

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 130 SOUTH CALIFORNIA ST., SUITE 200
 SANTA BARBARA, CA 93001
 TEL: 805/841-0142



Th 3h
 RECORD PACKET COPY

Filed: 12/3/98
 49th Day: 2/18/99
 180th Day: 6/29/99
 Staff: MHC
 Staff Report: 1/13/99
 Hearing Date: 2/2-5/99
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-324

APPLICANT: City of Santa Barbara - Waterfront Department AGENT: John Bridely

PROJECT LOCATION: Immediately west of Santa Barbara Harbor breakwater at Leadbetter Beach, City of Santa Barbara, Santa Barbara County.

PROJECT DESCRIPTION: Temporary Installation of Sand Berm 950 feet long 24 feet wide and 10 feet high through April 30, 1998

Lot area:	NA
Building coverage:	22,800 sq. ft
Pavement coverage:	None
Landscape coverage:	NA
Parking spaces:	NA
Zoning:	H-C Harbor Commercial; PRC Parks & Recreation
Plan designation:	Beach
Project density:	NA
Ht abv fin grade:	10 ft

LOCAL APPROVALS RECEIVED: Local Coastal Development Permit CDP98-0067

SUBSTANTIVE FILE DOCUMENTS: Application 4-98-324; Sand Berm Soils Test Leadbetter Beach by Pacific Materials Laboratory of Santa Barbara, Inc., May 6, 1998; Permit Compliance Report Corps of Engineers Permit 97-50353-TS Temporary Sand Berm, Leadbetter Beach, by Woodward-Clyde Consultants, May 8, 1998.

STAFF RECOMMENDATION: Approval with special conditions regarding, waiver of liability, issuance of U.S. Army Corps of Engineers permit, and duration of maintenance and removal of berm.

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. Assumption of Risk, Waiver of Liability and Indemnity

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 that shall provide that the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding, and erosion; (ii) to assume the risks to the applicant and the property owner 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 due to such hazards.

2. U.S. Army Corps of Engineers 404 Permit

Within 60 days of the issuance of the coastal development permit, 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. The Executive Director may extend this time for good cause.

3. Duration and Removal of Project

The permitted sand berm may be maintained through April 30, 1999; after which it shall be dismantled, with the sand material redeposited on the fronting beach above the mean high-tide line.

IV. Findings and Declarations.

1. Background

In response to high tides and surf during November of 1998, the City of Santa erected the subject sand berm on Leadbetter Beach immediately west of the breakwater at the Santa Barbara Harbor. The purpose of the berm was to protect a number of public and private facilities, including the Santa Barbara Yacht Club, the Santa Barbara Harbor commercial area, and the City Waterfront maintenance yard from wave run-up last year.

Prior to erecting the berm the City notified the Commission staff by phone that it was undertaking the activity as an emergency measure to protect public and private facilities and structures from

wave run-up. Because a portion of the berm falls within the City's original coastal permit jurisdiction, the City issued a local coastal development permit for a portion of the project on November 19, 1998, and applied for a coastal development permit from the Commission to cover that portion of the berm which is located within the Commission's area of retained original permit jurisdiction.

In response to a provision of its certified Harbor Master Plan (a component of the City's certified Local Coastal Program) the City has also initiated a study of long term beach erosion control options for the area west of the Santa Barbara Harbor breakwater . This study will include an evaluation of land uses and operational practices, as well as shoreline protective measures to reduce damage to structures from periodic wave run-up. A draft of the study (Santa Barbara Harbor Shorelines Protection and Land Use Alternatives Study: Santa Barbara Harbor Commercial Area) was completed in October 1998, and is undergoing local review and is scheduled to be finalized by the Spring of 1999.

The City applied for and received a Coastal Development Permit for an identical temporary berm to be maintained during the winter and spring of 1998. That Permit (#4-97-241) carried the same special conditions proposed for this application, including a time limitation requiring the removal of the temporary berm following the winter and spring months.

2. Project Description

The project consists of the erection of a sand berm immediately west of the Santa Barbara Harbor breakwater. The berm will extend approximately 950 feet in length, and will be 24 feet wide at its base, and 10 feet high.

