

CALIFORNIA COASTAL COMMISSION

WITH CENTRAL COAST AREA
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Staff: MHC
Hearing Date: January 12-15, 1999

RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO: 4-98-303

APPLICANT: City of Santa Barbara/Santa Barbara Fishermen's Marketing Association

AGENT: Jim Peters (SBFMA)

PROJECT LOCATION: 123 Harbor Way, Santa Barbara, Santa
Barbara County

PROJECT DESCRIPTION: Permanent establishment of weekly Fishermen's Market on
vessels moored in the Santa Barbara Harbor

LOCAL APPROVALS RECEIVED: Planning Commission Recommendation (10/2/98)

SUBSTANTIAL FILE DOCUMENTS: Application 4-98-303; Application 4-95-046

SUMMARY OF STAFF RECOMMENDATION: Staff recommends that the Commission find that the proposed project is consistent with the requirements of the Coastal Act as proposed.

Note: The Commission has previously approved the project on an interim basis. The only special condition was a three year time limit on the permitted activity from the date of the Commission's original action which was in 1995 (Coastal Development Permit #4-95-046.)

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 standard 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 effects 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 developments, 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 the 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. Findings and Declarations

The Commission hereby finds and declares:

A. Project Location and Description

The proposed project is located seaward of the mean high tide-line within the inner portion of the Santa Barbara Harbor. (See Exhibits 1 and 2.)

The proposed development consists of creating a permanent Fishermen's Market at the Santa Barbara Harbor.

The Fishermen's Market involves displaying fresh cleaned on ice or live fish in tanks from the decks of fishing vessels anchored in the harbor. Sales occur directly from the boats. The area used for this activity is the existing Navy Pier and Fishermen's Floats #1 and #2, which accommodate 21 permanent commercial boat slips of approximately 40 feet in length. Additionally, 11 boats of varying length are temporarily positioned on the south side of the Navy Pier as part of the weekly Fishermen's Market.

The Fishermen's Market is operated on Saturday's from 7:30 a.m. to 11:30 a.m. (See Exhibits 1 and 2.)

B. Coastal Issues

1. Priority Uses

Coastal Act Section 30234 provides that:

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.

Coastal Act Section 30255 provides that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, Coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the Coastal-dependent uses they support.

The City of Santa Barbara Local Coastal Program/Harbor Master Plan also assigned a high priority to the preservation, protection and development of commercial fishing and recreational boating.

The Fishermen's Market would continue to be located at the Navy Pier and Fishermen's Floats #1 and #2. The area has been and continues to be used as the principal area for commercial fishing activities in the Santa Barbara Harbor. Commercial fishes have supported an on-site market outlet for local catches, and the proposed continuance of the Fishermen's Market is a result of this continuing interest. The proposed development is also being financially assisted by the Fisheries Enhancement Fund which is administered by the Energy Division of the County of Santa Barbara.

The Fishermen's Market would be based upon the 21 permanent commercial boat slips (approximately 40 feet in length). Additionally, eleven boats of varying length will be temporarily positioned on the south side of the Navy Pier to optimize the number of commercial fishermen who choose to participate in the weekly Fishermen's Market.

Because the market hours are limited to Saturdays only, between 7:30 a.m. and 11:30 a.m., the proposed market has not interfered with, nor is it expected to interfere with any existing or potential commercial activity or other harbor functions. The Fishermen's Market would, however, provide a direct marketing opportunity for fishermen who would help to economically sustain the commercial fishing fleet based in the Santa Barbara Harbor.

The Commission therefore finds that the proposed development, as conditioned is consistent with and is adequate to carry out the requirements of Coastal Act Sections 30234 and 30255.

2. Public Access

The proposed project is on the ocean side of U.S. Highway 101, which is the first road paralleling the ocean in this area, and seaward of the mean high-tide line. One of the principal issues raised by the proposed development is the impact on coastal access because of the impacts on parking opportunities.

Coastal Act Section 30252 provides, in part, that:

The location and amount of new development should maintain and enhance public access to the coast by . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

There are presently 1846 parking spaces in the Santa Barbara Harbor area. In addition, there are 590 parking spaces in the Stearn's Wharf area. These spaces are utilized by a variety of harbor, beach, and pier users, with peak demands during the week ends, summer months, and during major holidays.

A parking analysis prepared by the City as part of the Harbor Master Plan indicates that the parking demand during the morning weekend hours is significantly less than the demand later in the day, and that the Fishermen's Market would not compete or adversely impact parking demand during peak use periods. (See Exhibits 3 and 4.) Further, by restricting the Fishermen's Market to Saturdays only, and thus avoiding the popular Sunday sidewalk art show, the project would avoid contributing to the parking demand generated by this activity.

Because this development was the first of its kind in the Santa Barbara Harbor, the Commission attached a special condition limiting the permit to three years, in order to provide the Commission with a mechanism to address any unanticipated impacts on parking or conflicts with competing uses of the Harbor. Since the initiation of the Fishermen's Market in 1995, there has been no evidence of over-crowding of the project area, or adverse impacts to parking.

