramp footprint. Four existing lanes, restored in 2001, will remain in place. The section of concrete to be replaced on the east side of the launch ramp area is approximately 72 ft. wide and 70 ft. long (5,040 sq. ft.) and will be used for non-motorized water vessel launching. The section of concrete on the west side of the launch ramp to be replaced is approximately 30-32 ft. wide and 70-91 ft. long, (total area of 4,970 sq. ft.) will consist of two launch lanes for motorized vessels. The applicant also proposes to add an 8 ft. by 100 ft. floating dock to the eastern launch ramp area and proposes to replace up to 25 cu. yds. of existing rip-rap at the toe of the ramp to maintain traction so the boat wheels do not slide off the bottom of the launch ramp. No pile driving is proposed.

#### Water Quality

Construction activity within and near the marine environment, such as that required for the proposed project, could result in the potential generation of debris and or presence of equipment, materials, and hazardous substances that could be subject to tidal action and runoff into the marine environment. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to

beachgoers or swimmers and sensitive marine organisms if construction site materials were discharged into the marine environment or left unsafely exposed. In addition, discharges to the marine environment could result in adverse effects to marine habitat from increased turbidity caused by erosion and siltation in the harbor waters. 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. In this case, impacts to water quality associated with turbidity due to the demolition and replacement of concrete and a small area of rip rap are expected to be minimal.

However, the applicant has proposed to implement construction and maintenance responsibilities to minimize impacts to water quality from construction operations. The City's proposed measures include the following: all construction materials, debris or other waste must be placed or stored in areas that are not subject to wave erosion and dispersion; all construction material will be removed from the site within ten days of construction, machinery or materials not essential for construction will not be placed in subtidal or intertidal zones, if turbid conditions are generated during construction, a silt curtain will be used, floating booms are proposed to be used to contain debris discharged into coastal waters; and divers are proposed to recover non-buoyant debris discharged into coastal waters as soon as possible after loss. Furthermore, the City proposes to properly contain all construction debris, sediment, or trash and remove such trash from construction areas at the end of each construction day and dispose of the trash at a debris disposal site outside of the coastal zone, and enclose and cover all stock pile areas and construction materials. In order to insure that the proposed construction and maintenance responsibilities are adequately implemented, **Special Condition Five (5)**, Timing, Operations, and Maintenance responsibilities, is required. Additionally, use of construction materials that contain chemicals that could leach out into coastal waters have the potential to cause adverse impacts to water quality at the project site. **Special Condition Four (4)** is required to ensure that the material used for construction does not contain toxins such as creosote that could have detrimental impacts to water quality.

#### Aquatic Vegetation

In addition to impacts to water quality, construction activities associated with the proposed project have the potential to cause temporary disturbances to organisms living in and on the ocean floor and in the water column. Although the project will involve some construction within the marine environment to replace portions of the existing launch ramp and rip-rap area, the applicant is not proposing to increase the footprint of development. Seafloor disturbance could potentially impact eelgrass, if present. 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. In this case, however, eelgrass is not anticipated to be present at the project site. As part of a recent Coastal Development Permit in the Santa Barbara Harbor, approved by the Commission for replacement of Marina One (CDP No. 4-07-124) in 2008, no eelgrass or other sensitive aquatic vegetation was found on the seafloor within the Harbor. Furthermore, the Santa Barbara Harbor is dredged on a yearly basis to maintain access for boat traffic, pursuant to a valid Coastal Development Permit (CDP No. 4-05-155), disturbing benthic habitat. Biological studies conducted as part of the dredging activities have found that eelgrass has not historically existed at the project site. Therefore, no pre-construction eelgrass surveys are required as part of the proposed project.

Additionally, surveys for the recent Marina One project at Santa Barbara Harbor (CDP No. 4-07-124) did not find *Caluерpa taxifolia* or Japanese kelp or other non-native invasive aquatic species in Santa Barbara Harbor. *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 Commission typically requires a pre-construction and post-construction survey for *C. Taxifolia* because any project that disturbs the sea bottom could cause the spread of *C. Taxifolia* by dispersing viable tissue fragments. Given the findings of surveys in the area, in this case, no special conditions are required regarding surveys for *C. Taxifolia* because it is unlikely that any of this species is present at the project site.

