

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142



Th 4e

Filed: 8/22/97  
49th Day: 10/10/97  
180th Day: 2/18/98  
Staff: MHC  
Staff Report: 9/17/97  
Hearing Date: 10/9-12/97  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-163

APPLICANT: Santa Barbara County Parks Department AGENT: Coleen Lund

PROJECT LOCATION: Between Eucalyptus Lane to Fernald Point, 350 feet  
offshore, Santa Barbara CountyPROJECT DESCRIPTION: Seasonal Placement of swim buoys between May and October  
of each year

Lot area:	Not applicable
Building coverage:	Not applicable
Pavement coverage:	Not applicable
Zoning:	None
Plan designation:	None
Project density:	Not applicable
Ht abv fin grade:	Not applicable

LOCAL APPROVALS RECEIVED: Santa Barbara County Resolution No. 86-475

SUBSTANTIVE FILE DOCUMENTS: Application 4-97-163

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. U.S. Army Corps of Engineers 404 Permit

Prior to the issuance of a Coastal Development Permit for the project, the applicant shall provide the Executive Director of the Commission with a valid 404 Permit from the U.S. Army Corps of Engineers for the project.

2. State Lands Commission Authorization

Prior to issuance of a Coastal Development Permit for the project, the applicant shall submit a written determination from the State Land Commission that:

- (a) No state lands are involved in the development; or
- (b) State lands are involved in the development, and all permits required by the State Lands Comm Commission have been obtained; or
- (c) State lands may be involved in the development, but pending a final determination of state land involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

#### IV. Findings and Declarations.

##### 1. Project Description

The Santa Barbara County Parks Department is proposing to place 15 swim buoys along a 3,300 stretch of beach approximately 350 feet offshore, beginning at the south end of Eucalyptus Lane and extending east to Fernald Point. The buoys would be placed approximately 235 feet apart and installed in May and removed in October of each year. The purpose of the buoys is to demark areas which are reserved for swimmers and and off-limits to motorized boats and jet-skis. (See Exhibits 1 and 2.)

The buoys are necessary to implement the enforcement of "Special Use Area" regulations established under the powers granted to the County by Section 660 of the California Harbors and Navigation Code. Similar "Special Use Areas" have been established in near shore waters adjacent to four County beaches and off Sandyland Cove, and have been approved by the Commission in 1984, 1985, and 1986. (Coastal Development Permits #4-84-1576; 4-85-192; and 4-86-193)

##### 2. Coastal Issues

###### Public Access and Recreation

The area between Eucalyptus Lane and Fernald Point, known as Miramar Beach, is a popular coastal recreational area. The near-shore waters along the beach are used by significant numbers of swimmers, divers, surfers, jet skiers and boaters. An existing vertical coastal accessway is located at the end of Eucalyptus Lane. This accessway, constructed in part from State Coastal Conservancy funds, makes Miramar Beach a desirable area for divers, fisherpersons, and jet skiers, all which require the transportation of equipment to the waters edge.

PRC Section 30210 provides that:

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.

PRC Section 30214 provides, in part, that:

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and

manner of public access depending on the facts and circumstances in each case including, but limited to the following:

(2) The capacity of the site to sustain use and at what level of intensity.

PRC Section 30220 provides that:

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

The proposed buoy line creating a "Special Use Area" would prohibit jet skis and other motorized boating uses within the near-shore waters along Miramar Beach. In originally approving the project in 1986, the County concluded that jet skis and other motorized boating uses in the area posed a hazard to ocean swimmers and surfers. The Coastal Commission concurred with this assessment and granted a Coastal Development Permit 4-86-193 for the project.

Jet skiing and similar recreational boating activities are water-dependent recreational activities protected by PRC Section 30220. Jet skiers value the opportunity to ride near-shore surf as well as in the open ocean. Recreational fisherpersons in motorized boats often fish the near-shore area. Water skiers are drawn to the Miramar Beach by its calm waters. These recreational activities are protected by Section 4 of Article X of the State's Constitution.

If uncontrolled, however, such activities can endanger other water-dependent recreational activities such as swimmers and divers, as well as intrude into the privacy of adjacent lands. PRC Sections 30210 and 30214 require the consideration of these factors in the implementation of the Coastal Acts public access policies.

The purpose of the proposed buoys and related "Special Use Area" designation is to provide a safe separation between ocean swimmers, surfers, and bathers, and motorized boats and jet skis. An existing launching area and corridor for small boats, and jet-skiers, sited at the foot of the Eucalyptus Lane will not be impacted by the proposal. The "Special Use Area" delineated by the placement of buoys should reduce the risk of injury or death from the operation of motorized ocean vessels in an area of Miramar Beach that is heavily utilized by swimmers, surfers, and divers, fisherpersons, as well as sailing, rowing, and other non-motorized ocean vessels. The configuration and aerial extent of the "Special Use Area" delimited by the proposed buoys is tailored to protect these recreational activities, without excessively limiting the other types of motorized recreational activities.

