

## CALIFORNIA COASTAL COMMISSION

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



Filed: 3/27/98  
49th Day: 5/15/98  
180th Day: 9/27/98  
Staff: MHC *ja*  
Staff Report: 4/22/98  
Hearing Date: 5/12-15/98  
Commission Action: Final

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-066

APPLICANT: City of Santa Barbara      AGENT: John Bridley

PROJECT LOCATION: Santa Barbara Harbor, City of Santa Barbara

PROJECT DESCRIPTION: Expansion of existing Marina Facilities at Santa Barbara Harbor: Addition of 67-69 slips at Marina One, and 7 slips to Marina Four, including the installation of 89 concrete piles and a total of 17,200 square feet of floating docks, and related submarine utility lines.

Zoning:                    HC/PRC/SD-3 Harbor Commercial/Park Recreation & Coastal Overlay Zone  
Plan designation:       Harbor/Beach  
Project density:        N/A  
Ht abv fin grade:      12 feet above MLLW

LOCAL APPROVALS RECEIVED: Mitigated Negative Declaration ENV96-0209

SUBSTANTIVE FILE DOCUMENTS: Final Biological Resources Analysis: Santa Barbara Harbor Marina One & Marina Four Expansion (Science Applications International corporation, August 1997); Final Water Quality Evaluation : Santa Barbara Harbor Marina One and Marina Four Expansion (Science Application International Corporation, August 1997); Preliminary Geotechnical Engineering Report: Marina One Expansion and Dredged Mooring Facilities, Santa Barbara Harbor (Fugro West, Inc., July 1996); Wave Penetration and Harbor Agitation in Santa Barbara Harbor: Summary Report (Moffatt & Nichol Engineers, May 1996); Report of Off Shore Sediment Sampling and Testing Services: Maintenance Dredging Santa Barbara Harbor, Santa Barbara, CA (Pacific Materials Laboratory September 27, 1996); U.S. Army Corps of Engineers Section 10 and Section 404 Permit #97-50152-TS

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the Coastal Act. Staff recommends special conditions regarding timing of construction and waiver of liability for ocean related hazards.

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, is located between the sea and the first public road nearest the shoreline, 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, 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 this permit is reported to the Commission. 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. Construction Timing

Construction activities during the months of July and August shall be limited to those which do not require pile driving, towing, or the general use of heavy equipment which cause noise, odors, or vibrations which could disturb post-breeding activities of the California least tern.

2. Waiver of Liability

Prior to the issuance of the coastal development Permit, the applicant shall submit a written document, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazards from storm waves, wave runup, erosion and or flooding and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project Background

The Santa Barbara Harbor is the only sheltered harbor along 127 miles stretch of coast bounded on the north by Port San Luis and on the south by the Ventura Marina. The Santa Barbara Harbor currently has 1064 boat slips, including 12 moorings in the area of Marina One. The Santa Barbara Harbor supports a commercial fishing fleet as well as commercial recreational boat use, including boat rentals and charters, and private recreational boating and sailboarding.

The proposed expansion of Marina One was planned and specifically provided for in the Santa Barbara Harbor Master Plan which was incorporated into the City of Santa Barbara Local Coastal Program as part of LCP Amendment 2-95 certified by the Commission

The submerged state tidelands of the Santa Barbara Harbor area have been legislatively granted to the City of Santa Barbara through the State Lands Commission. However, because the the proposed 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. (Exhibits 1 and 2.)

2. Project Description

The project consists of expanding marina facilities at the Santa Barbara Harbor. Marina One would be expanded to accommodate an additional 67-69 new boat slips. Construction of the 67-69 slips in Marina One would entail the installation of 80 concrete piles, 67-69 utility boxes and related utility lines, the installation of 15,900 square feet of floating dock, and the

construction of new restroom facilities. The area proposed for expansion of Marina One with is currently used for boat mooring and has been subject to dredging in the past. The "O" Finger Dock in Marina One, consisting of approximately 23 slips, would also be replaced.

The project also includes the expansion of Marina Four to accommodate seven new boat slips. Construction of this element of the project would include the installation of 9 concrete piles, seven utility boxes, and the installation of 1,300 square feet of floating dock. The area proposed for expansion of Marina Four is adjacent to an end-tie where several boats can be side-tied several abreast. (Exhibits 3 and 5.)

The proposed project will be accessed from the public parking area off of Shoreline Drive via Harbor Way. The proposed project would be supported by the existing parking supply in the Harbor area. No new road or parking facilities would be constructed in conjunction with the proposed project.

The allocation of new slips would be in accordance with the certified Harbor Master Plan and existing adopted City policy which provides that approximately 19% of the slips in the Harbor be allocated to commercial fishing, with persons currently leasing mooring off of Marina One having the first right of refusal to lease one of the new slips.

Construction of the proposed project would involve the use of both land and water heavy equipment. Land equipment could include several trailer trucks delivering floats, pilings, and related materials, a crane, forklift, back hoe, and trucks. Water equipment could include a barge, crane, several work skiffs, and a pile driving hammer. The estimated length of time for construction is six months. No disruption of access to the breakwater or other public access ways as a result of construction would be created as a result of construction activities.

