

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (831) 427-4863

Tuesday 3a**ADMINISTRATIVE PERMIT NUMBER 3-99-021**

Applicant..... **Santa Cruz Port District (Brian Foss, Port Director)**

Project location Between F and FF docks (adjacent to the UCSC dock) on the west side of the lower Santa Cruz Harbor in the City of Santa Cruz, Santa Cruz County.

Project description .. Install a small boat hand launching facility (gangway and mattress float).

Executive Director's Determination: The findings for this determination, and for any special conditions, appear on subsequent pages.

Note: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

Tuesday, June 8, 1999 at 9 AM
Radisson Hotel
1111 East Cabrillo Avenue
Santa Barbara, CA
(805) 963-0744

IMPORTANT: Before you may proceed with development, the following must occur: Pursuant to Title 14 of the California Code of Regulations, Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. **Before you can obtain any local permits and proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

PETER DOUGLAS
 Executive Director


 By: **LEE OTTER**
 District Chief Planner

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.

SPECIAL CONDITIONS

1. **Regional Water Quality Control Board.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review evidence of Regional Water Quality Control Board (RWQCB) approval of the project, or an indication that such approval is not required. All materials and construction shall be in accordance with RWQCB recommendations for the protection of water quality and according to the method that results in the least disturbance of bottom sediments.
2. **Foreign Material Containment Requirements.** Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering State waters. Unless an alternative containment plan is approved by the Executive Director, a floating containment boom shall be placed around all active portions of any over-water construction site where wood scraps or other floatable debris could enter the water. The floating boom shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieval or clean up of foreign materials not properly contained.

3. **Lower West Harbor Parking Survey.** WITHIN SIX (6) MONTHS OF INSTALLATION OF THE FLOATING DOCK, the permittee shall submit to the Executive Director for review and approval the results of the lower west harbor parking survey to be initiated by the Port District during the 1999 season. Should the Executive Director determine that the survey indicates parking demand in the lower west harbor area exceeds parking supply, the Port District shall submit an application for an amendment to this permit, or an application for a new coastal development permit, whichever the Executive Director deems appropriate, to provide adequate shuttle transportation to remote parking areas to account for the increase in parking demand due to this project in accordance with the provisions of Policy 4.7 of the certified Harbor Development Plan.
4. **United States Army Corps of Engineers.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review evidence of United States Army Corps of Engineers approval of the project or evidence that no Corps approval is necessary.
5. **City of Santa Cruz.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review evidence of City of Santa Cruz approval of the project or evidence that no City of Santa Cruz approval is necessary.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development which qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is located seaward of the first through public road and is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act, will not prejudice the ability of the local government to implement its certified Local Coastal Program in conformity with the provisions of Chapter 3, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

Background & Project Description

The Santa Cruz Harbor is one of six developed harbors located along the Central Coast, and the largest of four harbor complexes bordering the Monterey Bay National Marine Sanctuary. The Harbor is sited in the northern portion of the Monterey Bay within the City of Santa Cruz. Approximately 920 berths and dory ties for commercial and recreational boats are available, as are launch facilities, commercial and recreational support facilities, as well as other visitor serving uses such as restaurants, accessway, and interpretive facilities. This project area is within the navigable waters of the State of California for which the State Lands Commission has issued a General Permit Lease to the Port District. See pages 8 – 11 for exhibits showing the project's location.

The Port District proposes to install a new small-boat hand-launching facility (gangway and mattress float) between F and FF docks (adjacent to the UCSC dock) on the west side of the lower Santa Cruz

Harbor. The proposed launch ramp would extend approximately 30 feet into the Harbor waters from the existing public access walkway, and rest upon a 20 foot by 23 foot floating dock system. There is currently open water between F and FF docks where the launch would be installed. To accommodate the hand-launch at this location, two adjacent berths at F-dock would be slightly reconfigured, requiring the removal of one existing wood piling and the installation of one recycled plastic piling. See pages 12 and 13 for exhibits showing the proposed site plan.

It should be noted that the overall project also includes resurfacing approximately 350 yards of the existing public coastal access walkway adjacent to the proposed launch facility (replacing asphalt with exposed aggregate to match the rest of the Harbor walkway system) and new pathside landscaping. This inland portion of the project (i.e., the pathway improvements) falls under the City of Santa Cruz's coastal permitting jurisdiction as shown on adopted post-certification maps, and the City will need to process any coastal permits required for these related inland public access improvements. Accordingly, this approval is limited to that portion of the overall project under the Commission's direct jurisdiction (i.e., the gangway and floating dock in and over open Harbor waters).

Land Use

The proposed development will be located in and over the coastal waters of the Monterey Bay where the type and extent of development is strictly limited by Section 30233 of the Coastal Act. The proposed expansion of dock space and placement of pilings is identified by the Coastal Act as "filling" of coastal waters. However, the placement of pilings for expanded boating facilities and recreational piers, such as is proposed by the Port District, is specifically listed as a Section 30233 allowable use.

