

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: COASTAL DEVELOPMENT PERMIT

Application number 3-98-113, Santa Cruz Harbor Dry Storage

Applicant Santa Cruz Port District (Contact: Brian Foss, Port Director)

Project location Santa Cruz Small Craft Harbor, City of Santa Cruz (Santa Cruz County)

Project description Reconfigure, renovate and add to existing dry storage yard; move and reconfigure dredge yard; relocate R.V. park; construct a boat repair and maintenance garage.

Approvals Received City of Santa Cruz Coastal Development Permit, Design Permit, and Special Use Permit (item 99-070); City of Santa Cruz Mitigated Negative Declaration

File documents Coastal Act; City of Santa Cruz Local Coastal Program; Port District - Upper Harbor Boat Storage Revised Plans Initial Study (Strelow Consulting); Santa Cruz Port District Management Plan

Staff recommendation ... Approval, with conditions

Executive Summary

Staff recommends that the Commission **approve, with conditions**, Santa Cruz Port District's proposal to reconfigure, renovate and add to their existing dry boat storage yard; to move and reconfigure a dredge storage and maintenance yard; to relocate a recreational vehicle park, and to construct a boat repair and maintenance garage. Coastal issues raised by the proposed development include potential impacts to an adjacent wetland/riparian area and potential impacts to water quality. All new development will be set back a minimum of 100 feet from the adjacent wetland/riparian area. Native vegetation shall be planted and maintained as a buffer between the developed area and the riparian habitat. This approval is conditioned to require submission of a final landscaping plan, fencing plan, lighting plan, and an erosion control plan to the Commission for review and approval, as well as a revised Dredge Operation Manual. Further conditions require the Port District to provide results of biological surveys and other agency consultations to the Commission for review prior to issuance of the permit, and to submit a drainage plan that demonstrates that runoff is adequately filtered and treated prior to discharge into Harbor waters. As conditioned by the City of Santa Cruz Special Use Permit and



California Coastal Commission

Design Permit and by this coastal development permit, the proposed use is consistent with the City of Santa Cruz LCP and with the policies of Chapter 3 of the Coastal Act.

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1. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMIT

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

Motion. I move that the Commission approve Coastal Development Permit Number 3-98-113 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 a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development, subject to conditions included herein, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

2. CONDITIONS OF APPROVAL

A. 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.

B. Special Conditions

1. **Landscaping Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee shall submit a final landscaping plan to the Executive Director for review and approval. The landscaping plan shall include drought-tolerant native plants to be planted along all fences, along the walkway to Arana Gulch, and in the buffer zone area located between the development and the Arana Gulch wetland/riparian area to the north (see Exhibit 3). All planting in the riparian buffer zone shall be wetland/riparian species similar to existing plantings in the wetland/riparian area. The landscaping plan shall include a fully automated irrigation system to be installed in all planting areas except the riparian buffer zone, which shall be hand-watered until established.

2. **Surveys/Consultations. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Permittee shall consult with NMFS and USFWS and shall submit to the Executive Director for review the results of consultations with NMFS and USFWS regarding any potential impacts of the development on steelhead trout, tidewater goby, and California red-legged frog. If any of these consultations determines that any of these species is present, then the Permittee shall consult with the Executive Director as to whether a permit amendment is necessary to prevent negative impacts to these species. If construction is planned during the nesting season, the Permittee shall submit to the Executive Director for review and approval a nesting bird survey of adjacent Arana Gulch, performed by a qualified wildlife biologist. If the survey determines the presence of nesting birds, delay construction until after the nesting season and/or maintain a minimum 200-foot construction setback from the edge of the nesting sites until the nesting season is completed. The Permittee shall also implement any other setback or recommendation identified in the survey.

3. **Lighting Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,**



the Permittee shall submit a final lighting plan to the Executive Director for review and approval. The lighting plan shall at a minimum provide for minimization of lighting along the northern perimeter of the project and use of lighting fixtures that do not create offsite illumination into Arana Gulch or adjacent habitats. All lighting in the dry boat storage area shall be limited to the minimum necessary for public safety and shall be no higher than three feet. All lighting shall be directed downward and designed so that it does not produce any light or glare off site.