### 3. Coastal Issues

#### a. Water-Oriented Recreational Uses

PRC Section 30220 provides that:

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

PRC Section 30224 provides , in part, that:

Increased recreational boating use of coastal water shall be encouraged . . . by . . . providing additional berthing spaces in existing harbors . . .

PRC Section 30234 provides, in part, that:

Facilities serving the commercial fishing and recreational boating industries shall be protected, and where feasible upgraded.

As noted, the proposed project consists of expanding existing marina facilities to accommodate between 67 and 69 additional boats within the Santa Barbara Harbor. The Harbor Master Plan needs assessment determined that the City's Harbor should be expanded by adding as many new boat slips as possible to meet the existing and projected demand for boat slips. The Harbor Master

Plan included the development of at least 50 large boat slips within the existing Harbor (Action DEP-1.2) The Waterfront Department prepared a Feasibility Study which demonstrated a total of 74 to 76 new boat slips could be accommodated within the existing harbor, and have proposed constructing 67 to 69 spaces as part of this application.

The large number of applicants on the boat slip waiting list is indicative of the shortage of slips in the Harbor serving ocean dependent uses such as recreational and commercial fishing and boating. Small scale recreational boaters, including small sailboards, currently have to compete with large boaters to use the launch ramp and to navigate in the Harbor, adding to the congestion in both of these areas. The 12 space mooring area between Marina One and the sand spit at the end of the Harbor jettie would be developed with between 67 and 69 boat slips which would meet at least a part of this existing demand.

The allocation of these new boat slips would be in accordance with the Harbor Master Plan Policy DEP-2.4 which establishes that it is the policy of the City to:

Strive to maintain a minimum of 19% of the slips for commercial fishing by giving priority for newly created slips to commercial fisherman on the current slip waiting list. Persons currently leasing mooring off Marina One shall have first right of refusal to lease one of the new slips in Marina One.

The project would provide facilities for water dependent activities consistent with the priorities for coastal areas suited for water-oriented recreational activities. Further the allocation of the new boat slips will serve to protect the commercial fishing and recreational boating industries consistent with the City's certified Harbor Master Plan.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30220, 30234 and 30244.

b. Coastal Access

PRC Sections 30210 through 30212 provide that maximum public access to and along the coast shall be provided consistent with public safety, including military security needs, and the need to protect public rights, the right of private property owners, natural resources, and agriculture.

As noted above the project does not involve the construction of additional parking spaces to service the new slip spaces.

The existing and projected parking facilities and demands was analyzed as part of the certified Harbor Master Plan and the related Negative Declaration. Additionally, the Harbor Master Plan provided for a comprehensive traffic and parking study within one year of the completion of a major traffic improvement at the waterfront. These improvements include the Castillo Street/Montecito Street Phase I improvements, as well as extension of Salsipuedes and Garden Streets to Cabrillo Boulevard.

The total number of parking spaces available within the waterfront area is 2,043. However, not all of these spaces are always available to the public at all times of the year due to a parking agreement with the Santa Barbara City College. The Harbor Master Plan parking analysis determined that parking demand with the waterfront areas varied considerably seasonally, daily, and hourly. Based on the existing parking facilities and the variable parking demand, the the parking analysis concluded that with a full build out of all of the projects anticipated in the Harbor Master Plan, (including the proposed Marina One and Four expansion,) the remaining parking reserves varies between 97 and 767 spaces depending on the season, day-of-the week, and time-of-day.

This analysis is considered conservative because it did not assume the availability of additional nearby existing or future parking, including 193 spaces in the Pershing Park Parking Lot, the 476 additional spaces resulting from the reconfiguration of the main Harbor parking lot, the potential 75 spaces identified in the Harbor Master Plan, and the 525 new parking spaces in the Santa Barbara City College lots. (Exhibit 4.)

While the number of parking spaces is adequate to serve the project demands, the Harbor Master Plan also acknowledges that the location of some of the parking spaces may not be convenient to serve certain Harbor activities, particularly boating activities. However, there are existing options for short-term parking in close proximity to Marina One and Four. Currently there is 90 minute parking and approximately 100 feet of yellow offloading curbside space available on Harbor Way, the closest roadway to the Marina One and Four entrance. This area is used by boaters as a staging area to transport supplies and equipment to their vessels.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30210 through 30212.

c. Protection of Marine Resources

Public Resources Section 30230 provides that:

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.

Public Resources Code Section 30231 provides, in part, that:

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, . . .

Public Resources Code Section 30233 provides, in part, that:

(a) The diking, filling, or dredging of open coastal waters . . . 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:

(4) In open coastal waters, . . . new or expanded boating facilities . . .

The proposed project entails the expansion of the existing marina facilities at the Santa Barbara Harbor by the addition of 67-69 boat slips at Marina One and 7 slips to Marina Four. The placement of 89 concrete piles within the Santa Barbara Harbor area for the support of boat slips/floating docks is one of the types of fill of open coastal waters allowed under PRC SECTION 30233. There are no feasible alternative to the placement of these pilings to support the boat slips/floating docks, and as discussed below placement of these pilings and the related floating docks will not adversely affect any marine habitats.

A Biological Resources Analysis for the proposed project determined that three major marine habitats exist in the Santa Barbara Harbor: hard substrate (including pilings, floating docks, and concrete or rock structures; soft bottom (sand and silt), and the water column and water surface. Upland habitat are also present and include the breakwaters and associated sand spit plus above water portion of pilings and docks.