The proposed project would result in an increase in recreational boating facilities available in the Harbor. Specifically, the launch and floating dock would improve visitor serving public recreational opportunities for small boat users (e.g., kayakers). As such, the small-boat hand-launch project is consistent with Coastal Act Sections giving priority to development providing public recreational opportunities (30213), protecting and encouraging additional recreational boating opportunities (30224), increasing public launching facilities (30224), and upgrading recreational boating facilities (30234).

The proposed project is within the Coastal Commission's original jurisdiction (Coastal Act Section 30519(b)) and the standard of review for the coastal development permit is the Coastal Act. As described earlier, the inland portion of the project (i.e., the public access walkway and landscaping improvements) falls within the City of Santa Cruz's coastal permitting jurisdiction and the City will need to process a coastal permit authorization for this piece of the project. In either case, the Harbor Development Plan (a component of the Santa Cruz City Local Coastal Program certified by the Commission on March 16, 1994) provides area-specific guidance.

While the proposed small-boat hand-launch facility is not specifically identified as a planned project in the certified Harbor Development Plan (HDP), the use is consistent with the outlined uses in the 'Waterfront Recreation' land use designation applied to the site. Furthermore, the hand-launch facility is consistent with the overall intent of the HDP. The proposed project furthers HDP policies which specifically encourage increased boating opportunities (HDP Policy 3.2), increased access to Bay waters for recreational trips (HDP Policy 3.3), and continuation of the overall launching capability of the Harbor (HDP Policy 3.4).

The proposed small-boat hand-launch facility is an appropriate use at this location and is consistent with the City of Santa Cruz certified LCP and Coastal Act policies discussed above.

Marine Resources

The water quality and biological productivity of the marine environment are specifically protected by Sections 30230 and 30231 of the Coastal Act. Furthermore, Section 30240 provides for the protection of environmentally sensitive habitat and Section 30232 provides for protection against spillage of hazardous substances. Because of the project's small scale, location in a previously developed and highly used boating area, and the limited amount of in-water work required, the proposed development has a limited potential to impact water quality and other marine resources. Nevertheless, increased turbidity, the potential for the use of toxic materials, and the introduction of any foreign materials or toxic substances into the marine environment are all potential impacts.

In particular, the placement of piles is always a concern in the marine environment. The process of removing and then installing a piling (as required for the proposed project) has the potential to stir up sediments on the harbor floor. This increase in turbidity adversely affects marine resources by reducing the amount of light penetration, diminishing water quality, and burying living organisms. In addition, any contaminants in harbor sediments become more bioavailable when suspended in the water column. In this case, the water quality impacts from removing and installing one piling are expected to be minor. While some benthic sediments would be temporarily disturbed by pile removal and installation, causing some localized turbidity increases, only minor temporary and localized impacts are expected. As conditioned for Regional Water Quality Control Board (RWQCB) approval, the lack of adverse water quality impacts will be confirmed prior to commencement of construction (Special Condition 1).

The most environmentally friendly composition for piles is an ongoing debate among marine biologists. Preservatives used to treat pilings (e.g., creosote) can leach into the surrounding waters adversely affecting water quality and marine life. In this case, the Port District proposes to remove a wooden pile and replace it with a recycled plastic pile to allow for a reconfiguration of two slips on adjacent F dock. According to recent conversations between Commission staff and the staff of the California Department of Fish and Game (CDFG), the recycled plastic piles are basically inert and do not leach significantly into the marine environment. As such, these piles are the least environmentally damaging alternative choice of building materials and they will not adversely affect the marine environment.

Since the proposed development will take place in an area that is currently developed and actively used for boating activities, there are not likely to be any impacts on biological resources. However, the Santa Cruz City LCP identifies the Harbor as habitat for the endangered tidewater goby (*Eucyclogobius newberryi*). According to recent conversations between Commission staff and staff of CDFG, potential goby habitat at the Harbor is confined to the brackish water/freshwater zone at the mouth of Arana Creek (in the area north of the Harbor boundaries); the predominantly saltwater, developed portions of the Harbor, such as the project area adjacent to F and FF docks, have not been identified as potential goby habitat. As such, the proposed project is not expected to impact tidewater goby or any other biological resources.

Construction of the proposed project, nonetheless, has the potential to introduce an array of foreign materials into the marine environment. However, as conditioned to provide for containment of construction debris and precautionary requirements for contractors regarding accidental spills, the construction related impacts of the dock extension can be addressed (Special Condition 2).

As conditioned for construction containment requirements (and RWQCB review), the risk of water quality degradation and impacts on marine resources in the harbor and in the adjacent environmentally sensitive habitat of the Monterey Bay National Marine Sanctuary are minimized. Therefore, as

conditioned, the proposed development is consistent with the Marine Resource policies of Chapter 3 of the Coastal Act and Coastal Act Section 30240 which protects environmentally sensitive habitat.

Public Access & Recreation

Sections 30210-14 of the Coastal Act provide for maximizing public access to the coast. In accordance with other Coastal Act policies, and as discussed above under 'Land Use', Section 30213 gives priority to development providing public recreational opportunities, Section 30224 encourages increased recreational boating by increasing launching and associated boating facilities, and Section 30234 provides for protecting and upgrading recreational boating facilities. The proposed small boat hand launch ramp would enhance the facilities available for recreational boating in the Harbor. Moreover, there would be no fee associated with using the small boat launch itself consistent with the priority afforded low cost recreational facilities by Section 30213 of the Act. Should any fee be subsequently proposed to use the proposed launch ramp, such modification would require a separate coastal development permit or amendment to this permit. In sum, the project represents a coastal access and recreation enhancement to the services currently available to the public at the Harbor.