### Avian Species

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, and California Least Terns utilize the Harbor after their breeding season during the months of July and August. Least terns and Snowy plovers have been observed foraging on West Beach, adjacent to the eastern side of the launch ramp area. Finally, there is a row of large non-native shrubs and trees along the edge of the adjacent parking lot which are available for nesting or roosting by birds in proximity to the project site. Herons and other bird species have been observed in this area.

The proposed project has the potential to impact nearby bird nesting and roosting habitat of California Least Terns and other species that have been identified adjacent to the eastern side of the launch ramp within 300 ft of the proposed development. To minimize potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and activity, including noise, **Special Condition Three (3)** requires the applicant to retain the services of a qualified biologist or environmental resource specialist to conduct sensitive bird species surveys and monitor project operations associated with construction activities that will take place between February 15<sup>th</sup> and September 1<sup>st</sup>. **Special Condition Three (3)** also requires bird surveys to be conducted 30 calendar days prior to the listed activities to detect any

active bird nests in all shrubs or trees within 500 feet of the project site and requires a follow-up survey to be conducted 3 calendar days prior to the initiation of construction. Further, nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 500 ft. of construction activities, the applicant is required to retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist is required to monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 at the nest (s) site. If construction noise exceeds a peak level of 65 dB at the nest (s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 500 ft. of the nesting trees/areas shall cease and may not recommence until either new sound mitigation can be employed or nesting is complete. Additionally, **Special Condition Three (3)** requires the applicant to notify the appropriate State and Federal Agencies within 24 hours, including the Coastal Commission, of the discovery of an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor, and take action to mitigate any further disturbance specific to each agency's requirements.

#### Allowable Use

Coastal Act Section 30233 allows the diking, filling, or dredging of open coastal waters, for certain uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Here, the proposed project will serve to restore and maintain an existing 7 lane public boat launching facility, which is an allowable use as a recreational boating facility. Furthermore, the project will not result in any additional fill of coastal waters as the replacement ramps will occupy the same footprint as the existing facility. Finally, as conditioned herein, the proposed project will minimize potential adverse effects of the proposed project on the marine environment.

#### 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 Six (6)** has been included to require that the City receive all required 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 Sections 30230, 30231, 30232, and 30233 of the Coastal Act.

## C. COASTAL ACCESS AND RECREATION

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 **30213** 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.***

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.***

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 30213 of the Coastal Act requires that low-cost visitor-serving public access and recreational facilities be protected, encouraged and provided. Sections 30220, 30224, and 30234 protect and promote recreational boating and commercial fishing facilities.

The Santa Barbara Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. The subject launch ramp contains seven launching lanes (four lanes that have been previously replaced and are in good condition, and three lanes that are deteriorated and no longer useable by the public) and two floating docks and is the only coastal public small boat launching facility between Morro Bay and Ventura Harbor. The applicant proposes removal and replacement of the 3 deteriorated concrete launch ramp lanes (10,010 sq. ft. of a 21,600 sq. ft. area) within the existing concrete 7 lane launch ramp footprint. Four existing lanes, restored in 2001, will remain in place. The section of concrete to be replaced on the east side of the launch ramp area is approximately 72 ft. wide and 70 ft. long (5,040 sq. ft.) and will be used for non-motorized water vessel launching. The section of concrete on the west side of the launch ramp to be replaced is approximately 30-32 ft. wide and 70-91 ft. long, (total area of 4,970 sq. ft.) will consist of two launch lanes for motorized vessels. The applicant also proposes to add an 8 ft. by 100 ft. floating dock to the eastern launch ramp area and proposes to replace up to 25 cu. yds. of existing rip-rap at the toe of the ramp.

The applicant proposes to install informational signage at the launch ramp area and to maintain public access to the four useable lanes of the launch ramp during construction. One sign will be placed at the east portion of the launch ramp area, near the coin-opp hose bib. Another sign will be placed at the west end of the launch ramp, near another coin-opp hose bib. The signs will describe the project and project timing and identify areas where public access to the launch ramp is available. As described above, the three lane launch ramp demolition and replacement is proposed to be constructed in two phases and the four existing restored public launch ramp lanes will remain open at all times for public use. Construction of the launch ramp area is proposed to occur Monday through Friday from 7am to 4pm and will not take place on holidays or weekends. Construction of each phase is proposed to take approximately three weeks. Thus, impacts to public access of the launch ramp will be minimized to the maximum extent feasible during the construction process.