The amount of soft bottom permanent lost due to the installation of piles would be 95 to 131 square feet depending on the size of the piles installed. Additionally, the docks and associated vessels would reduce the amount of incident sun-light on the bottom area directly under the boat slips and berthing areas. The installation of piles, docks, and associated boats is predicted to have a negligible effect on soft bottom habitat. Further, the new piles and docks would provide an additional 24,000 square feet of hard substrate for benthic marine organisms. The docks and vessels would also reduce the amount of surface water area available for bird and sea mammal use. Because bird and sea mammal use in the area of the expansion project is not extensive or of critical importance to the population of any species found in the Harbor, and abundant foraging or resting habitat is present in other areas of the Harbor, and immediately adjacent to it, impacts to bird and sea mammal species would not be significant. The extension of utilities will be extended along the Marina One walkway and not require the disturbance of any bottom habitat within the harbor.

The project would increase the number of vessels in the Harbor by approximately 7%. The increased boating activity could reduce water quality by introducing contaminants such as leaching of chemical in paints used on the bottom on the vessels, small spills of fuel or solvents, and waste discharges to the Harbor such as trash and sewage. Short term impacts to water quality (increased turbidity) could also result from the installation of the pilings. A Water Quality Evaluation prepared for the proposed project determined that the impacts to water quality would be minimal. Further the certified Harbor Master Plan has provisions for the control of waste discharges associated with boating activities.

Finally, the Biological Resources Analysis determined that the construction activities could cause temporary disturbance to two sensitive bird species. Construction activity during the winter months would impact Snowy plovers (a federally listed threatened species) present on the adjacent sandspit. However, since most Snowy plovers are found on the ocean side of the breakwater, this disturbance is not expected to be significant. Additionally, during the months of July and August construction activities could temporarily disrupt the post-breeding activity of the California least tern (a state and federally listed endangered species) which fish in and around the harbor. To mitigate this potential impact, a mitigation measure has been identified which would limit construction activities during July and August to those which do not require pile driving, towing, or the general use of heavy equipment which cause excessive noise, odor, or vibrations.

Special Conditions No. #1 restricts the types of construction activities during the months of July and August to protect the post-breeding activities of California least terns.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30230, 30231, and 30233.

c. Hazards

Public Resources Code Section 30253 provides, in part, that:

New development shall:

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

A Wave Penetration and Harbor Agitation in Santa Barbara Harbor Summary Report was completed for the proposed project. The report concluded that the Marina One expansion can experience heavy wave conditions with waves up to about four feet during a 100-year storm event. The proposed project site wave climate is roughly comparable to a number of other locations in the Harbor, including the existing Marina One slips. The existing Marina One dock systems is designed to withstand no greater than a 25-year wave event. The proposed Marina One expansion would incorporate design features and construction techniques for a 25-year wind loading and a 25-year wave event. With these design criteria the impacts of exposing people and property to ocean related hazards would be minimized. However, there still would remain the potential for damage from wave and tidal action, particularly from southeasterly storms. (Exhibits 6 and 7.)

Special Condition No #2 requires that the applicant hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, or liability arising out of the design, construction, operation, and of the permitted project in an area where an extraordinary potential for damage from wave and tidal action exists as an inherent risk to life and property.

The Commission therefore finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of PRC Section 30253.