The new ramp will be placed in open waters between the existing F and FF docks. Since these docks are actively used, introducing small boats into this somewhat confined space raises some boater safety questions. To address these concerns, the two slips closest to the proposed facility will be reconfigured to allow easier ingress and egress for the two large charter vessels which currently occupy this space. The Port District has indicated that experience in this area, where some smaller boats (UCSC FF dock) and larger vessels (F dock) currently co-exist, has been generally positive and that no accidents have occurred. Users of the small boat launch ramp will be advised by signage that caution is required. In any event, to the extent that small boat users of the main boat launch (on the eastern side of the Harbor) are redirected to the proposed facility, overall boater safety in the Harbor will be improved.

The Port District anticipates that 2 to 6 small boaters per day will launch from the proposed new ramp. Commission staff believe that it is more likely that two or three times this number of users may be expected to use the proposed ramp over the course of a typical day. In any event, Table H-4/ASP-21 of the certified HDP (Parking Demand and Requirements) and LCP Section 24.12.240 (Number of Parking Spaces Required) do not specify the number of parking spaces that would be required for this use. However, HDP Table H-4/ASP-21 does include requirements for the adjacent rowing dock, a use that is similar to the one proposed here. Using the parking rate established for the rowing dock (.35/space), it is assumed that somewhere in the neighborhood of 2 to 7 parking spaces would be necessary to provide parking for these users over the course of a day. Such demand would likely shrink and swell with the season (i.e., more parking demand during the summer and less parking demand during winter storms).

Based on the methodology established in the certified HDP for adjacent rowing dock parking demand, small boat launch ramp parking demand would be present during the off-peak morning and evening times, and would not be counted in the total required number of parking spaces for the lower west harbor. This off-peak demand has been the use pattern generally observed by the Port District for small boat users. As such, the Port District does not anticipate parking demand impacts as a result of the new small boat ramp. In any event, the Port District estimates a 7 space parking surplus in the lower west harbor at the current time (based upon HDP Table H-4/ASP-21). In addition, it is anticipated that some amount of users of the new ramp would be redirected from other harbor parking spaces which would be freed-up accordingly. As such, and even should the inland portion of the project require the removal of

one to two parking spaces to provide access to the new ramp, there appears to be adequate parking to serve the new use consistent with HDP Policy 4.5.

Be that as it may, it appears that parking supply in the lower west harbor area is very close to being outstripped by parking demand according to HDP Table H-4/ASP-21. If small boat use patterns indicate more peak-time users, there may, in fact, be a parking deficit in this area. Per HDP Policy 4.7, such a deficit would require some form of shuttle transportation (with remote parking) to alleviate parking demand issues. Accordingly, the Port District has committed to conducting a parking survey throughout the 1999 season to confirm use parking use patterns in the lower west harbor. As conditioned for the submittal of the survey results, the parking supply and demand concerns can be addressed (Special Condition 3).

As conditioned, the proposed development will not have significant adverse impacts on pedestrian, vehicular, or boating access, and it will enhance water-dependent access opportunities. As such, the proposed dock extension is consistent with the parking policies of the certified HDP and the access and recreation policies of the Coastal Act.

Other Agency Review

As discussed earlier, the City of Santa Cruz will need to process any required coastal authorization(s) for the inland portion of the proposed project (i.e., the pathway improvements). The City may or may not need to approve the over-water ramp and float launch system. In addition, according to recent correspondence between Commission staff and staff of the United States Army Corps of Engineers (ACOE), ACOE is prepared to issue a 'Letter of Permission' for the project as soon as the coastal permit is issued. As conditioned for ACOE and City of Santa Cruz review and approval (as necessary), any other required approvals necessary to allow for the proposed project will be in place prior to construction of the proposed project (Special Conditions 4 and 5).