4. Erosion Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a construction drainage and erosion control plan to the Executive Director for review and approval. Such plan shall clearly identify all best management practices to be implemented during construction and their location. Such plan shall contain provisions for specifically identifying and protecting all nearby storm drain inlets and natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, block and gravel filters, drop-inlet sediment traps, etc.) to prevent construction-related runoff and sediment from entering into these storm drains or natural drainage areas which ultimately deposit runoff into the Pacific Ocean. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site. At a minimum, the plan shall also include provisions for stockpiling and covering of graded materials, temporary storm water detention facilities, re-vegetation as necessary, restricting grading and earthmoving during the rainy season.

The construction drainage and erosion control plans shall make it clear that: (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; all de-watering operations must require filtration mechanisms; (b) offsite equipment wash areas are preferred whenever possible; if equipment must be washed onsite, the use of soaps, solvents, degreasers, or steam cleaning equipment shall not be allowed; in any event, this wash water shall not be allowed to enter storm drains or any natural drainage; (c) concrete rinsates shall be collected and they shall not be allowed into storm drains or natural drainage areas; (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and finally (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day.

5. Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Drainage Plan to the Executive Director for review and approval. The plan shall provide for the installation of an engineered filtration mechanism specifically designed to remove vehicular contaminants and other urban runoff pollutants more efficiently than a standard silt and grease trap at a point nearest as possible to the storm water line discharge into the Upper Harbor. All runoff from the area north of the harbor waters shall be directed through the engineered filtration mechanism prior to discharge. The Drainage Plan shall account for the following:



- (a) The drainage system shall be designed to filter and treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event prior to its discharge to the Monterey Bay. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993);
- (b) All vehicular traffic and parking areas shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spills shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system.
- (c) All drainage system elements shall be permanently operated and maintained. At a minimum:
- (1) All storm drain inlets, traps/separators, and filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all traps/separators and filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and,
 - (2) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and
 - (3) All inspection, maintenance, and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year.
- (d) The Permittee is encouraged to develop connections from the storm drain system to the sanitary sewer system to allow polluted runoff to be directed from the storm drain system to the sanitary sewer, particularly during times of low-volume flows, wet street cleaning episodes, or hazardous spills.
- (e) It is the Permittee's responsibility to maintain the drainage system in a structurally sound manner and in its approved state.
- (f) The Permittee shall prepare annual reports (for a minimum of 3 years) that shall be submitted to the Executive Director for review and approval. The reports shall include a maintenance log describing the timing of maintenance, provide a breakdown and comparison of the constituent contaminants captured by the storm water system, and shall include a cost effectiveness evaluation of the filtration mechanisms and other management practices employed.



6. Revised Dredge Operation Manual. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval a revised Dredge Operation Manual that (1) is in compliance with all past Coastal Commission requirements; and (2) includes a new section addressing the dredge storage yard that shall be prepared in consultation with a biologist familiar with Arana Gulch wetland and riparian area biotic species and resources. The new dredge storage yard section shall include, at a minimum, the following provisions:

(a) **Objective.** The objective that the dredge storage yard shall be maintained and operated in such a manner as to minimize the amount of noise, light, and activity visible and/or audible within the Arana Gulch wetland and riparian area, and/or that would otherwise impact biotic receptors within the Arana Gulch wetland and riparian area. Species located in the Arana Gulch wetland and riparian area shall be identified, including identification of their foraging, roosting, nesting, or other behavioral patterns, and identification of any known methods for avoiding impact to these species.

(b) **Implementation.** Specific measures shall be identified to ensure that the objective for the dredge storage yard is achieved (e.g., time/duration when heavy equipment maintenance is allowed, size/illumination of light standards, screening measures, noise abatement measures overall and specific to certain noise-intensive activities, etc.). At a minimum: all lighting shall be downward directed and designed to avoid any spillover lights and glares into the adjacent Arana Gulch wetland and riparian area; and all noise-intensive activities shall be limited to daytime hours to the extent feasible.