The berm would be located on the landward most portions of the beach and generally above normal tidal action. The berm will front the Santa Barbara Yacht Club and parking lot, the main commercial visitor serving area of the Santa Barbara Harbor, a private boat repair yard, and the City Waterfront maintenance yard.

The applicant is proposing to maintain the berm during the current winter season in anticipation of high tides and storm generated wave run-up, through April 30, 1999. (See Exhibits 1 through 4.)

3. Coastal Issues

Hazards

PRC 30235 provides, in part, that:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

PRC 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.

(2) Assure the stability and structural stability, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area . . .

The project site is a broad sandy beach immediately upcoast of the Santa Barbara Harbor breakwater. The beach has been artificially widened as a result of the construction of the breakwater in the 1920's, and is currently over 100 feet wide. The beach area is developed on the immediate landward side by a variety of harbor related developments, including the Santa Barbara Yacht Club and related parking area, the main commercial visitor serving area of the Santa Barbara Harbor (including restaurants, marine supplies, fishing tackle shop, Harbormaster offices, etc.), a private boat repair yard, and the City Waterfront maintenance yard. (See Exhibit 5.)

Because of the proximity of the developed harbor area to the beach, and the low elevation of the area relative to mean sea-level, the area is subject to periodic inundation as a result of wave-run up. This condition is most likely to occur during episodes which combine high-tides with storm surges. While this condition normally only occurs during the winter months, it is exacerbated by the natural erosion of the beach profile during the winter months as a result of steeper, higher energy waves.

Wave run-up not only periodically inundates the area immediately landward of the beach, but also deposits large amounts of sand and ocean debris in the area which has necessitated the periodic temporary closure of the area to public and private use, and interruption of harbor maintenance activities.

The City has in the past erected a temporary sand berm in anticipation of winter storms and removed the berm after the rainy season, but is currently seeking a longer term solution through a study of shoreline erosion protection options and the existing and proposed land uses of the harbor area. This study is a requirement of the City's certified Harbor Master Plan which contains Policy MAR-3 which stipulates that the City "Consider, and to the extent feasible, provide for long term beach erosion control west of the Breakwater in order to minimize wave damage to existing principal structures and uses in the Harbor area."

This policy is implemented by the following Action MAR-3.1: "Prepare a study of short term and long term Harbor land uses relative to beach sand movement and erosion west of the Breakwater. Alternatives could include relocation and management of land uses and measures to reduce wave damage to structures and uses while protecting public resources such as the public beach. This study shall be completed within three (3) years of the final certification of the Harbor Master

Plan." The Harbor Master Plan was approved in March of 1996, and the study is therefore slated to be completed by March of 1999.

The proposed project was erected as an interim emergency measure to protect existing structures immediately inland of the sand beach area west of the Santa Barbara Harbor breakwater. For the reasons noted below, the proposal to maintain the berm through the winter season while the City completes its long term beach erosion control study is consistent with the allowed shoreline protection measures specified in the Coastal Act.

The berm is situated on the landward-most portion of the beach above the normal tidal action. It is intended to protect existing structures, a substantial number of which are visitor-serving, or coastal dependent and/or related. Further, the temporary storage of sand material (approximately 4,222 cubic yards) represents a small percentage of the total amount of sand material by-passed around the Santa Barbara Harbor to downcoast areas. As a result, it would not effect downcoast shoreline processes or local sand supply which are influenced primarily by the Santa Barbara Harbor breakwater and the related sand dredging operation.

Because the project site is located in an area which is periodically subject to wave and tidal action which has the potential to cause damage to structures or injury to those frequenting the area it is necessary to indemnify the Commission or any or its agents or representatives against any claims of liability arising from the permitted development. Special Condition #1 requires that the applicant submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction operation, maintenance, existence, or failure of the permitted project.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30235 and 30253.

Access

PRC Section 30211 provides that:

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.