Conclusion

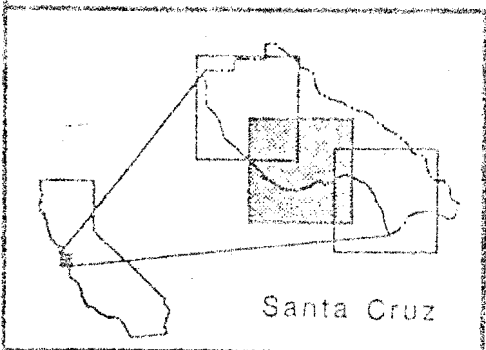
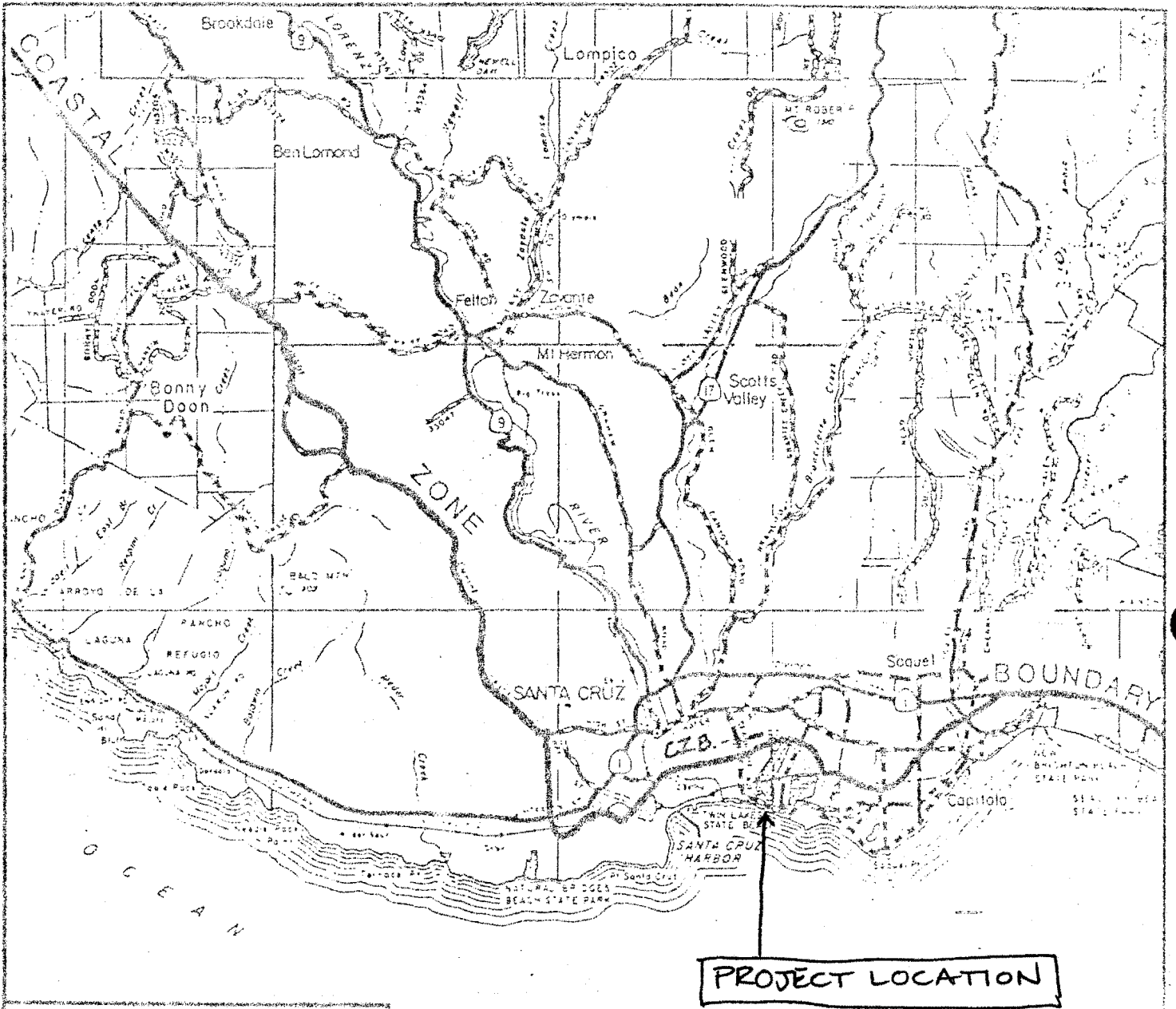
The proposed small boat hand launch ramp will provide for enhanced recreational boating opportunities and services consistent with the priorities established for these uses in the certified Harbor General Development Plan and the Coastal Act. As conditioned, any potential adverse impacts on marine resources and parking are addressed and the project will not have a significant effect on the environment within the meaning of the California Environmental Quality Act (CEQA). The Port District, as the lead agency for the CEQA review, determined that the project qualified for a Class III small structure exemption. As conditioned, the proposed development will be consistent with Chapter 3 of the California Coastal Act of 1976.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