(c) **Monitoring.** The required every-three-year monitoring report (that outlines compliance with the Dredge Operation Manual, and any necessary corrective measures) shall be expanded to address dredge storage yard maintenance and operations, and the extent that the objective of the dredge storage yard is achieved. The dredge storage yard component of the required monitoring report shall at a minimum:

(1) Be developed in consultation with a biologist familiar with Arana Gulch wetland and riparian area biotic species and resources;

(2) Clearly identify all noise, light, and activity sources by location, intensity, and duration;

(3) Provide analysis of the corresponding effect of these noise, light, and activity sources on Arana Gulch wetland and riparian area habitat and resources. At a minimum, the monitoring report analysis shall clearly identify impact sources (e.g., a light standard visible from within the riparian corridor), the intensity of each impact source (e.g., the amount of illumination of the light standard), and the expected effect of the impact source on biotic receptors (e.g., decreased foraging activity due to nighttime illumination) and/or the cumulative effect of several impact sources combined (e.g., nighttime lighting along with heavy equipment noise during roosting season). All assumptions, methodologies, and/or background literature underlying the monitoring report analysis and conclusions shall be provided.



- (4) Provide recommended measures to be taken to better achieve the objective of the dredge storage yard.

Following Executive Director review and approval of the revised Dredge Operation Manual, the permittee shall continue to follow the approved Dredge Operation Manual, including identification of improvements and necessary corrective measures as problems and/or issues arise. Any proposed change to the approved Dredge Operation Manual shall be reported to the Executive Director. No changes to the approved Dredge Operation Manual shall occur without a Coastal Commission amendment to this coastal development permit or coastal development permit 3-00-034 unless the Executive Director determines that no amendment is necessary. Failure to comply with all provisions of the approved Dredge Operation Manual shall be considered a violation of this coastal development permit and shall result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

7. **Change in Use.** The approved project, as shown on the approved plans for the project, consists of (1) dry boat storage; (2) a boat repair and maintenance garage, and (3) a dredge equipment storage and maintenance yard (see Exhibit 3). No alteration to the approved project, including but not limited to any change in use in the areas described above or any employee/contractor housing on the project site, shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

3. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Standard of Review

The project is located entirely within the City of Santa Cruz, which has a fully certified LCP. The City performed design review and issued a special use permit for that portion of the project within the Commission's original jurisdiction. The City has issued a design permit, a special use permit, and a coastal development permit for the portion of the project that is within their jurisdiction. A significant portion of the project is within the original jurisdiction of the Coastal Commission for the purposes of issuing a coastal development permit (Exhibit 1). Therefore, the standard of review for these aspects of the project is the Coastal Act. See Section 3B below for a specific description of which aspects of the project are in which jurisdiction (the City's Conditions of Approval on the design and special use permits, however, apply to the entire project, including those areas in the Coastal Commission's original jurisdiction).

B. General Project Location & Background

Santa Cruz Small Craft Harbor is located in the City of Santa Cruz, at the northern tip of the Monterey Bay, and between Twin Lake and Seabright State Beaches (Exhibit 2). The Harbor is one of only six harbors located along the Central Coast Area. In total, the area of the Harbor encompasses approximately 38 acres of land and 52 acres of water. Within these areas one can find a variety of public



amenities including 920 berths for commercial and recreational boats, 3.3 acres of sandy beach area on both sides of the jetties fronting the harbor mouth, and over 1,000 parking spaces that support marine related uses. The Murray Street Bridge bisects the Harbor. Areas to the north of the bridge are commonly referred to the Upper Harbor, and those to the south are termed the Lower Harbor.

The Harbor facilitates ocean-related functions such as boat launching, berthing for commercial vessels and recreational boats, boat repair areas, marine-related retail/commercial businesses, restaurants, sailing programs, yacht club and boat sales. The vast majority of boat use at the Harbor is for recreational purposes, as opposed to commercial fishing.

The proposed project is located in the Upper Harbor area, which is located north of the Murray Street Bridge. The Upper Harbor area is bordered by residential uses and Seventh Avenue on the east, by the Arana Gulch greenbelt property on the north and west, and by the Lower Harbor on the south.