The Commission therefore finds that the project as proposed and conditioned is consistent with and able to carry out the provisions of Section 30252 of the Coastal Act.

3. Waste Discharges

The proposed Fishermen's Market will produce some waste from the cleaning and preparing of fish.

Coastal Act Section 30231 provides, in part, that:

The biological productivity and the quality of coastal waters . . . 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.

The applicant has developed a set of guidelines for the disposal of waste generated by the operation of the weekly market. Pursuant to these guidelines, all ice-melt water will be deposited into existing approved waste water disposal sites at the Santa Barbara Harbor, or alternatively more than three miles offshore, as permitted by the U.S. Coast Guard. All fish remains may also be deposited within twelve mile offshore, as permitted by the U.S. Coast Guard. All other trash or waste materials will be deposited in approved waste facilities. No on-board seafood processing will be conducted, other than procedures allowed by the California Department of Fish and Game to prevent spoilage.

As noted above, because this development was the first of its kind in the Santa Barbara Harbor, the Commission attached a special condition which limited the permit for the activity to three years, in order to provide the Commission with a mechanism to address any unanticipated impacts on parking or conflicts with competing uses of the Harbor. Since the initiation of the Fishermen's Market in 1995, there has been no evidence significant adverse impacts as a result of waste discharges emanating from the temporarily moored vessels, other impacts to coastal waters or, marine organisms, or human health.

The Commission therefore finds that the proposed development as conditioned would be consistent with and adequate to carry out the provisions of Coastal Act Section 30231.

C. LCP/CEQA

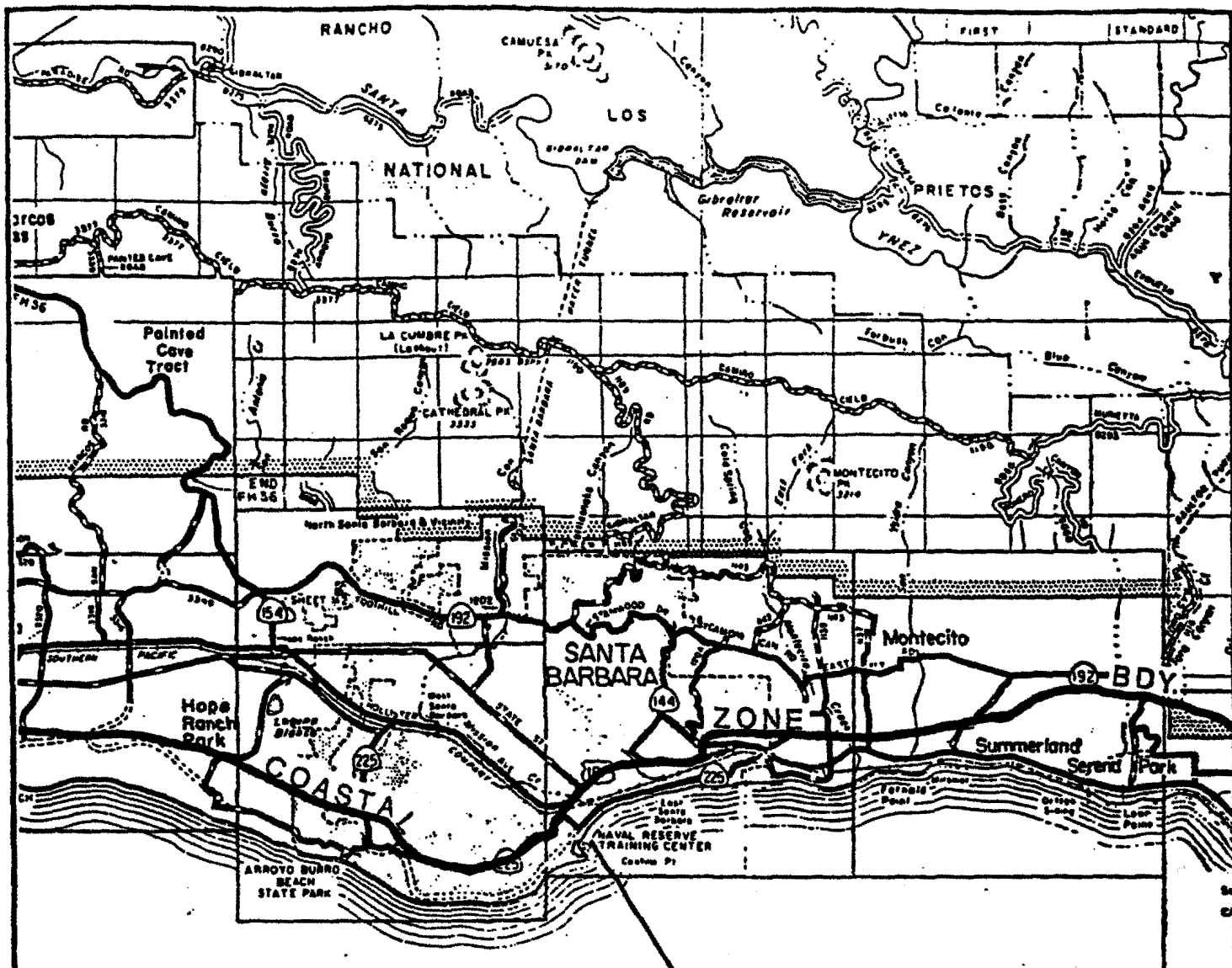
The proposed site lies within the City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on potential state tidelands or is below the mean high-tide. The Commission has certified the Local Coastal Program for the City of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and commercial fishing and visitor serving facilities, and public access.