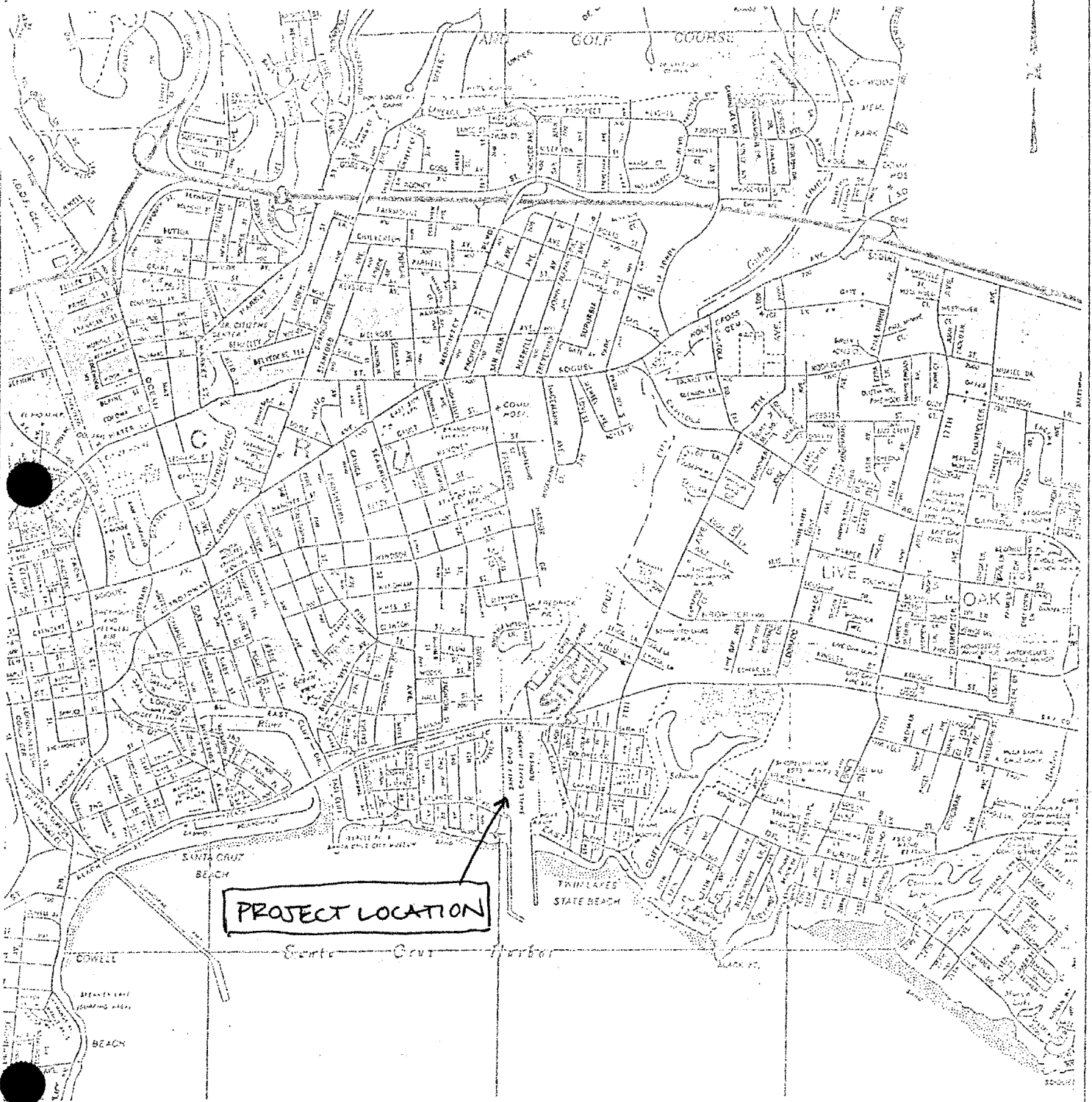
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's signature