Currently the area proposed for improvements accommodates a variety of harbor-related functions in an area that abuts the Arana Gulch open space, which is directly north of the project site. The proposed changes in use are as follows:

Existing Use

58 dry boat storage spaces
 20 recreational vehicle parking spaces
 50 automobile parking spaces
 23,500 sq. ft. dredge equipment storage yard
 Non-enclosed boat repair facility
 No landscaping

Proposed Use

151 dry boat storage spaces
 12 recreational vehicle parking spaces
 60 automobile parking spaces
 12,800 sq. ft. dredge equipment storage yard
 2,178 sq. ft. boat repair and maintenance garage
 Landscaping

Dry Boat Storage

The 1992 Harbor Development Plan allows for expansion up to 165 dry boat storage spaces. The proposed project includes 151 dry boat storage spaces, an increase of 93 spaces. Thirty-three of these spaces will be in the Coastal Commission's original jurisdiction. The existing pavement, which is entirely in the City of Santa Cruz's jurisdiction, will be re-paved and re-striped. Minor grading would take place to expand the paved area to the north up to 210 feet (at its greatest dimension) to accommodate the 33 new dry boat storage spaces in the Coastal Commission's jurisdiction. An existing fence delineates the approximate northern boundary where the improvements are proposed to take place (Exhibit 3).

Recreational Vehicle Parking

The Port District currently has 20 recreational vehicle (RV) spaces in the Upper Harbor area. To maximize the number of dry storage boat spaces, the RV spaces will be moved to the eastside of the G-dock area. The number of RV spaces will be reduced from 20 to 12. All of these spaces are located in the City of Santa Cruz's jurisdiction.



Automobile Parking

The expansion of the paved area will allow for an increase of automobile parking spaces in the Upper Harbor, from 50 to 60 spaces. All automobile parking in the Upper Harbor is located in the City of Santa Cruz's jurisdiction.

Dredge Equipment Storage and Maintenance Yard

The area used for dredge equipment storage and maintenance will be moved south from its current position so that it is at least 100 feet from the wetland/stream area of Arana Gulch. The dredge yard will be reduced in size by approximately 50%. The Port District proposes an 8-foot fence around the dredge yard to shield the maintenance functions. The entire dredge storage and maintenance yard is located in the Coastal Commission's original jurisdiction (Exhibit 3).

Boat Repair and Maintenance Garage

A 2,178 square foot boat repair and maintenance garage will be constructed south of the dredge storage yard. This area is within the Coastal Commission's jurisdiction (Exhibit 3). This building will replace an existing non-enclosed facility currently located in the same area. The proposed building will be made of steel and will have roll-up doors. The building will be 66 x 33 feet and 17 feet tall. The building will contain a garage, a storage room, a parts room, and an open-walled roofed boat work area with a concrete pad. Only engine maintenance will be done in this garage.

C. Coastal Act Issues

1. Land Use Priorities

Coastal-dependent and coastal-related development are among the highest priority Coastal Act uses. The Coastal Act defines coastal-dependent and coastal-related as follows:

Section 30101. "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Section 30101.3. "Coastal-related development" means any use that is dependent on a coastal-dependent development or use.

Coastal Act Section 30001.5 states, in part:

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to ... (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

Coastal Act Section 30255 states:

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.

Coastal Act 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.

Coastal Act Section 30234.5 states:

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Santa Cruz Harbor is one of only six harbors located along the Central Coast and is the primary recreational port in Monterey Bay. The Santa Cruz Port District maintains 920 wet berths within the Harbor, which are used by a variety of recreational and commercial boats. Presently all 920 berths are occupied. There are currently 58 dry boat storage spaces in the Upper Harbor, all of which are currently occupied. The proposed project would increase the number of dry boat storage spaces in the Upper Harbor to 151.

In order to maintain adequate harbor depths, the Port District conducts dredging operations throughout most of the months of the year. A conveniently accessible dredge storage and maintenance yard is a necessary adjunct to these dredging operations.

Section 30234 of the Coastal Act provides that facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Section 30234.5 states that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected. Commercial and recreational boating and fishing are coastal-dependent priority uses. These coastal-dependent uses require adequate berthing and/or storage areas for boats, as well as sufficient harbor depths. The proposed project will enhance coastal-dependent uses by allowing more boats to be stored on the Harbor property. Also, the dredge storage and maintenance yard supports the nearly year-round dredging operations required to keep the Harbor operational. Accordingly, the Commission finds that the proposed development supports high priority coastal uses, consistent with Coastal Act Sections 30001.5, 30255, 30234, and 30234.5.