As noted above, the project site is a broad sandy beach immediately upcoast of the Santa Barbara Harbor breakwater. The beach has been artificially widened as a result of the construction of the breakwater in the 1920's, and is currently over 100 feet wide.

The beach area is regularly used principally for beach walking and for launching of small boats that are stored on adjacent City owned property during the summer months. There is an extensive sandy beach area immediately upcoast, which is developed with public parking, restrooms, and a

restaurant, and day-use picnic area. The primary beach coastal access in the harbor area is the Santa Barbara Harbor breakwater, and the beach immediately downcoast of the harbor. The breakwater incorporates a popular promenade, but because of its seaward location does not have a beach area associated with it.

The proposed berm is located at the landward most extent of the beach and would not interfere with lateral access along this portion of the beach or significantly adversely affect the recreational use of the beach area. The temporary nature of the berm, which would be maintained only through the winter months, further lessens any potential impact on coastal access or recreational opportunities. (See Exhibit 4.)

Because the berm has the potential to reduce lateral access during certain tidal and wave conditions, it is necessary to minimize these potential adverse impact by limiting the time during which the berm may be maintained to the winter months. Special Condition #3 requires that the berm be dismantled after April 30, 1999.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30211.

Environmentally Sensitive Habitats

PRC Section 30230 provides, in part, that:

Marine resources shall be maintained, enhanced, and where feasible, restored. . . . 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.

PRC Section 30240 provides, in part, that:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values . . .

The project site is characterized by an unvegetated sandy beach backed by harbor related development. There are no adjacent rocky intertidal habitats associated with the site. The principal wildlife use is by migratory shore-birds, including plovers, sandpipers, sanderlings, and gulls. There are no bird nesting or rearing activities on this section of beach, largely because of the proximity of development and the lack of any dune topography. Grunion are not known to breed on this beach, though their occasional presence is possible because of the sandy substrate.

The proposed project involves moving sand in front of the developed areas which has accumulated between the mean low and mean high-tide line up to the landward extent of the existing beach. The movement of this sand would not significantly effect the remaining beach profile which is subject to semi-diurnal tides, or the availability of invertebrate food items which form the

principal prey of the migratory shore birds. As a result, the proposed project, as conditioned, would not have any significant adverse impacts on any marine species. Special Condition #2 requires that the applicant provide evidence of having received a 404 permit from the U.S. Army Corps of Engineers. This requirement will ensure that any federally listed threatened or endangered species which may periodically utilize the site will be considered through the Section 7 consultation process of the Endangered Species Act.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30230 and 30240.

4. 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 contain policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor-serving facilities, coastal hazards, and public access.

Section 13096 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)(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 impacts, which the activity would have on the environment.

The proposed project incorporates the least environmentally damaging feasible alternatives to carrying out the project, and will fully mitigate any temporary adverse impacts associated with the project.

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 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 requirements of CEQA and with the policies of the Coastal Act.