Date of signing

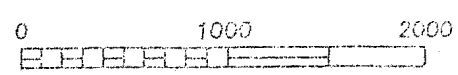


JOB #R98150



PURPOSE: TO PROVIDE SMALL CRAFT LOADING RAMP & REALIGN EXISTING DOCKS

VICINITY MAP

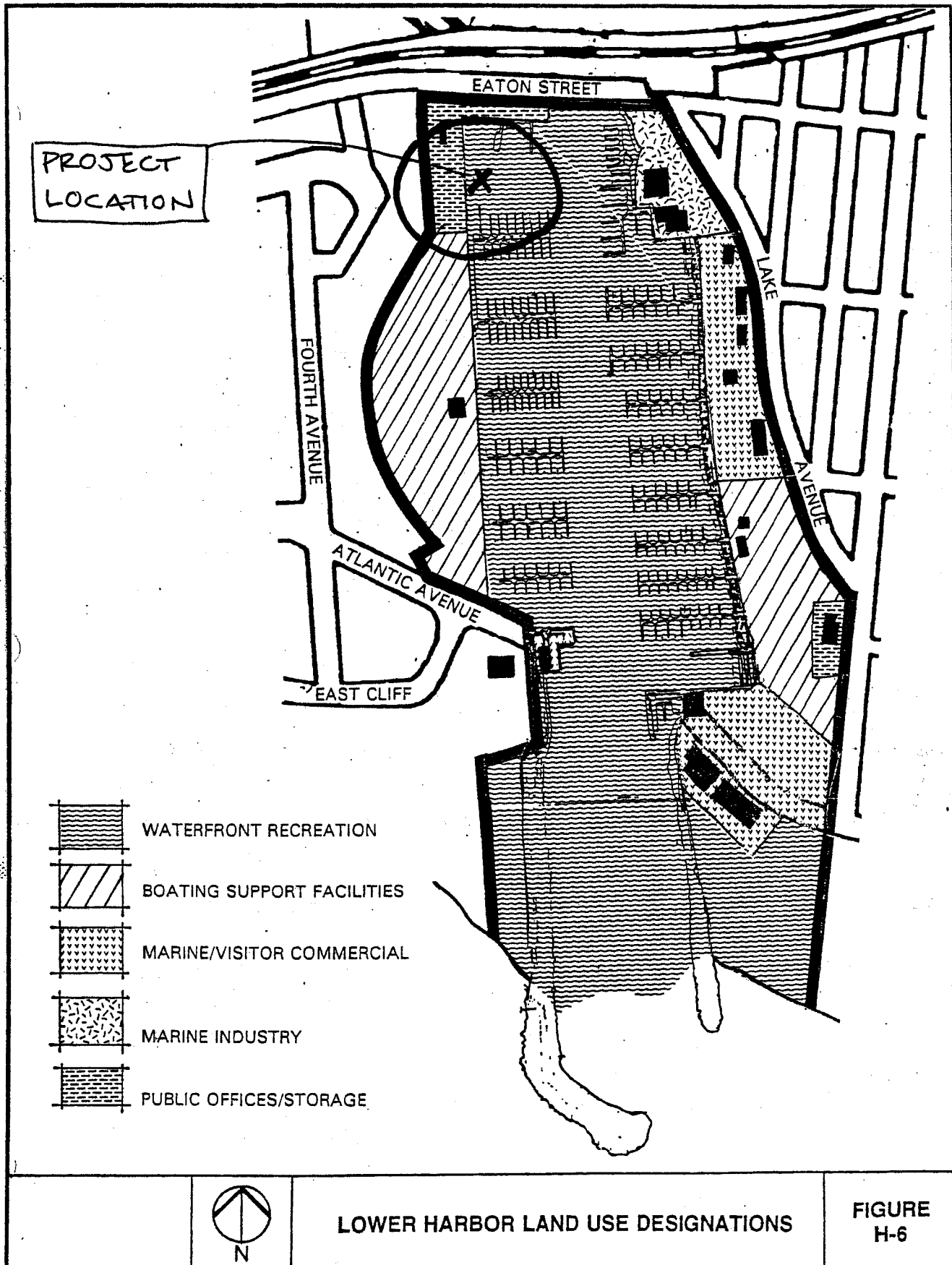


IN: SANTA CRUZ SMALL CRAFT HARBOR

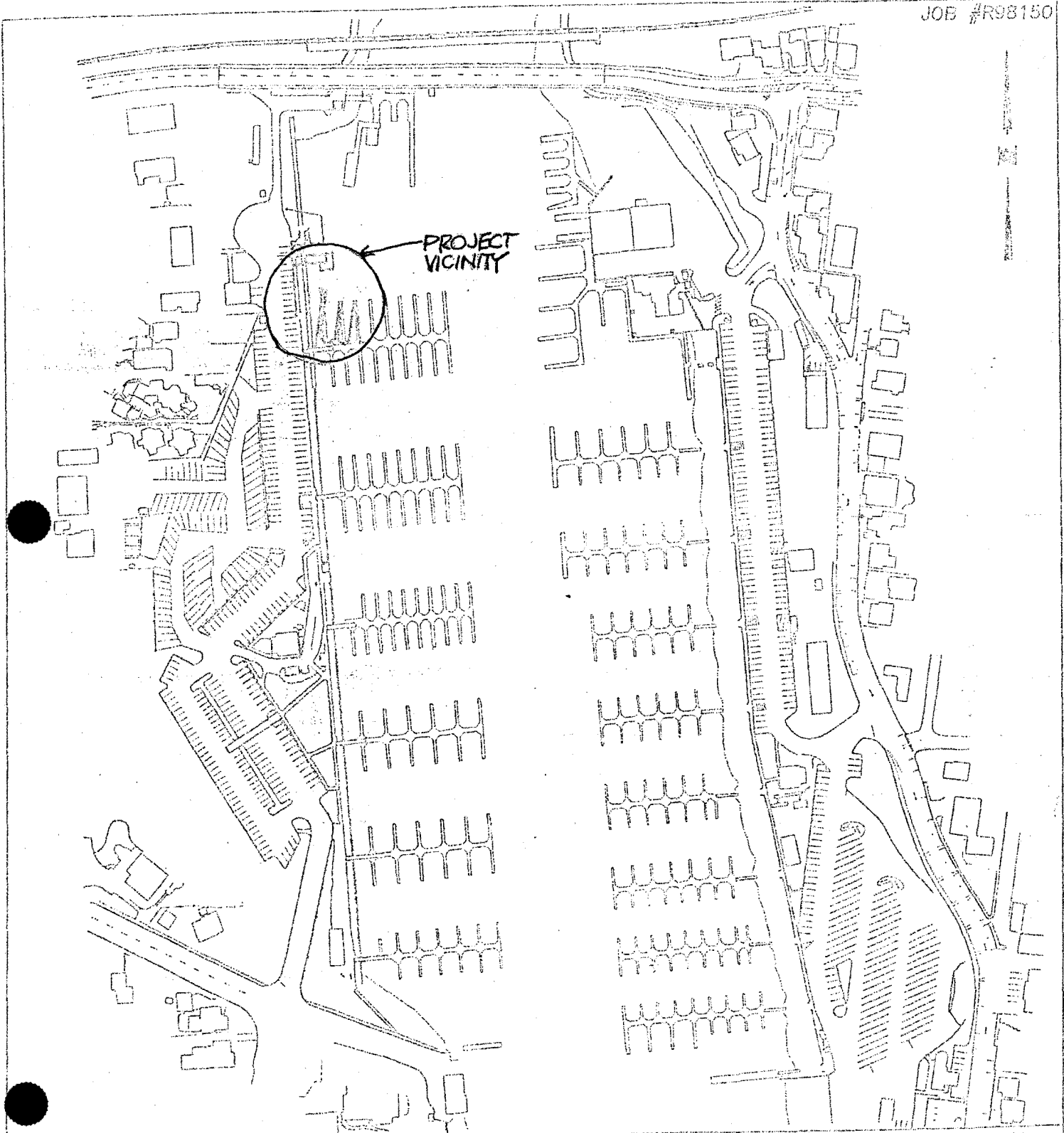