Because the placement of buoys is over state-lands, authorization from the State Lands Commission is required to ensure compliance with the protection of the State interest in these lands. Additionally, placement of the buoys will require review by the U.S. Army Corps of Engineers. Special Conditions #1 and #2 require the applicant provide the Commission with evidence of having received from both the State Land Commission and the U.S. Army Corps of Engineers necessary authorization prior to the issuance of the Coastal Development Permit.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30210, 30214, and 30220.

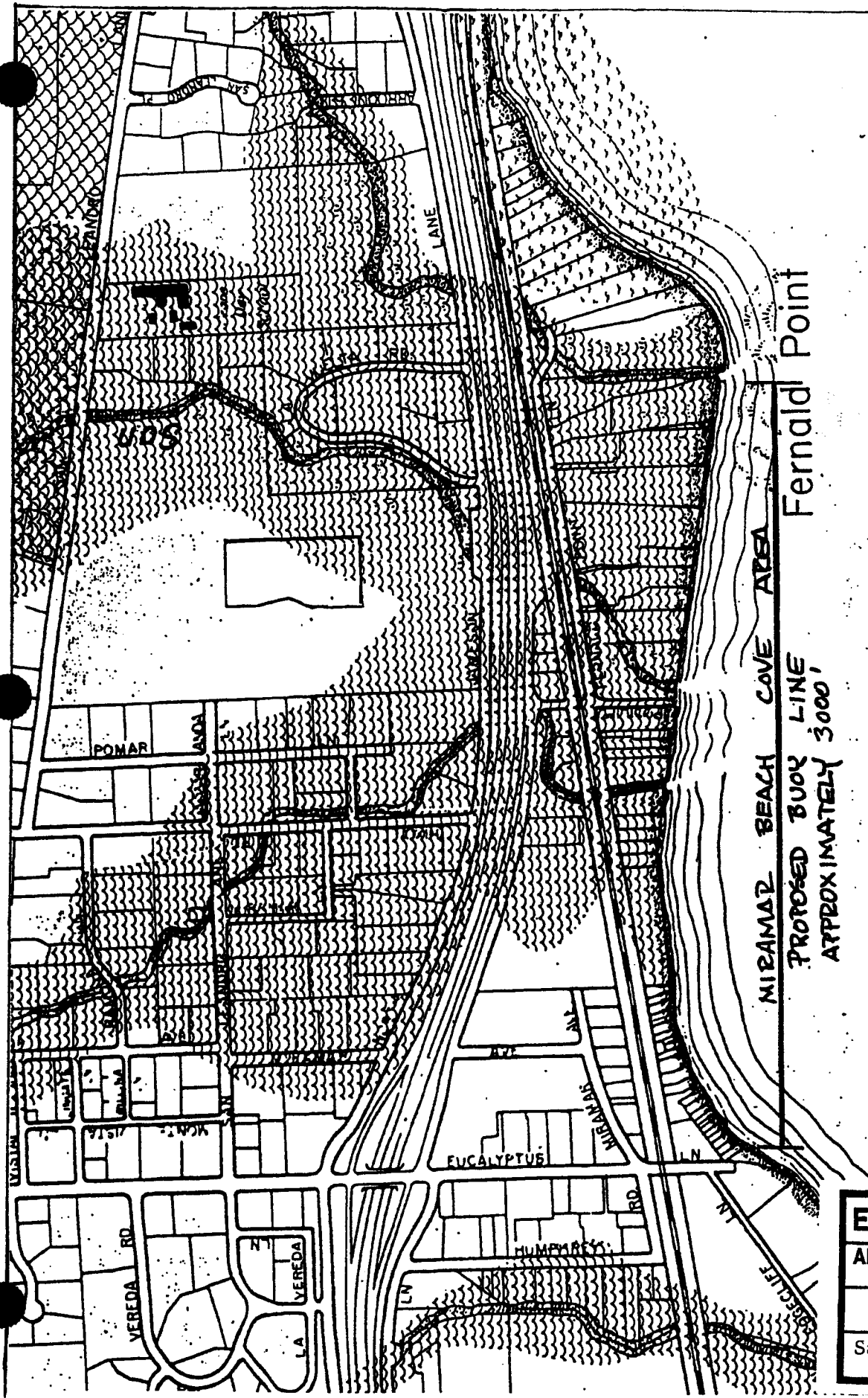
V. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impacts which the activity would have on the environment.

The proposed development, as conditioned, would not cause significant adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

8131A





MIRAMAR BEACH COVE AREA  
 PROPOSED BUOY LINE  
 APPROXIMATELY 3000'  
 Fernald Point

SCALE 1" = 500'

EXHIBIT NO. 2
APPLICATION NO.
4-97-163
Santa Barbara Co. PK