

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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VENTURA, CA 93001  
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Filed: 10/25/00  
49th Day: 12/13/00  
180th Day: 4/23/01  
Staff: AAV  
Staff Report: 10/26/00  
Hearing Date: 11/14-17/00  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.:** 4-00-227**APPLICANT:** City of Santa Barbara, Waterfront Department**PROJECT LOCATION:** Santa Barbara Harbor, City of Santa Barbara**PROJECT DESCRIPTION:** Replacement of two deteriorated, 100 X 12 ft., wood floating docks with two concrete floating docks and replacement of approximately 3,700 sq. ft. of deteriorated concrete launch ramp.**LOCAL APPROVALS RECEIVED:** City of Santa Barbara Local Agency Review Form 6/9/97.**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit 4-97-151 (City of Santa Barbara).**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with **Three Special Conditions** regarding 1) Best Management Practices, Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris, 2) Disposal of Construction Debris and 3) Waiver of Liability.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-00-227 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions and policies of the certified Local Coastal Program of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to maintain 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 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 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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. Best Management Practices, Storage of Construction Materials, Mechanized Equipment, Removal of Construction Debris**

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a Best Management Practices Plan. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

- (a) Construction debris and sediment shall be properly contained and secured on site with Best Management Practices (BMPs), or removed from construction areas, each day that construction occurs, to prevent the accumulation and/or unintended transport of sediment and other debris by wind, rain or tracking, which may discharge into coastal waters. Debris shall be disposed at an appropriate debris disposal pursuant to Special Condition 2;
- (b) Best Management Practices (BMPs) designed to prevent spillage and/or run-off of construction related materials, sediment, or contaminants associated with construction activity, shall be implemented prior to the onset of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project;
- (c) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (d) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.

#### **2. Disposal of Construction Debris**

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all debris/excavated material from the site. Should the dumpsite be located in the Coastal Zone, a Coastal Development Permit shall be required.

#### **3. Waiver of Liability**

Prior to the issuance of the Coastal Development Permit, the applicant shall submit a written document, in a form and a 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 run-up, erosion and or flooding and the applicant assumes the risks that such hazards may pose to the development approved in this permit 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:

##### **A. Project Description and Background**

The applicant is proposing to replace two deteriorated 100 X 12 ft. wood floating docks with two concrete floating docks of similar size and configuration. Replacement of the existing floating docks will require removal of two supporting wood piles. The applicant has indicated that the replacement floating docks will be composed entirely of concrete and will be supported with concrete piles. Additionally, the applicant is proposing to replace approximately 3,700 sq. ft. of deteriorated concrete surface of the launch ramp apron with similar materials and a ribbed surface to provide better traction for launch vehicles (Exhibit 4). The proposed project involves replacing and upgrading an existing deteriorated launching facility and will not expand the development, or modify or change the intensity of use of the facility for Santa Barbara Harbor.

The project site is the Santa Barbara Harbor launch ramp located on the shoreline within the Santa Barbara Harbor interior adjacent to a large trailer parking lot which serves the Harbor's commercial and recreational boating industries (Exhibits 1-3). The project site will be accessed from the adjacent trailer parking lot located directly north of the launch ramp apron. The adjacent parking lot will provide sufficient area for staging construction activities in the near vicinity of the project site, therefore no sandy beach areas will be displaced and no new roads, parking or storage areas will be constructed in conjunction with the proposed project. Construction of the proposed project will require the use of heavy land equipment such as a backhoe, crane, and trucks and the project may also require heavy water equipment such as a pile driving hammer. The estimated length of time for completion of the proposed project is 90 days.

The proposed project was previously approved by the Commission in July of 1997 under Coastal Development Permit 4-97-151. The permit was never vested nor did the applicant submit a request for extension prior to the permit's expiration date two years following the date of Commission approval. The applicant has re-submitted a coastal application for the proposed project and intends to complete the proposed improvements prior to March of 2001.