AT: LOWER HARBOR

COUNTY OF: SANTA CRUZ

APPLICATION BY: SANTA CRUZ



JOB #R98150



PROJECT
VICINITY

PURPOSE: TO PROVIDE SMALL
CRAFT LOADING RAMP
& REALIGN EXISTING DOCKS

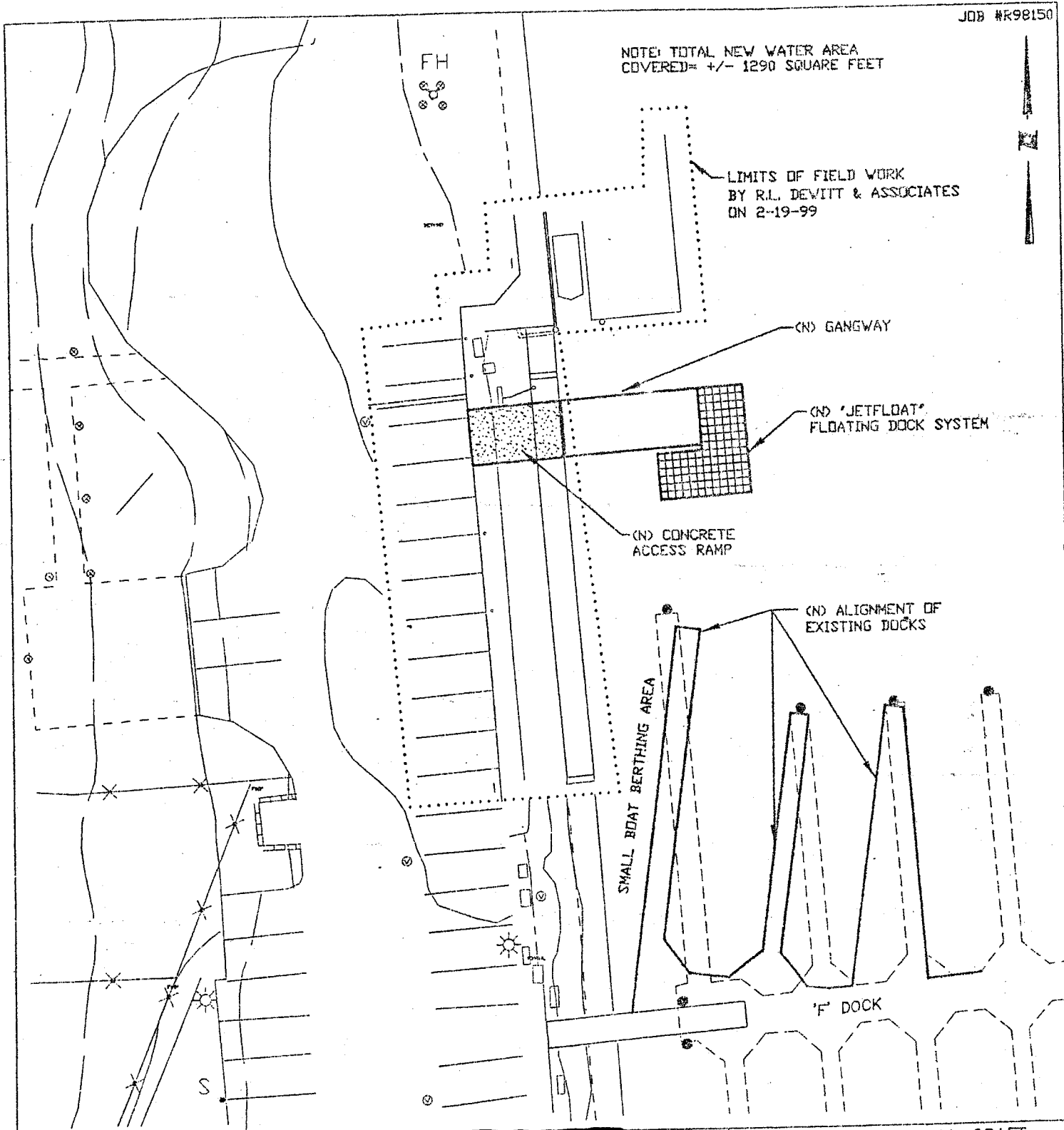
VICINITY MAP

SCALE: 1"=200'