3. LCP/CEQA

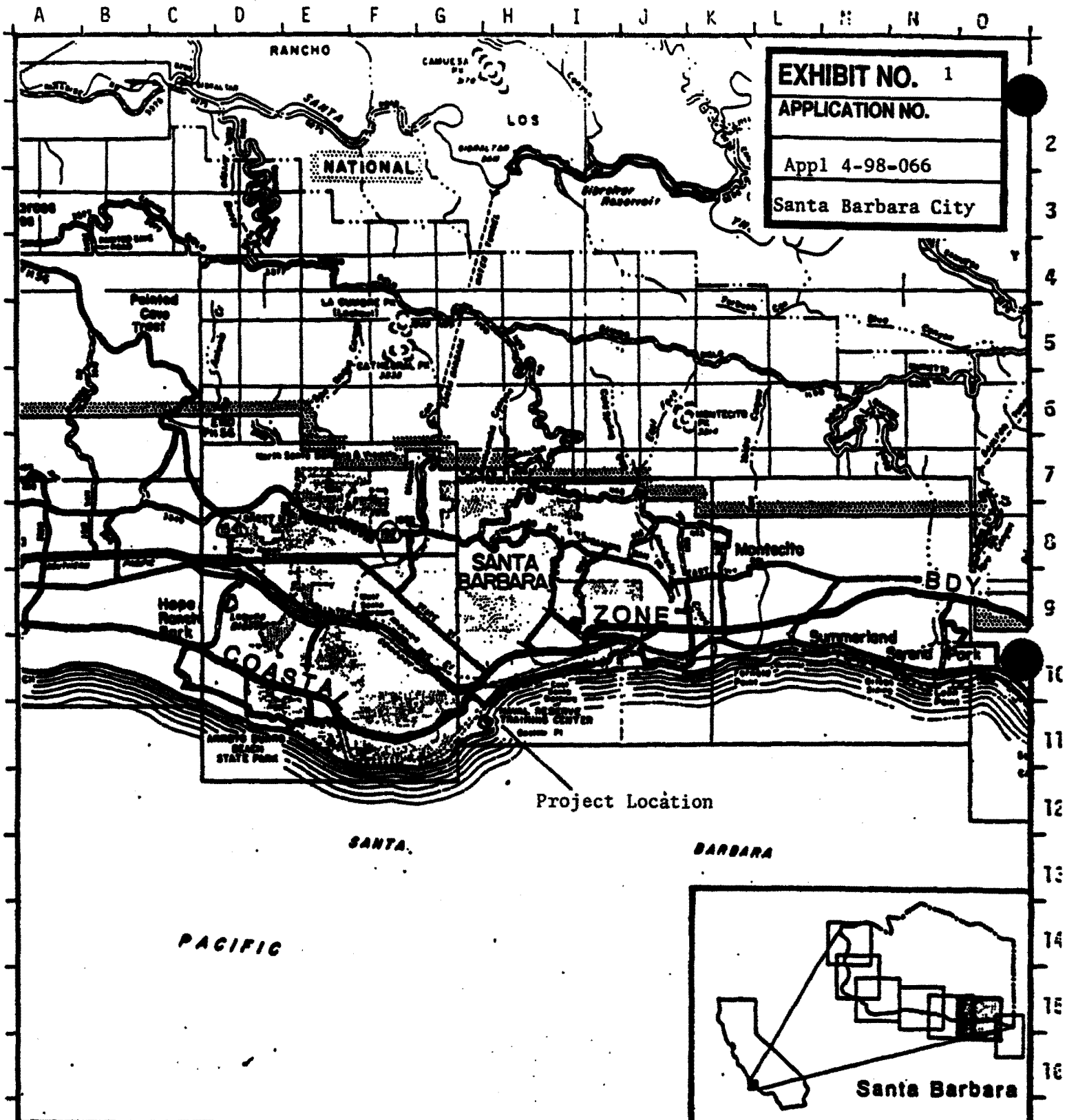
The proposed site lies within the City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on potential state tide lands or is below the mean high tide line. The Commission has certified the Local Coastal Program for the the City of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies of the Waterfront Planing area, including those regarding the protection of marine and other environmentally sensitive habitats.

Section 13096 of the Commission's Code of Regulations requires the Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 there are feasible alternatives or feasible mitigation measures available which would substantially less any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. The attached mitigation measures will minimize all adverse environmental effects. As conditioned, there are no feasible alternative measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

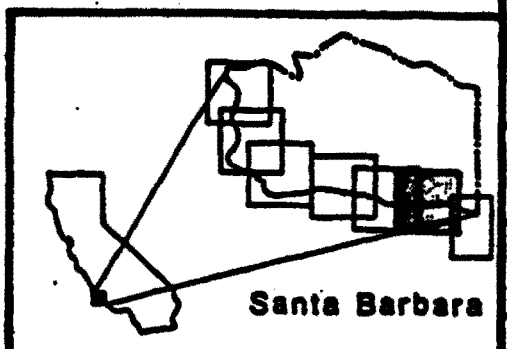
Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

MHC/  
8401A



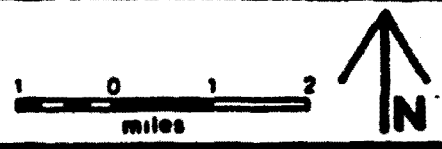
**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 Appl 4-98-066  
 Santa Barbara City