Submerged tidelands of the Santa Barbara Harbor have been legislatively granted to the City of Santa Barbara through the State Lands Commission. Therefore, the proposed project does not require review and approval of the State Lands Commission. However, because the proposed project is located seaward of the mean high tideline

the project is subject to the retained original coastal permit jurisdiction of the Coastal Commission. The proposed project will involve construction activities within the marine environment, however, the existing footprint of development will not be enlarged as the applicant proposes only to replace existing docks and a portion of the launch ramp. Therefore all the proposed development will be constructed in an area previously occupied and disturbed by existing piles and hardscape surfaces. Additionally, the proposed project will not be located on any portion of the sandy beach area or upland habitat area. Therefore, the proposed project will not have a significant adverse impact on sensitive marine or upland habitat areas.

## **B. Recreation**

Section 30220 of the Coastal states:

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

Section 30224 of the Coastal Act states:

***Increased recreational boating uses of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.***

Sections 30220 and 30224 of the Coastal Act mandate that coastal areas suited for water-oriented recreational activities shall be protected and recreational boating uses of coastal waters shall be encouraged.

The Santa Barbara Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. The Harbor is the home base of the local commercial fishing fleet and the U.S. Coast Guard and provides excellent recreational boating opportunities for the public. The subject launch ramp contains four launching lanes and two floating docks and is the only coastal public small boat launching facility between Ventura and Morro Bay.

As mentioned, the proposed project involves replacement of two deteriorated 100 X 12 ft. wood floating docks with two concrete floating docks and replacement of approximately 3,700 sq. ft. of deteriorated concrete launch ramp. The intent of the proposed project is to replace and upgrade the deteriorated boat launching facility which services commercial fishing and recreational boating industries of the Santa Barbara Harbor. Upon completion of the proposed project the upgraded launching facility will continue to accommodate commercial fishing and recreational boating

opportunities provided within the Santa Barbara Harbor. The Commission finds that the proposed project will serve to maintain the water-oriented visitor serving facility, and will therefore support the type of recreational opportunities and recreational boating uses of coastal waters identified in Sections 30220 and 30224 of the Coastal Act.

Therefore, the Commission finds that the proposed project is consistent with Sections 30220 and 30224 of the Coastal Act.

### C. Coastal Access

Coastal Act Section 30210 states that:

***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

Coastal Act Section 30211 states:

***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.***

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.***
- (2) adequate access exists nearby, or,***
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.***

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources. All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act.

The proposed project involves the replacement and upgrading of an existing deteriorated boat launching facility which services the commercial fishing and

recreational boating industries of the Santa Barbara Harbor. The rehabilitated launching facility will continue to accommodate coastal-dependent, public recreational opportunities such as boating supported by the provisions of the Coastal Act.

The proposed project will not modify or change the existing intensity of use of the boating support facility with the exception of the temporary construction period, and will therefore serve to maintain the existing recreational uses accommodated by the launching facility. The applicant has indicated that the construction period for the proposed development will last approximately 90 days and will be completed by March of 2001. Therefore, the project will be completed prior to the summer season when public use of the facility is anticipated to be at it's highest. During the construction period one-half of the launching facility (two launching lanes and one floating dock) will be available for use by the public to ensure that public recreational boating opportunities are maintained throughout the duration of construction activities. In addition, the staging area for construction will require only approximately 8 trailer parking spaces in the adjacent parking lot located directly north of the project site (Exhibit 3) minimizing displacement of available public parking for the launch facility. Furthermore, because the proposed temporary construction activities and the staging area will be contained within the vicinity of the project site and the adjacent parking lot, the proposed project will not displace any available standard parking spaces in the project area, therefore the proposed project will not impede public access to the Harbor, Harbor related activities, or to the beach.

Therefore, the Commission finds that the proposed project will not significantly impact recreational opportunities and public access at the Harbor, and therefore the project is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

#### **D. Marine Resources**

Section 30230 of the Coastal Act states:

***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.***

Section 30231 of the Coastal Act states:

***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, controlling runoff, preventing depletion***

***of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.***

Section 30232 of the Coastal Act states:

***Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.***

Section 30233 of the Coastal Act states in part:

***(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes 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:***

***(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.***

***(2) Maintaining existing, or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.***

Finally, Section 30234 states:

***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.***

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored. Section 30232 of the Coastal Act requires that protection against spillage of hazardous substances into the marine environment relating to any new development be provided. Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.