SANTA CRUZ PORT DISTRICT

IN: SANTA CRUZ SMALL CRAFT
HARBOR
AT: LOWER HARBOR
COUNTY OF: SANTA CRUZ
APPLICATION BY: SANTA CRUZ
PORT DISTRICT

JOB #R98150



SITE PLAN

PURPOSE: TO PROVIDE SMALL CRAFT LOADING RAMP & REALIGN EXISTING DOCKS

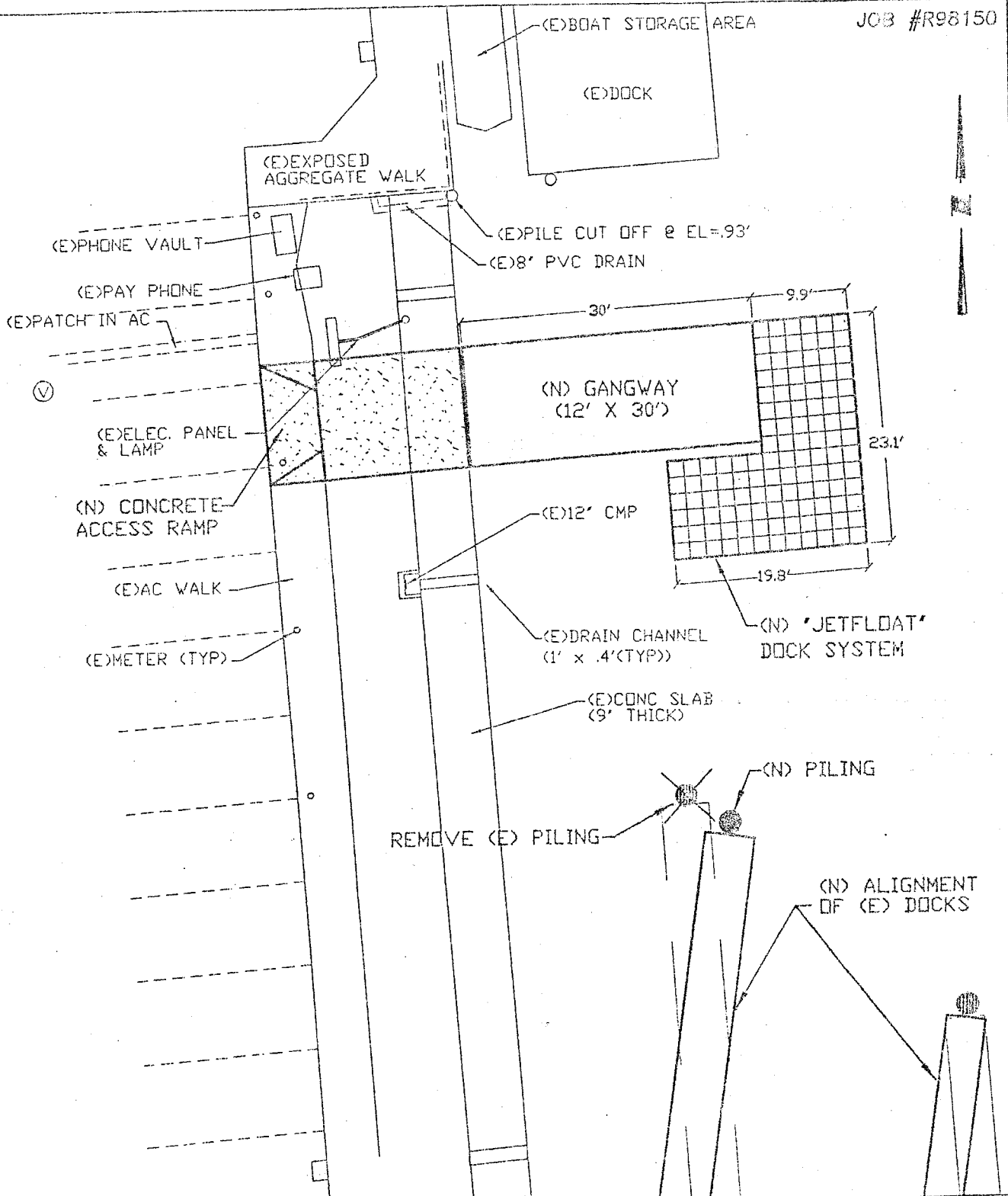
DATUM: MLLW

SCALE: 1"=30'

SANTA CRUZ PORT DISTRICT
 135 5TH AVENUE

IN: SANTA CRUZ SMALL CRAFT HARBOR
 AT: LOWER HARBOR
 COUNTY OF: SANTA CRUZ
 APPLICATION BY: SANTA CRUZ PORT DISTRICT

JOB #R98150



SITE PLAN

PURPOSE: TO PROVIDE SMALL CRAFT LOADING RAMP & REALIGN EXISTING DOCKS

SCALE: 1"=15'

SANTA CRUZ PORT DISTRICT
 135 5TH AVENUE

IN: SANTA CRUZ SMALL CRAFT HARBOR
 AT: LOWER HARBOR
 COUNTY OF: SANTA CRUZ
 APPLICATION BY: SANTA CRUZ PORT DISTRICT

DATUM: MLLW