Project Location

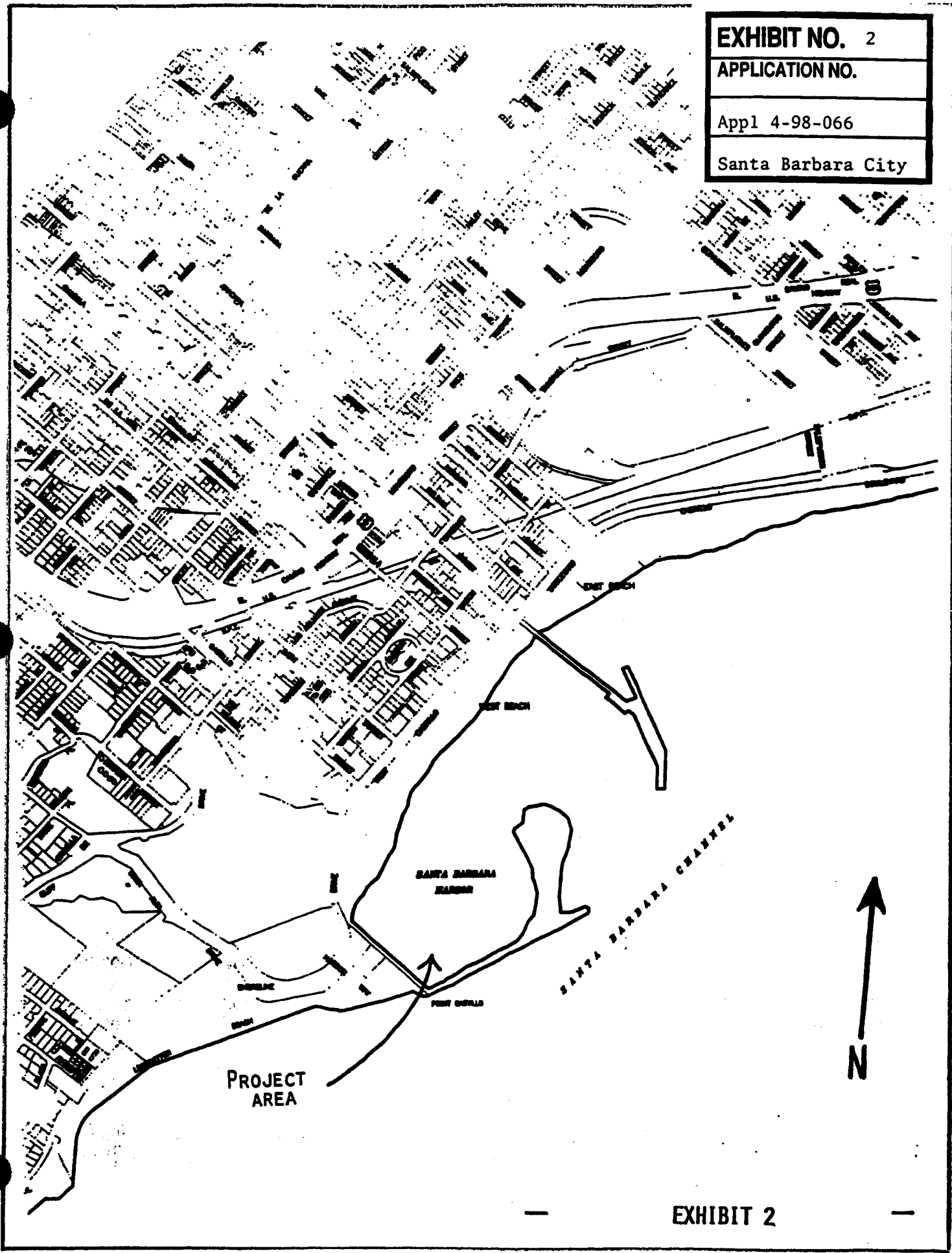


California Coastal Commission

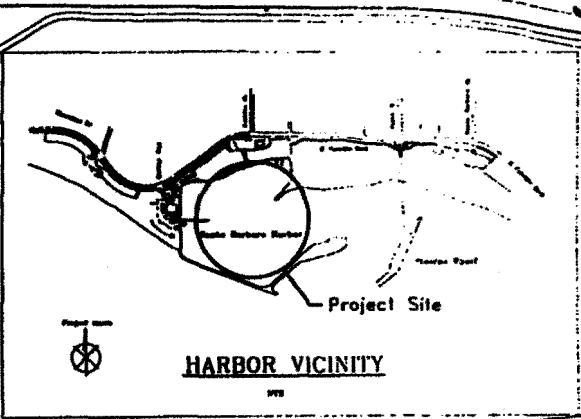
**LOCATION MAP**



**EXHIBIT NO. 2**  
**APPLICATION NO.**  
Appl 4-98-066  
Santa Barbara City



Project North



HARBOR VICINITY

Shoreline Drive

Harbor Way

Marina 1 0 Finger

Marina 4A Expansion Area

Marina One Expansion Area

Navigational Channel

118  
120

113

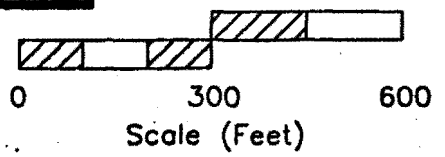
117

125

132

130

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
Appl 4-98-066
Santa Barbara City



REVISIONS

<b>Marinas 1 &amp; 4 Expansion</b>		
DATE 1-300	PROJECT Santa Barbara Harbor	DESIGNED BY T. Mallovesky
DATE 03/04/98	PROJECT Santa Barbara Harbor	PROJECT NO. 1010-038
City of Santa Barbara		
Waterfront Department		1 of 1