MHC/

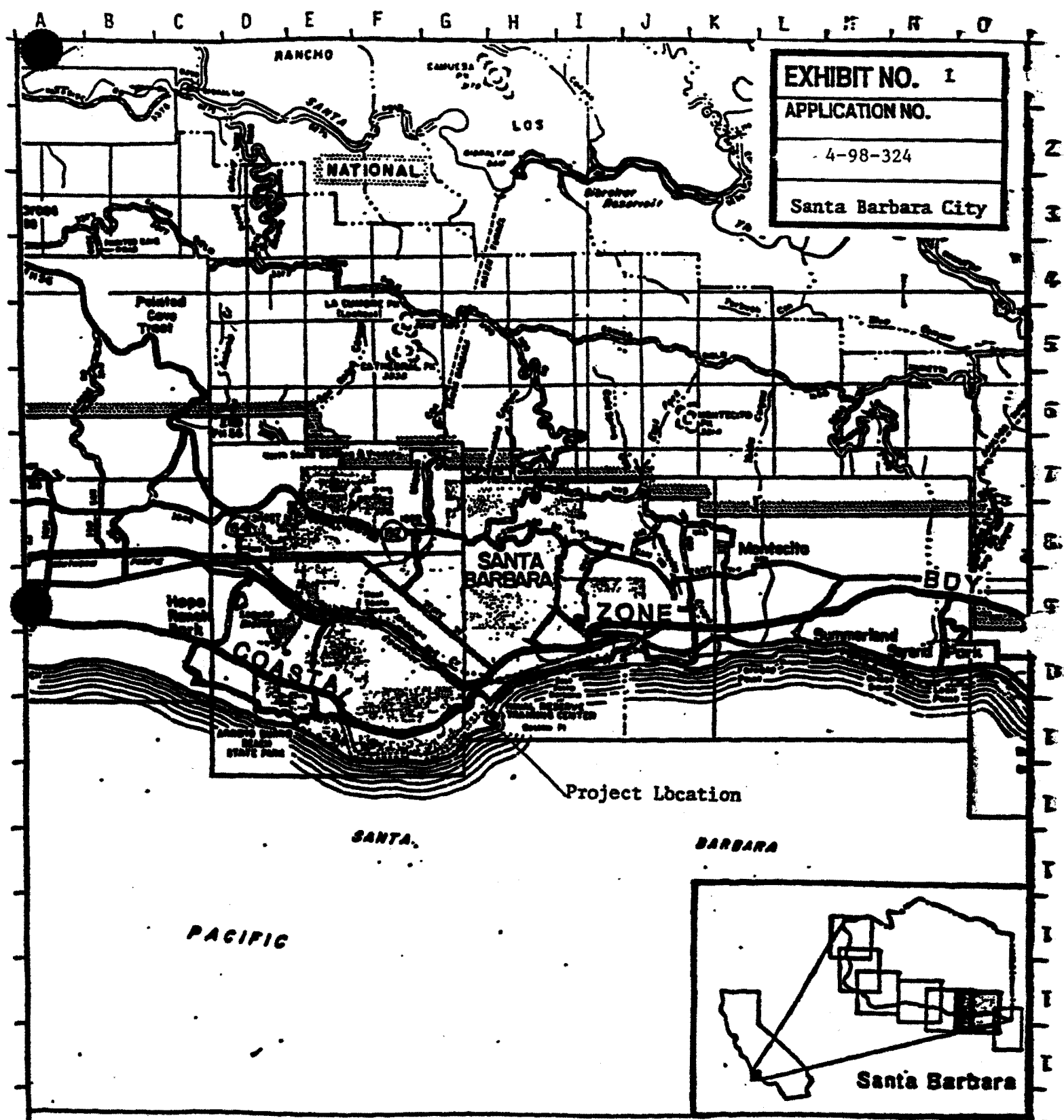
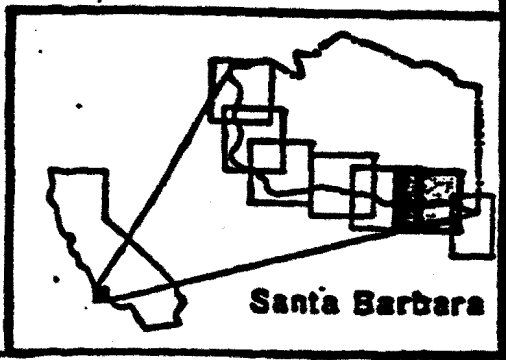