Further, the purpose of the proposed project is to replace and upgrade the deteriorated portions of the existing boat launch within the existing footprint in order to better serve the public. Implementation of the proposed project would serve to significantly extend the life of the public launch ramp, thereby protecting the existing recreational boating

uses within the Harbor. Upon completion of the proposed project, the upgraded facility will continue to accommodate commercial and recreational fishing and boating.

Therefore, the Commission finds that the proposed project will protect public access and recreation and is consistent with Coastal Act Sections 30210, 30211, 30213, 30220, 30224, and 30234 of the Coastal Act.

## D. COASTAL HAZARDS

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

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

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The project is located within the inner portion of Santa Barbara harbor. The Harbor is a protected water area and is therefore not regularly subject to potentially damaging wave action. However, winter storm conditions can generate waves within the inner portions of the Santa Barbara Harbor which could cause damage to boating support facilities, including the public launch ramp and associated facilities. Therefore, **Special Condition One (1)** requires the applicant to acknowledge that the site may be subject to hazards from ocean waves and tides and the applicant waives any future claims of liability against the Commission or its successors in interest for damage from such hazards.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Coastal Act Section 30253.

## E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

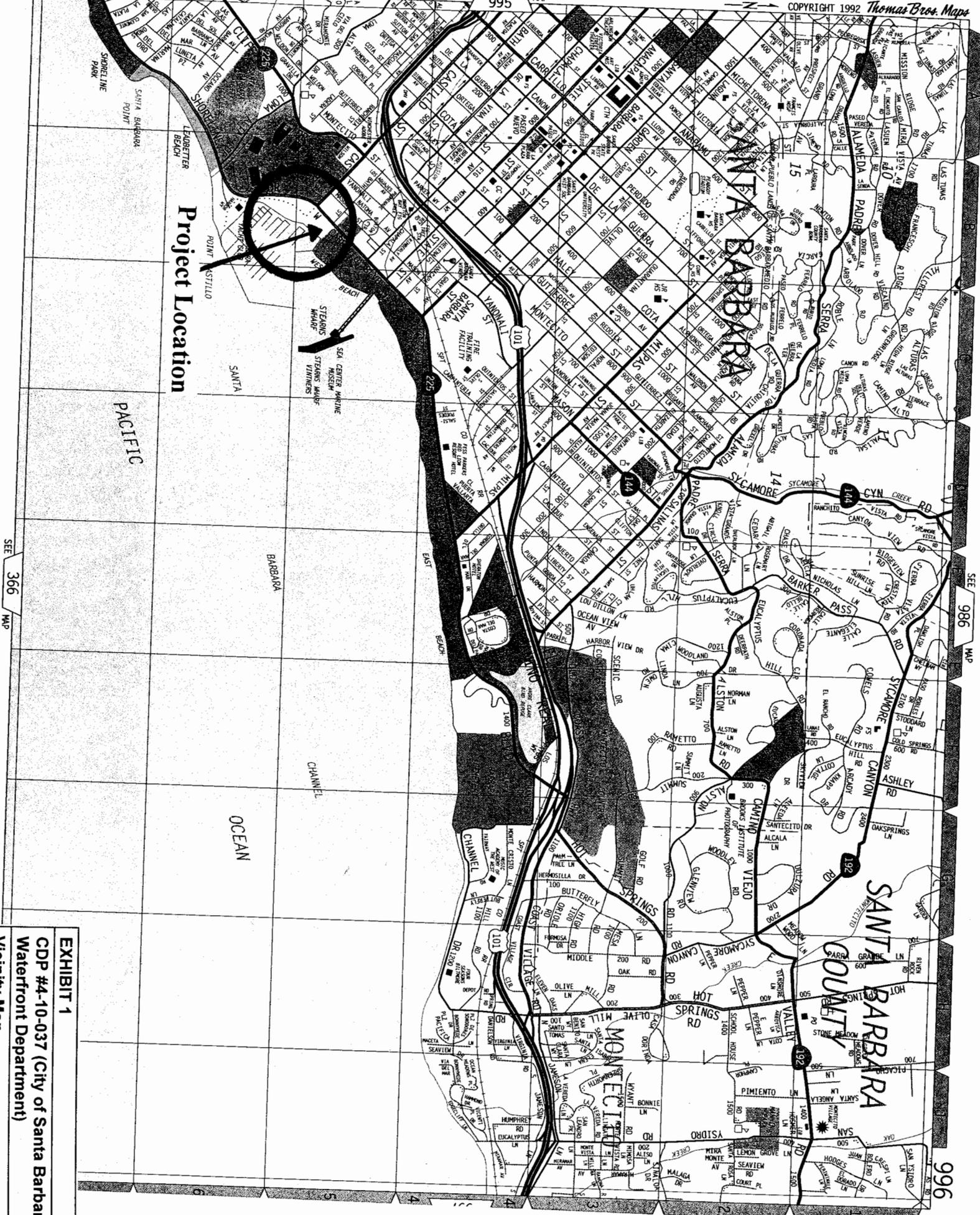
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