2. Recreation and Public Access

Coastal Act Sections 30210, 30213, 30223, and 30224 specifically protect public access and recreation. In particular:

Section 30210: *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.

Section 30213: *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30223: *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30224: *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, [...] 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.*

Santa Cruz Harbor provides public access and recreational opportunities of regional and statewide significance. The vast majority of boat use at the Harbor is for recreational purposes. The proposed project will strongly benefit recreational opportunities by providing 93 additional dry storage boat spaces. Although the applicant envisions boat-launching facilities in the Upper Harbor in the future, currently all boats are launched at the Lower Harbor launching area.

The City of Santa Cruz's General Plan calls for the development of a bike/pedestrian trail to connect Broadway and Brommer streets through the Arana Gulch greenbelt property, which is directly north/northwest of the Upper Harbor. Alternative D2 is one of the options that the City is considering. This alternative includes using a part of the Port District property (see Exhibit 3). The proposed plans have been designed to allow for future development of the Broadway-Brommer pathway if the City develops the D2 alignment and if the development is permitted.

An existing trail, which provides access to the Arana Gulch greenbelt property through the Port District property, will be realigned slightly and lengthened in the proposed plan (Exhibit 3).

In conclusion, the proposed project will enhance recreational boating opportunities and will allow for continued access to the Arana Gulch greenbelt property, as well as access to a proposed bike/pedestrian path. Thus, the Commission finds that the proposed project would preserve public access and recreational opportunities and, as such, is consistent with Coastal Act Sections 30210, 30213, 30223, and 30224.

3. Marine Resources and Environmentally Sensitive Habitats

Coastal Act Sections 30230 and 30231 afford protection of marine resources and their associated biological productivity, and state:



Section 30230. 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. 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.

Coastal Act Section 30240 affords protection of environmentally sensitive habitats and states:

Section 30240(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

3a. Biological Resources

The project site is situated at the lower reaches of the Arana Gulch watershed. Arana Creek historically connected through to Woods Lagoon at the project site. Woods Lagoon was transformed into the Santa Cruz Harbor in the 1970's. Arana Creek now connects through a culvert to the Upper Harbor. The project site is generally flat and devoid of vegetation except for the northernmost portion of the site that contains weedy vegetation. The project site is located between the large wetland at the base of Arana Creek and the Harbor proper and occupies approximately 2-1/2 acres. Grassy slopes border the project site on the west and eucalyptus and riparian habitat is located to the north. Steep slopes (up to 40%) flank the eastern and western sides of the Upper Harbor.

A biological assessment was performed and found no evidence of endangered or special status wildlife or biotic species within the project area boundaries. Wildlife habitats in the Arana Gulch greenbelt property adjacent to the project area include Arana Creek, a seasonal pond/wetland, and a coastal salt marsh. The biological assessment found that special status species might occur in the Arana Gulch area, including steelhead, yellow warblers, the Monterey dusky-footed wood rat, and Santa Cruz tarplant.

Coastal Act Section 30240(a) protects sensitive habitat areas from significant disruption of habitat



values. Coastal Act Section 30240(b) states that development adjacent to environmentally sensitive areas shall be designed to prevent degradation of these areas. Wetland buffers function as important transition zones between wetlands and upland areas, often exhibiting characteristics of both habitats. These buffer areas adjacent to wetlands act to protect the wetland from the direct effects of nearby disturbance (both acute and chronic), and provide necessary habitat for organisms that spend only a portion of their life in the wetland such as amphibians, reptiles, birds, and mammals. By minimizing disturbance to a wetland from adjacent development, buffers contribute to the health and vitality of functioning wetland systems.

While appropriate buffer widths vary, the most commonly used setback standard for wetlands and environmentally sensitive habitat is generally 100 feet. This is the buffer most commonly used by the California Department of Fish and Game and is the recommended minimum buffer width by the *Coastal Commission Procedural Guidance for Review of Wetland Projects (June 1994)*. While not the standard of review in this case, the City of Santa Cruz LCP standard likewise calls for a 100 foot buffer from wetlands. In practice, site specific buffering standards can vary depending on the characteristics and value of particular wetlands, as well as the topography and other qualities of the site.