EXHIBIT NO. 1
APPLICATION NO.
- 4-98-324
Santa Barbara City

Project Location



California Coastal Commission

LOCATION MAP



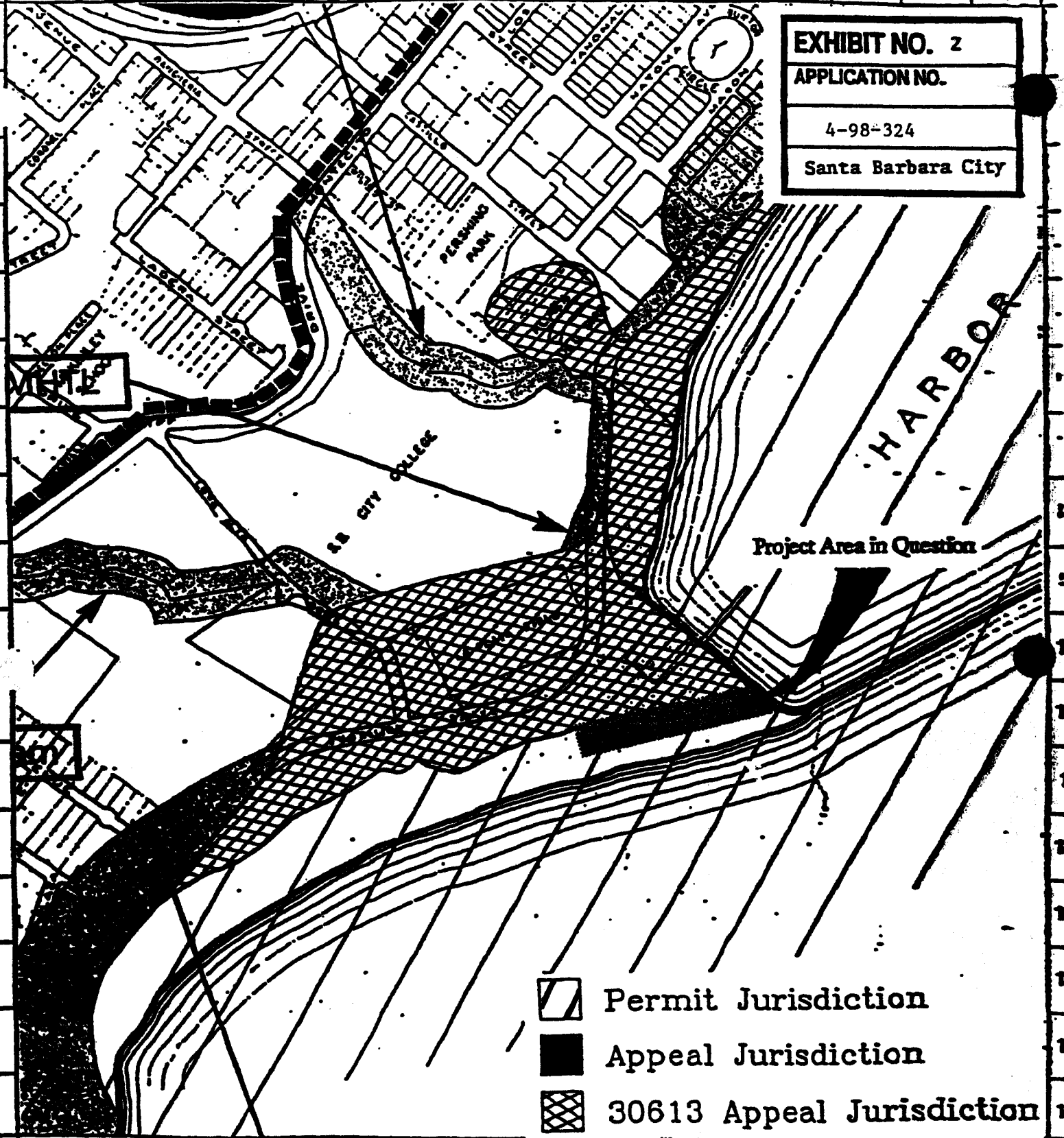
A B C D E F G H I J K L M N O




EXHIBIT NO. 2

APPLICATION NO.

4-98-324

Santa Barbara City

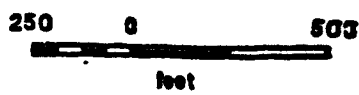


-  Permit Jurisdiction
-  Appeal Jurisdiction
-  30613 Appeal Jurisdiction

BD 23-95

Santa Barbara Harbor

California Coastal Commission



City of Santa Barbara

Project North



Assessors Parcel Number
045-250-11

Assessors Parcel Number
045-250-12

Shoreline Drive

Harbor Way

Naval Reserve Center

Marina 2
Assessors Parcel Number
045-250-04
California Coastal
Commission Boundary