**Special Conditions 1 through 6**

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.



Project Location

PACIFIC

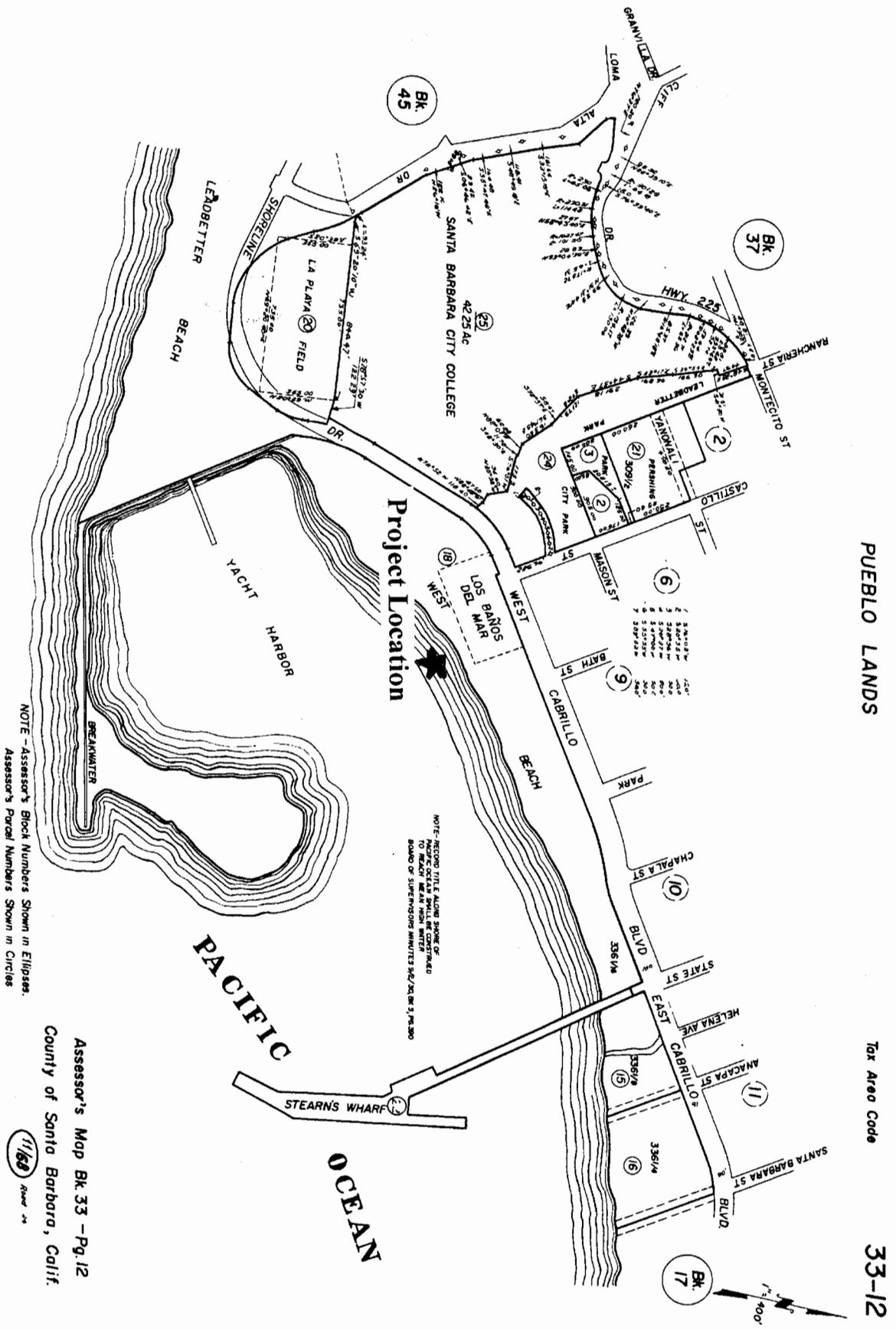
OCEAN

SEE 366 MAP

SEE 986 MAP

996

EXHIBIT 1  
 CDP #4-10-037 (City of Santa Barbara  
 Waterfront Department)  
 Vicinity Map



NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles

NOTE - RECORD TITLE ALONG SHORE OF  
TO BEACH WITH HIGH WATER  
BOARD OF SUPERVISING MEMBERS 3/6/2001 BY S. P. 2000

Assessor's Map Bk 33 - Pg. 12  
County of Santa Barbara, Calif.

11/68

PUEBLO LANDS

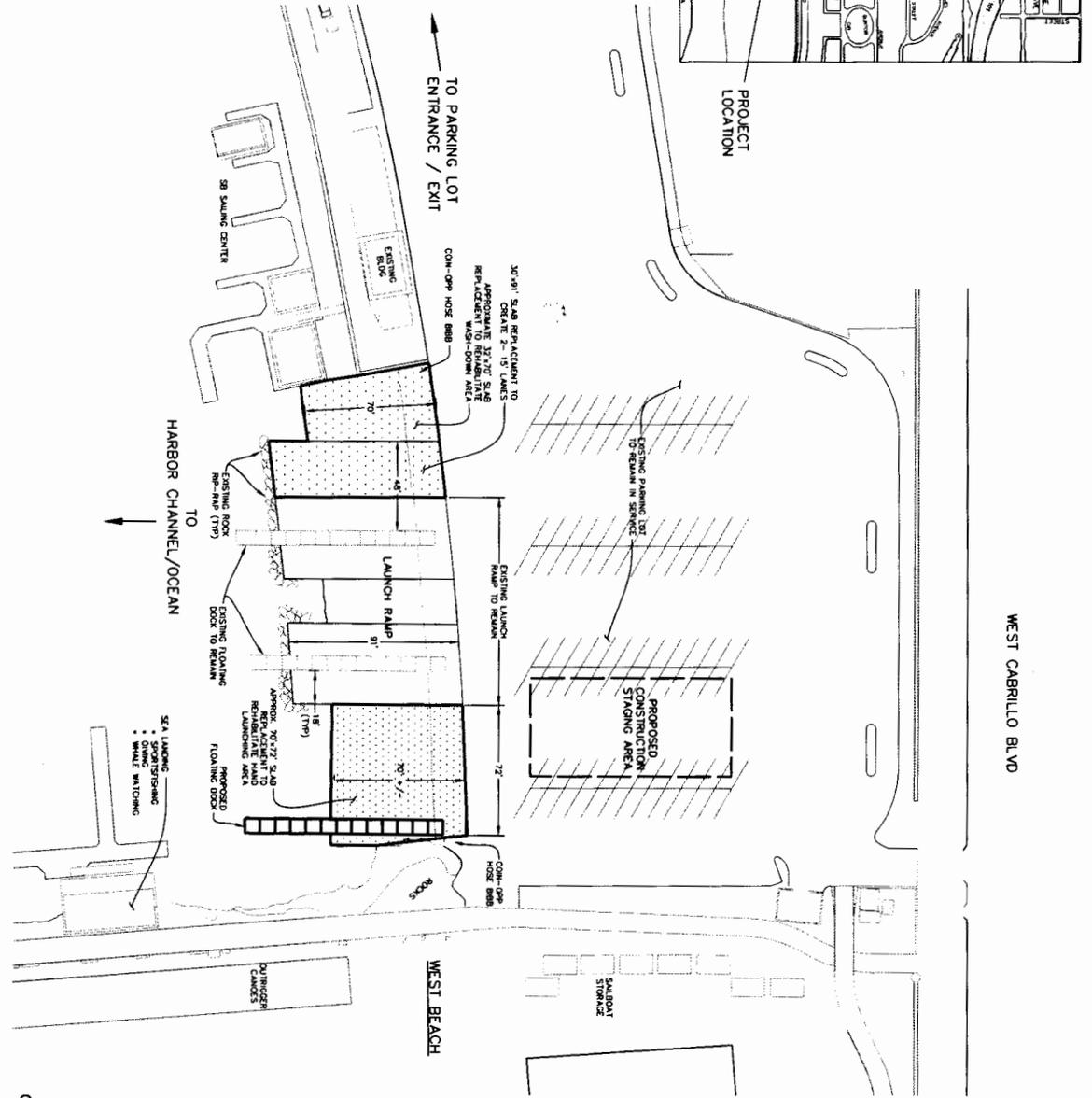
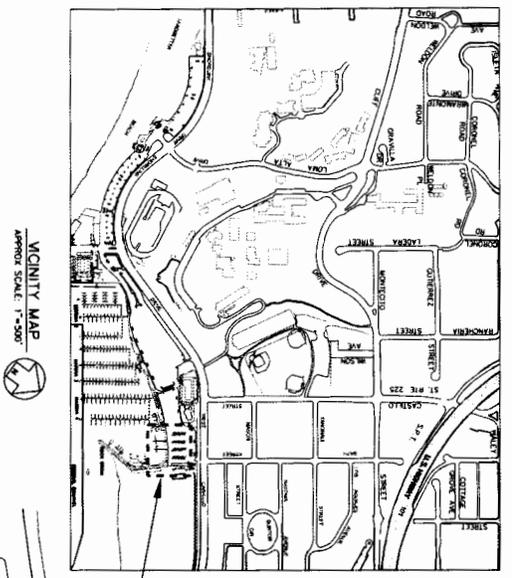
Tax Area Code