As originally proposed, the project included new development within 100 feet of the Arana Gulch wetland and riparian system in the adjacent Arana Gulch open space property. Coastal Commission staff provided comments on the proposed Negative Declaration, expressing concerns about impacts on wetlands and variation to setback requirements. In response to these concerns, the Port District revised this project to eliminate all *new* development within the 100-foot wetland/riparian setback. An existing paved parking area is currently located within 25 to 40 feet of the wetland area; boat storage spaces currently occupy this space. These boat storage spaces (in the City's jurisdiction) will remain in their present location and will be resurfaced and re-stripped. All *new* dry boat storage spaces, however, will be located a minimum of 100 feet from the wetland/riparian area.

The dredge yard is currently located roughly 10 feet from the subject riparian area. Pursuant to CDP 3-95-67, this yard was required to maintain a 100-foot setback from this habitat area. Although not currently adequately buffered, the dredge storage and maintenance yard will be moved south of its current location to comply with the 100-foot setback requirement and also will be reduced approximately 50% in size. The proposed boat repair and maintenance garage will be located well outside the 100-foot setback.

Coastal Act Section 30231 requires that natural vegetation buffers be maintained to protect riparian habitats. In addition to the 100-foot setback requirement, the establishment of a native plant buffer between the project site and the Arana Gulch greenbelt property would further protect the riparian area. The City of Santa Cruz has conditioned its approval to require the planting of native shrubs and trees between the project site and the wetland/riparian habitats of Arana Gulch (see Exhibit 4, #12-18, #45). Special Condition 1 requires that the Port District submit a copy of the final landscaping plan to the Executive Director for review and approval.

Coastal Act Section 30230 gives special protection to areas and species of special biological importance.



Although the biological assessment found no evidence of endangered or special status wildlife species on the project site, some of these species may occur in the nearby Arana Gulch area. The City has therefore added recommended mitigation measures to its Conditions of Approval to require that the Port District consult with the National Marine Fisheries Service and U.S. Fish & Wildlife Service regarding potential impacts to steelhead trout and tidewater goby, with results provided to the City Planning Department prior to construction (Exhibit 4, #47). In addition, the City has conditioned its approval such that the Port District is responsible for conducting a nesting bird survey prior to construction (Exhibit 4, #44). Also, although the biological assessment found no evidence of the presence of the threatened California red-legged frog, the City has conditioned its approval to require that a pre-construction survey for the California red-legged frog be conducted prior to construction (Exhibit 4, #48 & 49). Special Condition 2 requires the Port District to provide the results of these surveys and consultations to the Executive Director for review prior to issuance of the coastal development permit.

Nighttime offsite illumination into wetland/riparian habitats may have negative effects on wildlife. The Negative Declaration prepared for this project recommended that lighting along the northern perimeter of the project be minimized and that lighting fixtures be used that do not create offsite illumination into Arana Gulch. The City of Santa Cruz has conditioned its approval to require specific lighting standards and the submission of a lighting plan (Exhibit 4, #39 & #46). Special Condition 3 requires that the Port District submit a final lighting plan to the Executive Director for review and approval.

There may be a temporary increase in noise levels during construction of the project, although the majority of the project consists of only minor grading and paving of the dry boat storage area. The boat maintenance garage will be located several hundred feet from Arana Gulch. Given this distance, noise from this maintenance garage should not negatively impact the riparian/wetland area.

The dredge storage and maintenance yard will be moved south of its current location to a location 100 feet from the wetland/riparian area. Maintenance noise from the dredge yard includes welding and occasional hammering and use of air tools. During the primary dredging season (roughly November through April) maintenance activities may take place in the dredge yard at any time of the day or night. Noise and light emanating from the dredge yard is likely to have an adverse impact on species located within the adjacent Arana Gulch wetland, particularly during intensive use periods and at night. Therefore, Special Condition 6 requires that the Dredge Operation Manual be revised to include a new section that addresses impacts of the operations within the dredge storage and maintenance yard on Arana Gulch wetland/riparian species and resources.

In the past there have been trailers in the dredge storage and maintenance yard to house the dredge crew approximately three to four days per week. Housing within the project area would create additional impacts on the adjacent wetland/riparian area, and is not appropriate in this area. No employee/contractor housing is shown in the submittal. A previous condition in CDP 3-95-67 required the Permittee to remove the trailer housing in the dredge storage yard by April 30, 1996. If employee/contractor housing is needed, it should be provided in the designated RV spaces located on the eastside of the G-dock area. If any housing is desired in the project area, it shall require an amendment to this permit, pursuant to Special Condition 7.