Yacht Club Parking

Marina 1

(N) Sand Berm

Leadbetter Beach

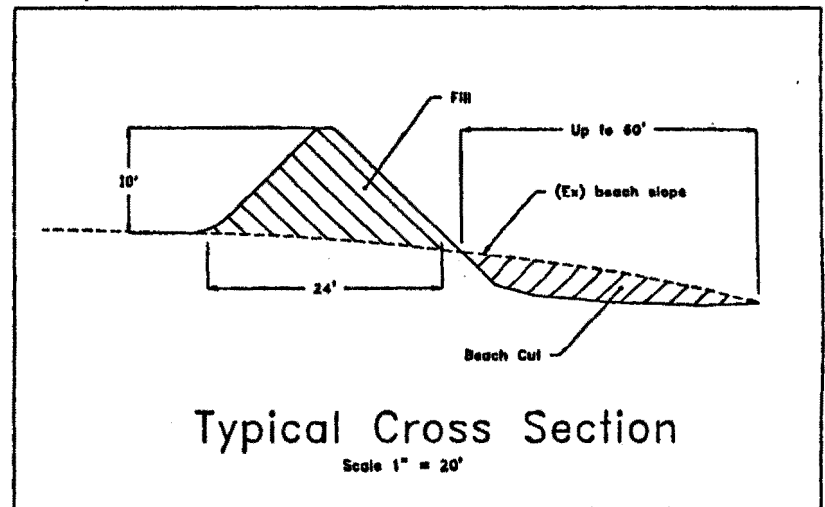
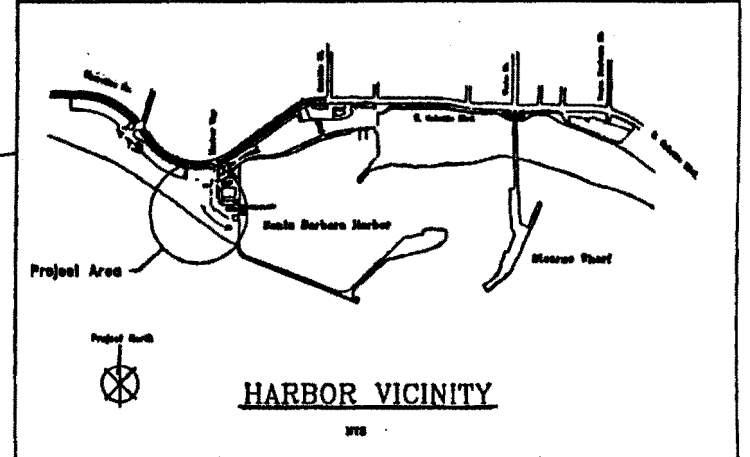
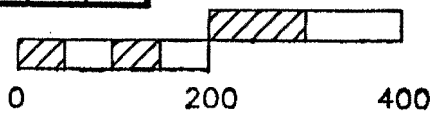


EXHIBIT NO. 3
APPLICATION NO.
4-98-324



Scale (Feet)

REVISIONS	Leadbetter Sand Berm		
	DATE	APPROVED BY	DESIGNED BY
	1-200	D. Myerson, Facilities Manager	T. Matlofsky
	9/11/97	Santa Barbara Harbor	6001-002
City of Santa Barbara			DATE
Waterfront Department			1 of 1