The applicant is proposing to replace and upgrade an existing boat launching facility. The proposed project will involve the removal of two existing wood floating docks and replacing them with two concrete floating docks of the same size and configuration to be supported with 2 concrete piles. Additionally, the proposed project involves removing and replacing approximately 3,700 sq. ft. of the launch apron surface. The proposed project will require the use of heavy land equipment and possibly heavy water equipment. Construction activities such as those required for the proposed project within and near the marine environment have the potential to adversely affect sensitive marine resources and coastal water quality.

As previously discussed, though the proposed project will involve some construction within the marine environment to replace the existing docks, piles and portions of the launch ramp surface, the applicant is not proposing to increase the footprint of the development. As such, the proposed project will occur only within the footprint of a previously disturbed area presently covered by piles, docks and hardscape surface of the existing launching facility. Therefore, the proposed project will not have any new significant adverse impacts on sensitive marine habitat.

The Commission notes that construction activity within and near the marine environment, such as that required for the proposed project, will result in the potential generation of debris and or presence of equipment, materials and hazardous substances that could be subject to tidal action and run-off into the marine environment. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers and sensitive marine organisms if construction site materials were discharged into the marine environment or left inappropriately/unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. To ensure that construction related adverse effects to the marine environment are minimized **Special Condition 1** of the subject permit requires the applicant to submit, for review and approval of the Executive Director, a Best Management Practices (BMPs) Plan consistent with the terms of the condition. Special Condition 1 requires the applicant to implement Best Management Practices (BMPs) designed to prevent spillage and/or run-off of construction related materials, sediment, or contaminants associated with construction activities to prevent the accumulation and/or unintended transport of sediment and other debris by wind, rain or tracking, which may discharge into the marine environment. The applicant shall be required to implement appropriate BMPs for the proposed project prior to the onset of the proposed construction activities and maintain the BMPs in a functional condition throughout the duration of the project. Special Condition 1 also requires the applicant to ensure that no construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion and requires any and all debris resulting from construction activities to be removed from the project site within 24 hours of completion of construction. To further minimize the potential for unintended transport of sediment and other debris or hazardous substances into coastal waters **Special Condition 2** of the subject permit

requires that all construction debris shall be disposed at an appropriate debris disposal site, and requires the applicant to provide evidence to the executive Director of the disposal site prior to issuance of the coastal development permit. The Commission finds that the proposed project, as conditioned, will serve to minimize potential adverse impacts on marine resources and coastal waters.

The proposed project will require minor dredging and filling in the Harbor to replace two wood piles which support the existing docks with two concrete piles, and to replace those portions of the launch apron submerged in tidelands. As described above, section 30233 of the Coastal Act provides that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. The Commission notes that the proposed project will serve to maintain and restore an existing boat launching facility, which is specifically referenced under Section 30233 of the Coastal Act as allowable development requiring dredging and filling in coastal waters. The Commission also notes that the proposed project, as conditioned, will minimize potential adverse effects of the proposed project on the marine environment. Furthermore, consistent with section 30234 of the Coastal Act the proposed project is intended to upgrade the launching facility which currently provides the primary service for the commercial fishing and recreational boating industries of Santa Barbara Harbor.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections **30230**, **30231**, **30232**, **30233**, and **30234** of the Coastal Act.

#### **E. Coastal Hazards**

Section **30253** of the Coastal Act states in part:

***New Development shall:***

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed project is located within the inner portion of the Santa Barbara Harbor. The Harbor is a protected water area and is therefore not regularly subject to potentially damaging wave action. However, exceptional winter storm conditions can generate waves within inner portions of the Santa Barbara Harbor which in turn may cause

damage to boating support facilities. Therefore, **Special Condition 3** of the subject permit requires that the applicant acknowledge that (a) the site may be subject to extraordinary hazards from ocean waves and tides and that (b) the applicant waives any future claims of liability against the Commission or its successors in interests for damage from such hazards.

The Commission therefore finds that the proposed development, as conditioned, is consistent with and adequate to carry out the requirements of Section **30253** of the Coastal Act.

**F. LCP/California Environmental Quality Act**

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 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 visitor serving facilities, coastal hazards, 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 has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. The mitigation measures, which are part of the project description, as well as those contained in the special conditions, will minimize any adverse environmental effects. As conditioned, there are no feasible alternatives or mitigation 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.