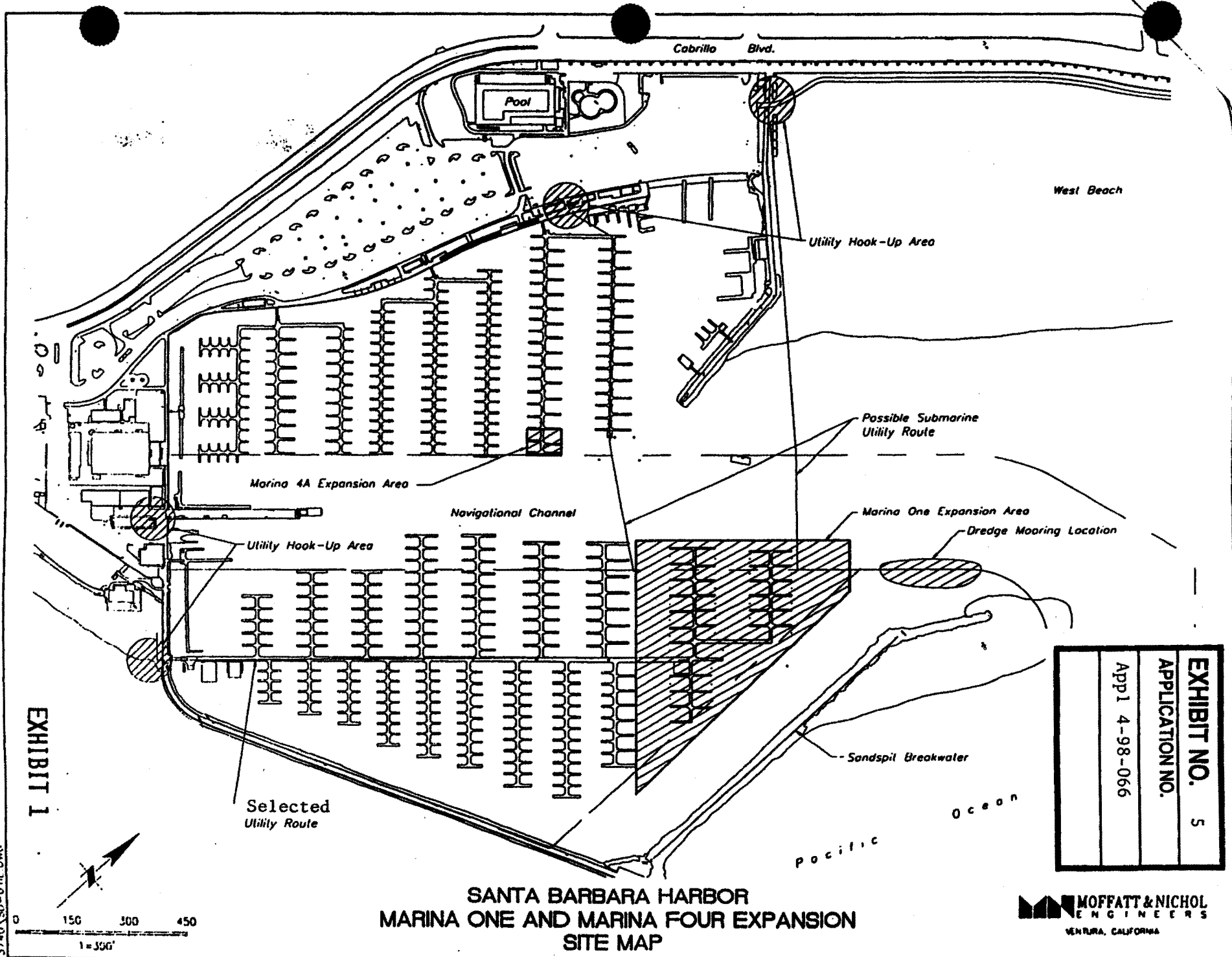
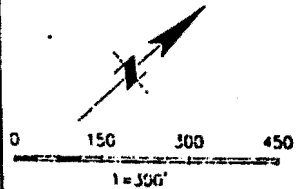


EXHIBIT 1

3740 1110-05 07/76



**SANTA BARBARA HARBOR  
MARINA ONE AND MARINA FOUR EXPANSION  
SITE MAP**

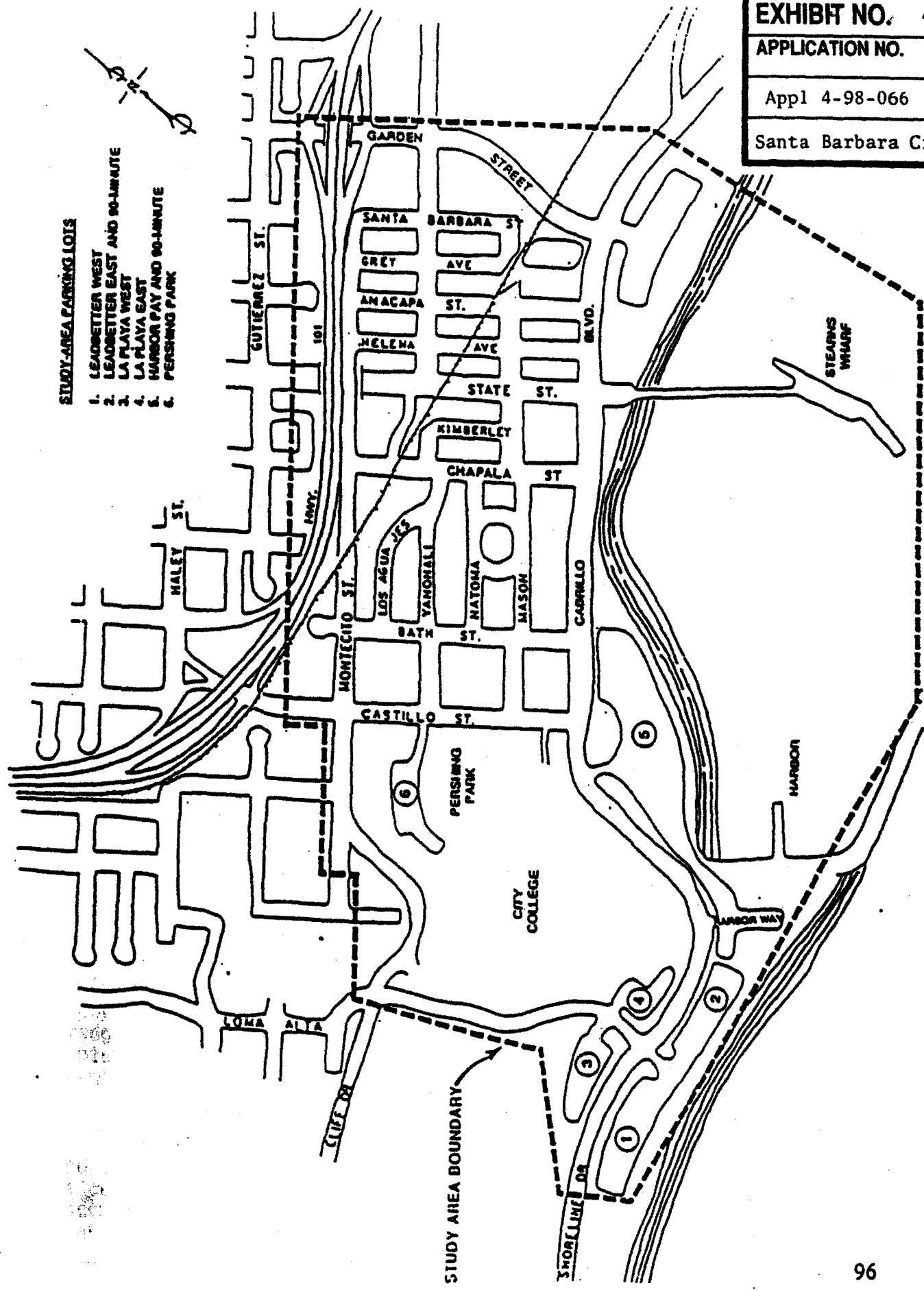
<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	App 1 4-98-066