Local 1000

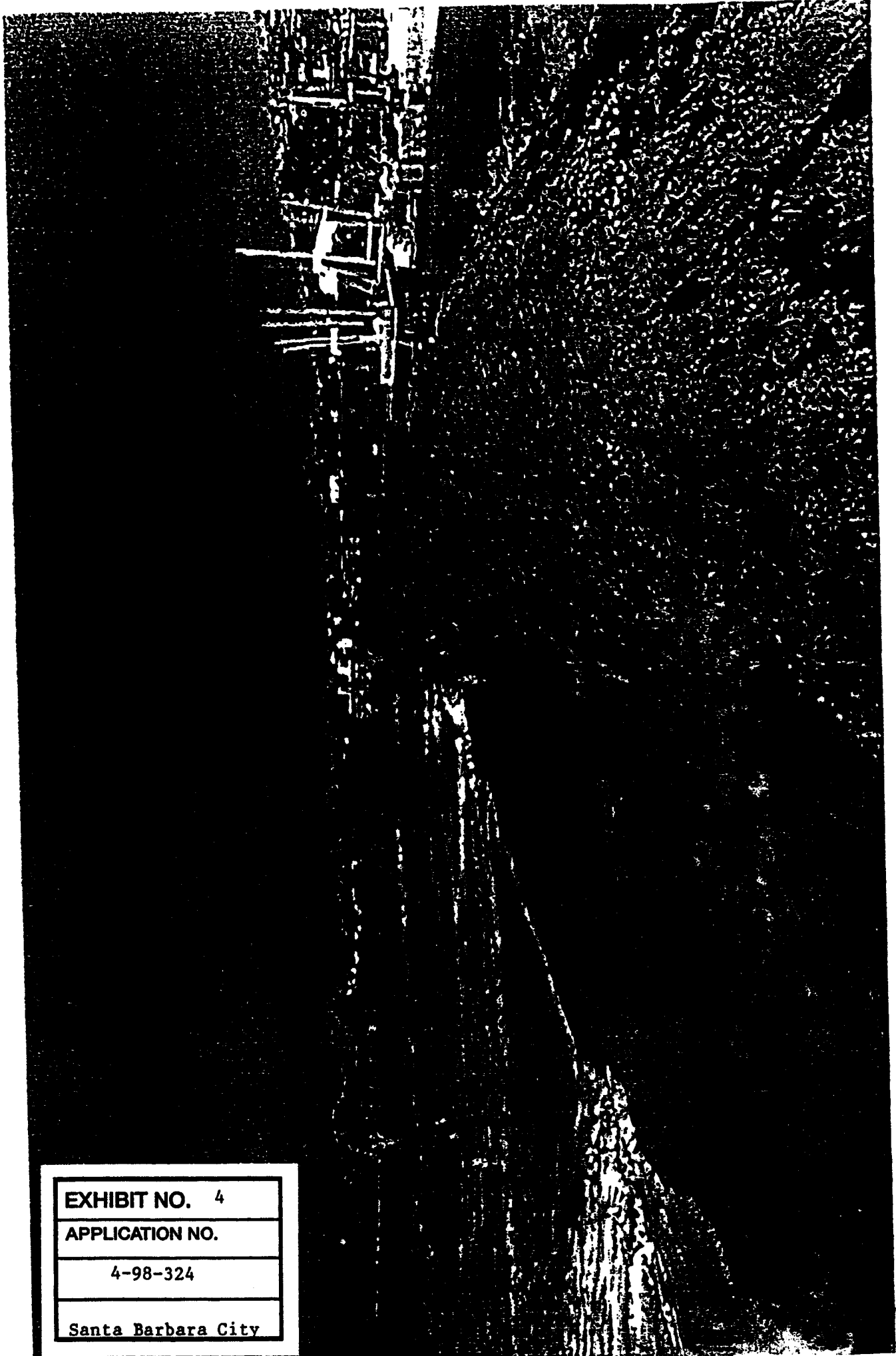
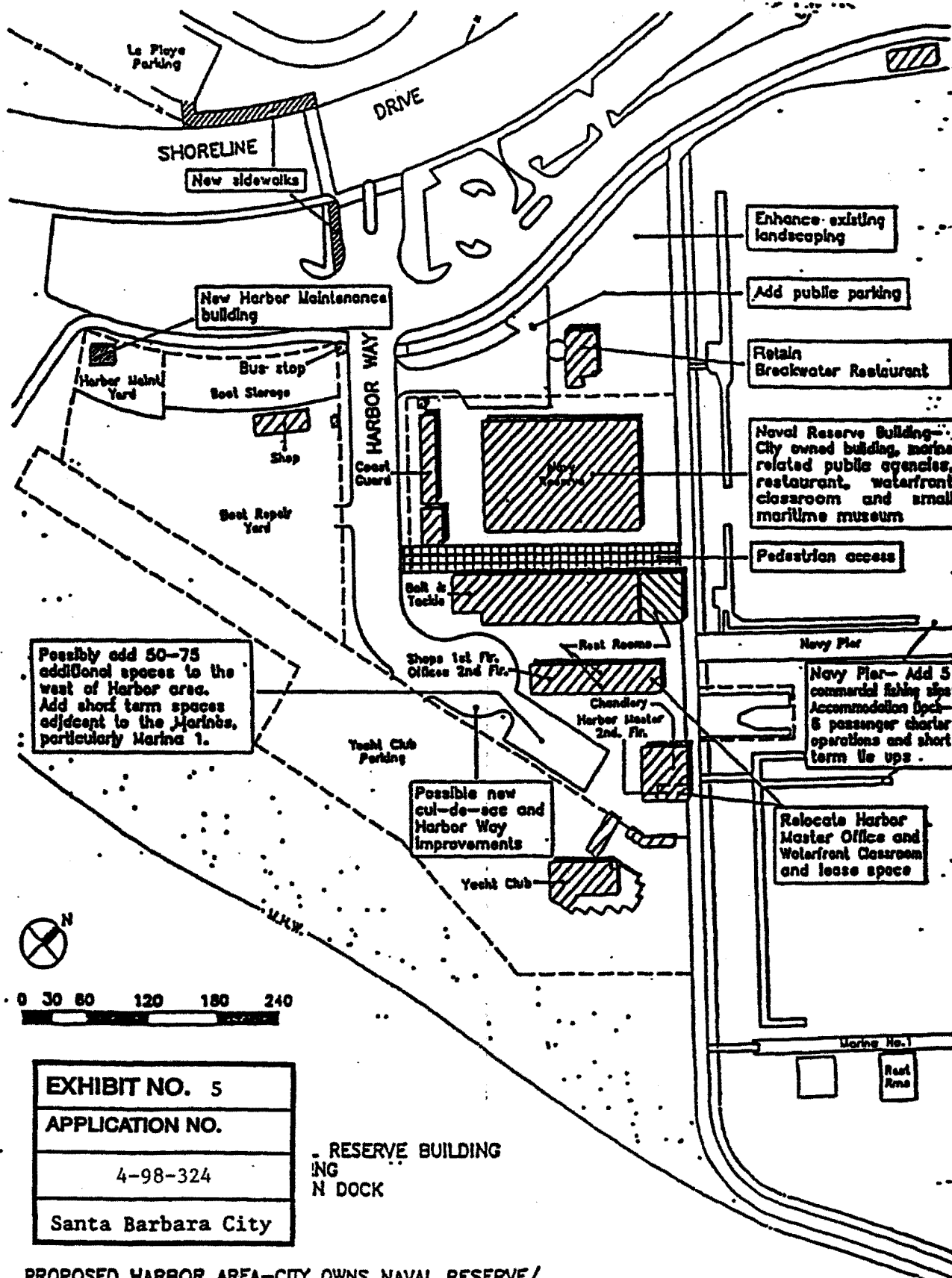


EXHIBIT NO. 4
APPLICATION NO.
4-98-324
Santa Barbara City



Possibly add 50-75 additional spaces to the west of Harbor area. Add short term spaces adjacent to the Marinas, particularly Marina 1.

Possible new cul-de-sac and Harbor Way improvements

Relocate Harbor Master Office and Waterfront Classroom and lease space

Navy Pier - Add 5 commercial fishing slips, Accommodation Dept, 6 passenger charter operations and short term tie ups.

Enhance existing landscaping

Add public parking

Retain Breakwater Restaurant

Naval Reserve Building - City owned building, marine related public agencies, restaurant, waterfront classroom and small maritime museum

Pedestrian access

EXHIBIT NO. 5
APPLICATION NO.
4-98-324
Santa Barbara City

RESERVE BUILDING
ING
N DOCK

PROPOSED HARBOR AREA - CITY OWNS NAVAL RESERVE /
PRIMARYLY OCEAN DEPENDENT AND OCEAN RELATED USES - CONCEPT