Project North



CDP # 4-00-227

EXHIBIT 2

033-120-18

Launch Ramp Rehabilitation  
Project area

033-120-19

033-120-22

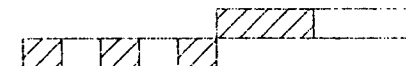
045-250-04

045-250-11

RECEIVED

OCT 17 2000

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



0 500 1000

Scale (feet)

REVISIONS

Assessors Parcel Map  
Launch Ramp Rehabilitation

|                       |         |             |                                |        |              |
|-----------------------|---------|-------------|--------------------------------|--------|--------------|
| DATE                  | 1-1     | APPROVED BY | D. Myerson, Facilities Manager | DATE   | T. Matlovsky |
| DATE                  | 7/11/97 | CHECKED BY  | Santa Barbara Harbor           | DATE   | 1410-002     |
| City of Santa Barbara |         |             |                                | 1 of 1 |              |
| Waterfront Department |         |             |                                |        |              |

Project North



W. Cabrillo Blvd.

POOL

Staging Area

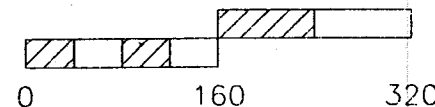
WEST BEACH

Harbor Launch Ramp

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OCT 17 2000

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



Scale (Feet)

Marina 4

Marina 2

Marina 3

REVISIONS

Santa Barbara Harbor  
Launch Ramp Vicinity

|                |   |                             |
|----------------|---|-----------------------------|
| DATE<br>7/8/97 | APPROVED BY<br>D. Myerson, Facilities Manager | DESIGNED BY<br>T. Matlovsky |
|                | PROJECT<br>Santa Barbara Harbor               | PROJECT NO.<br>0000-002     |

City of Santa Barbara  
Waterfront Department 1 of 1

EXHIBIT 3  
CDP # 4-00-227

Project Site

CDP # 4-00-227

EXHIBIT 4

Project North

A/C

Concrete

Existing Launch Ramp

Existing 1990 construction

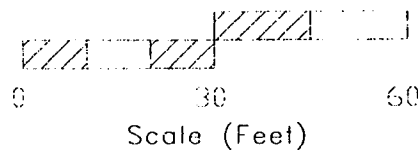
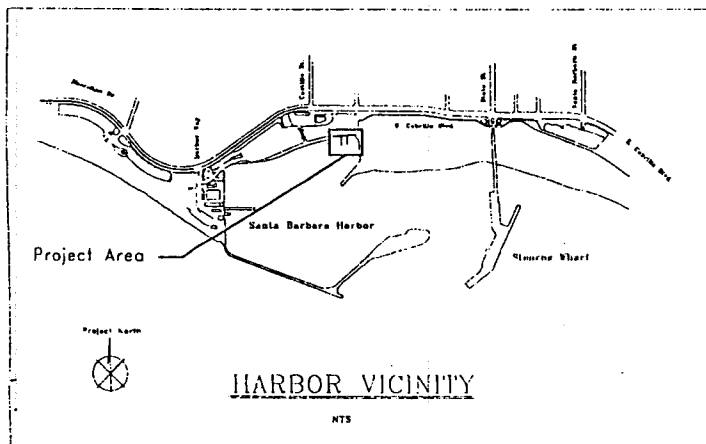
Replace Floating Docks

Harbor Launch Ramp

Proposed construction

Proposed Construction  
is approximately:  
 $42' \times 22' = 924 \text{ sf}$   
 $\times 4$   
3696 sf

Existing 1990 Construction  
is approximately:  
 $68' \times 22' = 1496 \text{ sf}$   
 $\times 4$   
5984 sf



REVISIONS

Santa Barbara Harbor  
Launch Ramp Rehabilitation

|      |         |    |                                |      |           |
|------|---------|----|--------------------------------|------|-----------|
| DATE | 1-30    | BY | D. Myerson, Facilities Manager | DATE | T. Gaasch |
| DATE | 5/23/97 | BY | Santa Barbara Harbor           | DATE | 1110 001  |

City of Santa Barbara  
Waterfront Department 1 of 1