The proposed project will not result in direct removal of habitat. However, the Negative Declaration states that indirect project-related activities that could result in erosion into Arana Gulch would be considered a significant impact, resulting in temporary degradation of the aquatic habitat. Thus, the City of Santa Cruz has conditioned its approval to require the Port District to erect perimeter fencing on the northern edge of the project site to prevent materials, sediments, or debris from entering adjacent wetland areas (Exhibit 4, #19-22, #43) and to prevent construction equipment or personnel from extending into these areas. Special Condition 4 requires that prior to issuance of the coastal development permit, the Port District submit a final erosion control plan to the Executive Director for review and approval.

In summary, all new development associated with this project shall be set back at least 100 feet from Arana Gulch. Native vegetation will be planted and maintained as a buffer between the developed area and the riparian habitat. No endangered or special status species have been found on the project site and the City has adequately conditioned its approval to protect any special status species in the Arana Gulch area. In addition, Special Conditions 1 through 4 require that the Port District provide results of other agency consultations to the Commission for review prior to issuance of the coastal development permit, as well as a landscaping plan, a lighting plan, and an erosion control plan. Special Condition 6 requires revision of the Dredge Operation Manual to address impacts of the dredge storage and maintenance yard on the Arana Gulch wetland/riparian area. As conditioned, the proposed development is consistent with Coastal Act Sections 30230 and 30231 regarding protection of marine resources and Section 30240 regarding the protection of environmentally sensitive habitat.

3b. Water Quality

Coastal Act Sections 30230 and 30231 afford protection of marine resources and their associated biological productivity. Coastal Act Section 30231 specifically states that *"the biological productivity of coastal waters... shall be maintained... through... minimizing adverse effects of waste water discharges and entrainment, [and] controlling runoff..."*

The Santa Cruz Harbor Development Plan, while not the standard of review, has a specific policy regarding runoff:

Santa Cruz Harbor Development Plan Policy 1.3 states:

Control water runoff by minimizing the quantity of runoff through the use of drainage retention measures and protecting the water quality through necessary means to meet Water Quality Control Board Standards. Continue to install oil, grease, and silt traps as part of Harbor development and improvement projects, and implement plans to improve the existing drainage system.

City of Santa Cruz LCP Water Quality Policy 2.3.1 states:

Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that



reduce urban runoff pollutants to the maximum extent possible.

City of Santa Cruz LCP Water Quality Policy 2.3.1.5 states:

Ensure that all parking lots, roads, and other surface drainages that will flow directly into coastal waters have oil, grease, and silt traps.

City of Santa Cruz LCP Water Quality Policy 2.3.1.6 states:

Require a maintenance program and oil, grease, and silt traps for all parking lots over 10 spaces and also investigate methods of retrofitting existing parking lots with grease, oil, and silt traps.

City of Santa Cruz LCP Community Facilities Policy 9.6 states:

Analyze and design flood control projects and storm drainage facilities on private or public lands to ensure that retention and detention facilities are used where practical and economical, erosion impacts on natural terrain are minimized, and urban runoff pollutants are reduced to the maximum extent possible.

The current drainage system in the Upper Harbor includes drains with grease and silt traps. These drains flow to a catch basin located adjacent to the Harbor waters. The catch basin is equipped with a grease/silt trap. From this catch basin all storm water flows directly into the Harbor. The Harbor enters into the Monterey Bay National Marine Sanctuary.

The proposed project includes an increase of 93 dry boat storage spaces, with 33 of these spaces in the Coastal Commission's original jurisdiction. To accommodate these additional dry boat storage spaces, the existing pavement will be extended northward, increasing the amount of impervious surfaces with a resultant increase in runoff. The project proposal calls for three additional storm drains in the areas of new pavement.

The dredge storage and maintenance yard will contain a 40 x 40-foot concrete pad, which will be used for maintenance of dredge equipment. As proposed, a drain in this pad will connect to the storm water drainage system, which drains into the Harbor.