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 if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects, which the activity may have on the environment.

The proposed project is consistent with the resource protection policies of the Coastal Act. Further, the mitigation measures, which are part of the project description will minimize any adverse environmental effects. There are no feasible alternatives or measures available which would substantially lessen any significant adverse effects, which the activity may have on the environment.

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

MHC



SANTA

Project Location

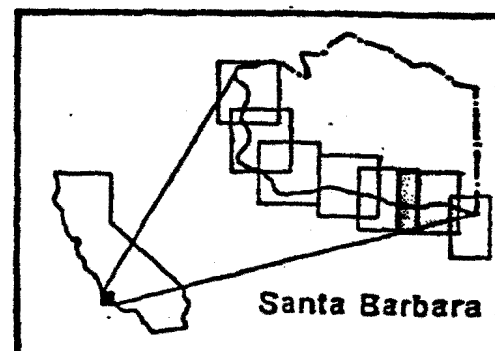
BARBARA

EXHIBIT NO. 1

APPLICATION NO.

4-98-303

Santa Barbara City



California Coastal Commission

LOCATION MAP

1 0 1 2
miles



County of Santa Barbara

EXHIBIT NO.	3
APPLICATION NO.	
	4-98-303
	Santa Barbara City

Table 8

**PUBLIC PARKING SPACES^A
HARBOR MASTER PLAN AREA -1992**

<u>Lot</u>	<u>Spaces</u>
HARBOR AREA	
La Playa West	168
La Playa East	338
Leadbetter West ^B	264
Leadbetter 90-minute	18
Harbor West/Leadbetter East ^B	209
Harbor Pay Lot	607
Harbor 90-minute	173
Launching Ramp (boat spaces)	<u>69</u>
Subtotal - Harbor Area	1,846
STEARNS WHARF AREA	
Stearns Wharf	127
Palm Park	277
Santa Barbara Street	<u>186</u>
Subtotal - Stearns Wharf Area	590
PERSHING PARK AREA^C	<u>194</u>
TOTAL	2,630

A - The study area for the parking discussion is larger than the study area for the Harbor Master Plan.

B - The number of spaces for the Leadbetter lots reflects the 1991 Leadbetter East reconstruction project.

C - The number of spaces for the Pershing Lot reflects the 1991 restriping of the lot.

Source: ATE

EXHIBIT NO. 4

APPLICATION NO.

4-98-303

Santa Barbara City

Table 17

1991 Study Area Peak Parking Utilization

	Spring	Summer	Fall
<u>Weekdays</u>			
Mornings	960/1537 = 62%	1233/2043 = 60%	1044/1537 = 68%
Afternoons	775/1537 = 50%	830/2043 = 41%	907/1537 = 59%
Evenings	715/1537 = 47%	824/2043 = 40%	827/1537 = 54%
<u>Weekends</u>			
Mornings	764/1705 = 45%	996/2043 = 49%	858/1705 = 50%
Afternoons	962/1705 = 56%	1181/2043 = 58%	1051/1705 = 62%
Evenings	820/1705 = 48%	976/2043 = 48%	914/1705 = 54%

Note: Includes Pershing Park spaces

Source: ATE

Table 18

1991 Reserve Parking Capacity

Observation Period	Spring			Summer			Fall		
	85% Vehicles Capacity	Reserve Parked Capacity	Reserve Capacity	85% Vehicles Capacity	Reserve Parked Capacity	Reserve Capacity	85% Vehicles Capacity	Reserve Parked Capacity	Reserve Capacity
<u>Weekdays</u>									
Mornings	1306	960	346	1737	1233	504	1306	1044	262
Afternoons	1306	775	531	1737	830	907	1306	907	399
Evenings	1306	715	591	1737	824	913	1306	827	479
<u>Weekends</u>									
Mornings	1449	764	685	1737	996	741	1449	858	591
Afternoons	1449	962	487	1737	1181	556	1449	1051	398
Evenings	1449	820	629	1737	976	761	1449	914	535

Note: Includes Pershing Park spaces

Source: ATE