33-12

EXHIBIT 2  
CDP #4-10-037 (City of Santa Barbara  
Waterfront Department)  
Parcel Map



**LEGEND**  
 Dotted line: EXISTING DISCONTINUED CONCRETE TO BE REPLACED



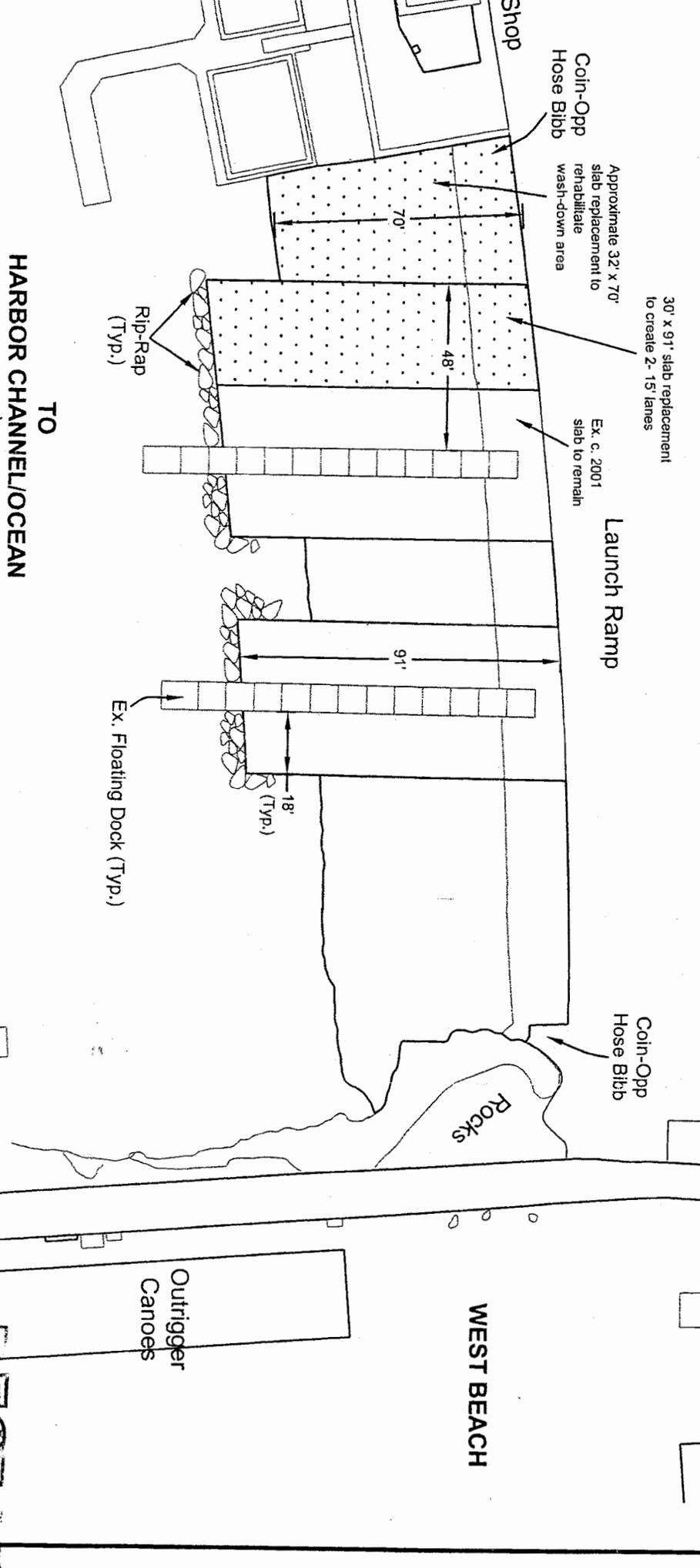
WEST CABRILLO BLVD

WEST BEACH

HARBOR CHANNEL/OCEAN TO

CITY OF SANTA BARBARA  
 Waterfront Department  
 Launch Ramp Projects  
 Existing & Proposed Projects  
 June 2010

**EXHIBIT 3**  
**CDP #4-10-037 (City of Santa Barbara)**  
**Waterfront Department)**  
**Site Plan**



30' x 91' slab replacement to create 2-15 lanes

Approximate 32' x 70' slab replacement to rehabilitate wash-down area

Ex. c. 2001 slab to remain

Launch Ramp

Coin-Opp Hose Bibb

Rocks

WEST BEACH

Outrigger Canoes

Ex. Floating Dock (Typ.)

Rip-Rap (Typ.)

TO HARBOR CHANNEL/OCEAN

- Sea Landing
- Sportsfishing
  - Diving
  - Whale watching

RECEIVED  
MAY 11 2010

CALIFORNIA COAST COMMISSION  
SOUTH CENTRAL COAST DIST

EXHIBIT A

City of Santa Barbara  
Waterfront Department  
Boat Launching Ramp Proposal  
January 2010

EXHIBIT 4