**MOFFATT & NICHOL**  
ENGINEERS  
VENTURA, CALIFORNIA

<b>EXHIBIT NO.</b>	4
<b>APPLICATION NO.</b>	
	Appl 4-98-066
	Santa Barbara City

**STUDY-AREA PARKING LOIS**

1. LEADBETTER WEST AND 90-MINUTE
2. LEADBETTER EAST AND 90-MINUTE
3. LA PLAYA WEST
4. LA PLAYA EAST
5. HARBOR PAY AND 90-MINUTE
6. PERSHING PARK



STUDY AREA PARKING RESOURCE

**ASSOCIATED TRANSPORTATION ENGINEERS**  
 100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • 805/567-4418



**EXTREME WAVE HEIGHTS DUE TO WESTERLY SWELLS AT SELECTED  
BASINS IN SANTA BARBARA HARBOR(DREDGED CONDITION):  
EXPANSION SITE**

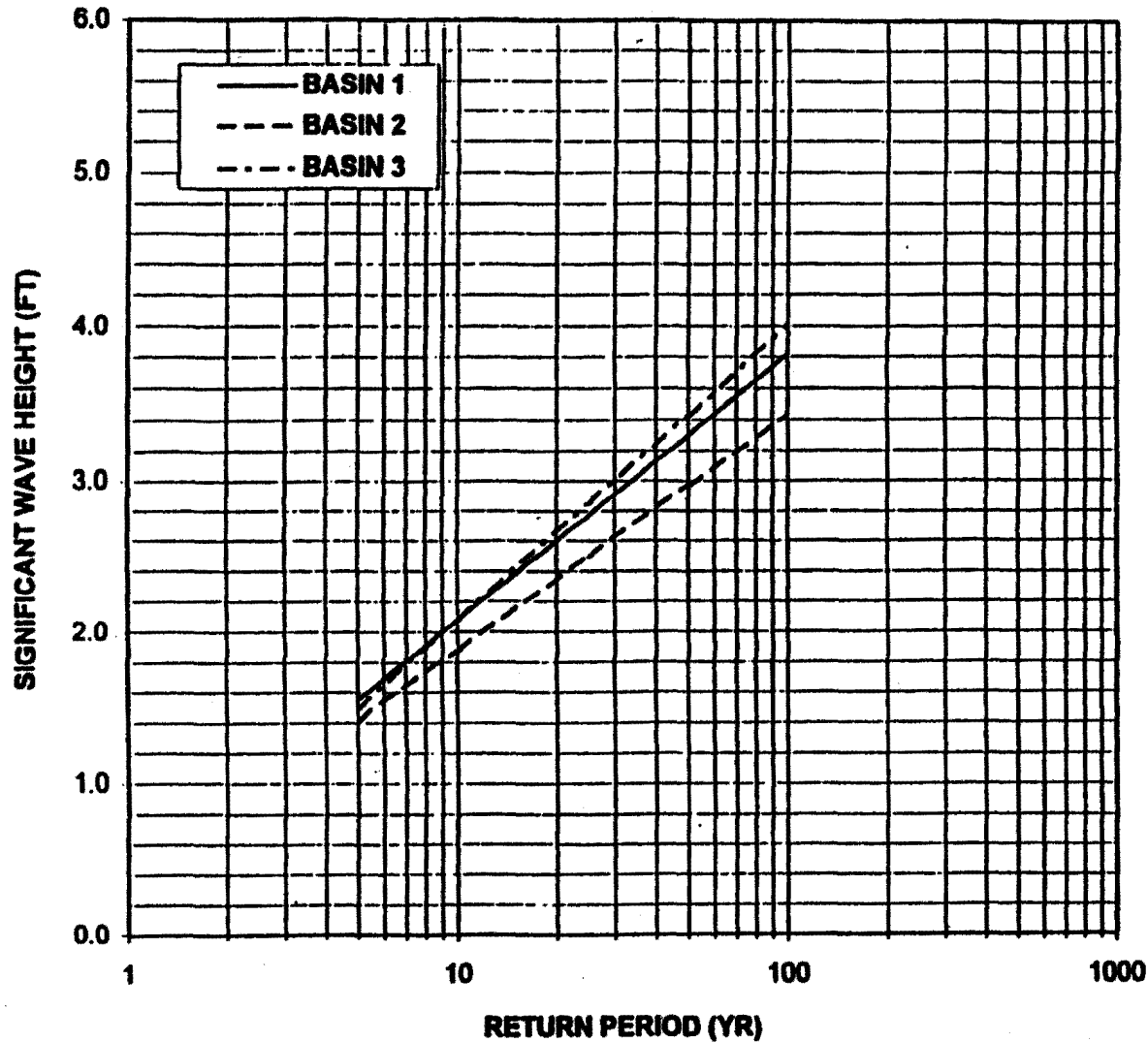
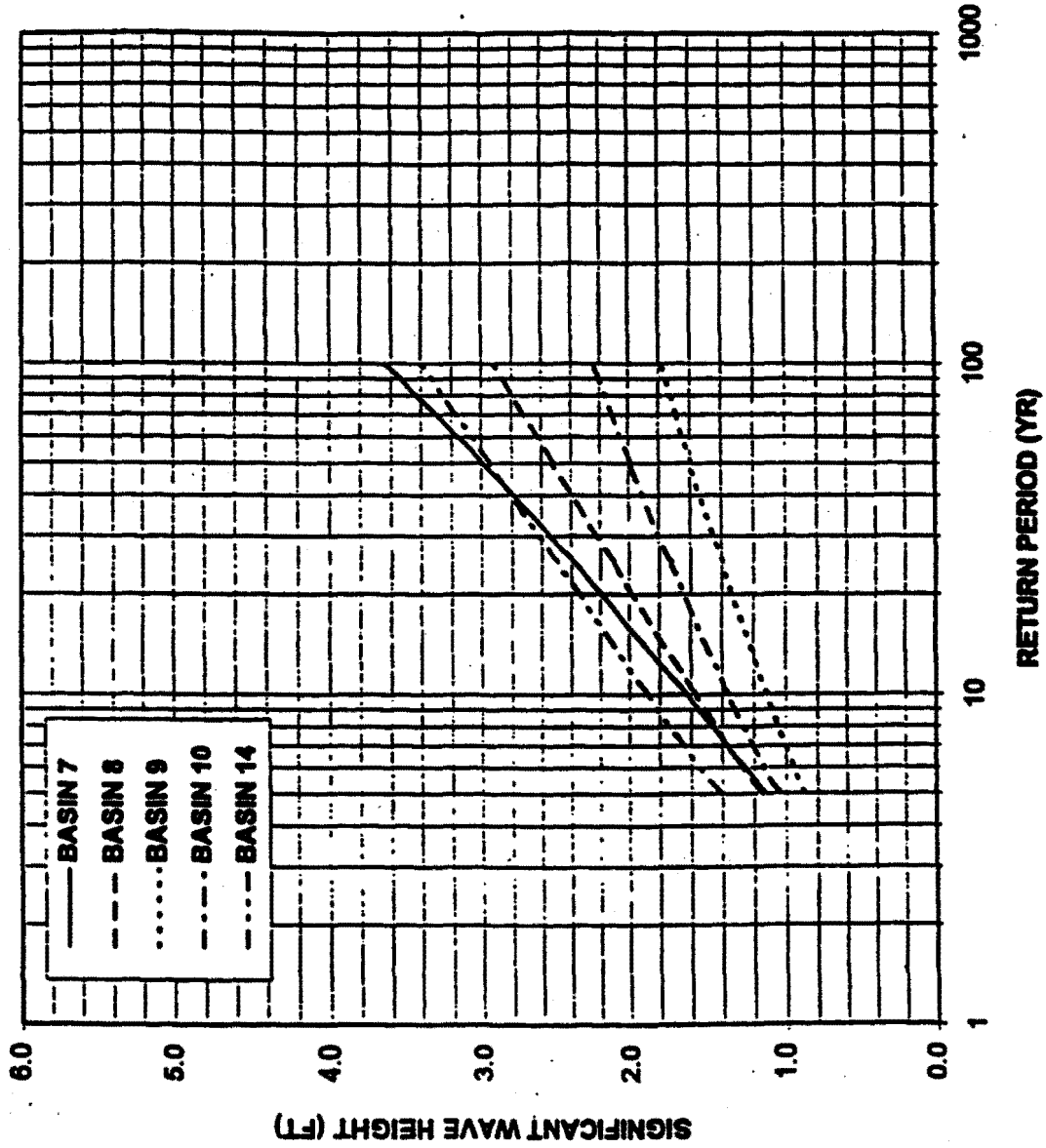


EXHIBIT NO.	6
APPLICATION NO.	
App1 4-98-066	
Santa Barbara City	

**EXTREME WAVE HEIGHTS DUE TO WESTERLY SWELLS AT SELECTED  
BASINS IN SANTA BARBARA HARBOR (DREGGED CONDITION):  
MARINA NO.1**



**EXHIBIT NO. 7**  
**APPLICATION NO.**  
Appl 4-98-066  
Santa Barbara City

**FIGURE**