CDP #4-10-037 (City of Santa Barbara Waterfront Department)
Site Plan- West Side Launch Repair Area

PARKING LOT

Launch Ramp

Coin-Opp  
Hose Bibb

Shop

Rip-Rap  
(Typ.)

TO

HARBOR CHANNEL/OCEAN

9'1"

Ex. Floating Dock (Typ.)

18'  
(Typ.)

Proposed  
Floating Dock

72'

70' +/-

Coin-Opp  
Hose Bibb

Rocks

- Sea Landing
- Sportsfishing
- Diving
- Whale watching

WEST BEACH

Outrigger  
Canoes

**RECEIVED**  
MAY 11 2010

CALIFORNIA  
COAST GUARDS  
SOUTH CENTRAL COAST

CITY OF SANTA BARBARA  
Waterfront Departmer  
Boating Trails Facilit

Grant Proposi:  
January 200

EXHIBIT 5

CDP #4-10-037 (City of Santa Barbara  
Waterfront Department)

Site Plan- East Side Launch Repair Area



Harbor Launch Ramp – Northwest Elevation

**EXHIBIT 6**

**CDP #4-10-037 (City of Santa Barbara  
Waterfront Department)**

**Site Photo- West Side Repair Area**



**Harbor Launch Ramp – East Elevation  
Boating Trails Portion**

**EXHIBIT 7**

**CDP #4-10-037 (City of Santa Barbara  
Waterfront Department)**

**Site Photo- East Side Repair Area**