The proposed boat repair and maintenance building will contain a garage, a storage room, a parts room, and an open-walled roofed boat work area with a concrete pad. Only engine maintenance will take place in this building – other boat maintenance will take place in a separate boat yard. The proposed boat repair and maintenance building is considered a point source by the State Water Resources Control Board. As such, the Port District proposes that effluent from this garage be directed into a cistern with a clarifier/separater unit. A certified waste disposal company will regularly remove and dispose of all sludge and oil products in the cistern. The remaining water in the cistern will be directed to the sanitary sewer system.

Originally the Port District had proposed a boat washdown area in the Upper Harbor, but this has been



eliminated from the current plans. Any future proposal for a boat washdown area in the Upper Harbor will require an amendment in order to address issues of runoff and water quality.

The nature of maintenance and grounds operations gives rise to chemicals and materials potentially being exposed to storm runoff, which, in turn, could enter local waters. Chemicals used in the Upper Harbor area include herbicides, paints, lubricants, petroleum products, and adhesives/bonding agents. In addition, parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that deposit on these surfaces from motor vehicle traffic.

As stated above, the runoff from existing and proposed parking areas in the Upper Harbor and the dredge storage and maintenance yard will be directed into a catch basin and ultimately will flow directly into the Harbor waters, and subsequently into the Monterey Bay National Marine Sanctuary. The Sanctuary is home to some 26 Federal and State Endangered and Threatened species and a vast diversity of marine organisms.

The system of grease and silt traps proposed by the Port District only partially addresses water quality concerns. Commission experience has been that such units ultimately function as sediment basins with only limited removal of storm water contaminants. The proposed storm water system will not adequately treat the runoff that is directed into the Harbor and ultimately the Monterey Bay National Marine Sanctuary. In 2000 the State adopted new policies for protecting water quality. The State has suggested that agencies such as the Coastal Commission do more to implement management measures to protect water quality. Specifically, post-construction BMPs (best management practices) should be designed to treat, infiltrate, and filter storm water runoff from each storm event, prior to discharge. Selected BMPs designed to achieve this requirement should be effective at removing or mitigating pollutants such as oil, grease, hydrocarbons, heavy metals, and particulates.

Coastal Act Section 30231 calls for protection of coastal waters by minimizing adverse effects of waste water discharges and entrainment and by controlling runoff. Although not the standard of review, City of Santa Cruz LCP Water Quality Policy 2.3.1 calls for the incorporation of storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible. LCP Community Facilities Policy 9.6 requires that urban runoff pollutants be reduced to the maximum extent possible. Santa Cruz Harbor Development Plan Policy 1.3 calls for the implementation of plans to improve the existing drainage system.

The Port District has addressed runoff concerns to a degree in that the project would include silt and grease traps in all drains, prior to discharge into the Harbor. Although these proposed traps would filter the runoff to some degree, in light of the special resources found offshore here, it is not clear that such traps are adequately protective of coastal resources. It is the Commission's understanding that these devices provide only a minimum amount of protection, are often problematic when not properly maintained, and are inadequately sized to filter large rain events. Although the silt and grease traps proposed would filter polluted runoff to a degree, there are more appropriate state-of-the-art filtration and treatment systems available to address runoff pollutants. Therefore, Special Condition 5 requires that prior to issuance of the coastal development permit, the Port District shall submit a drainage plan for



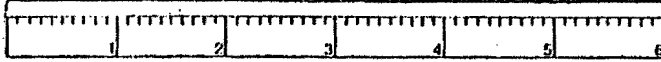
review and approval. This plan must include a device(s) that filters and treats runoff as opposed to acting simply as a settling or detention basin(s). This permit is also conditioned for maintenance of the drainage system as well as for the submission of annual maintenance reports to the Commission. In addition, Special Condition 7 requires the Port District to notify the Commission of any proposed change in the above-described uses of the dry boat storage area, the boat repair and maintenance garage, or the dredge storage and maintenance yard. As conditioned, the proposed development is consistent with Coastal Act Sections 30230 and 30231 regarding protection of the marine environment.

4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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 effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that as conditioned the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives which would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.



6B-30



SCALE IN 1/16 OF AN INCH

EXHIBIT NO. 1
APPLICATION NO.
3-98-113
California Coastal Commission

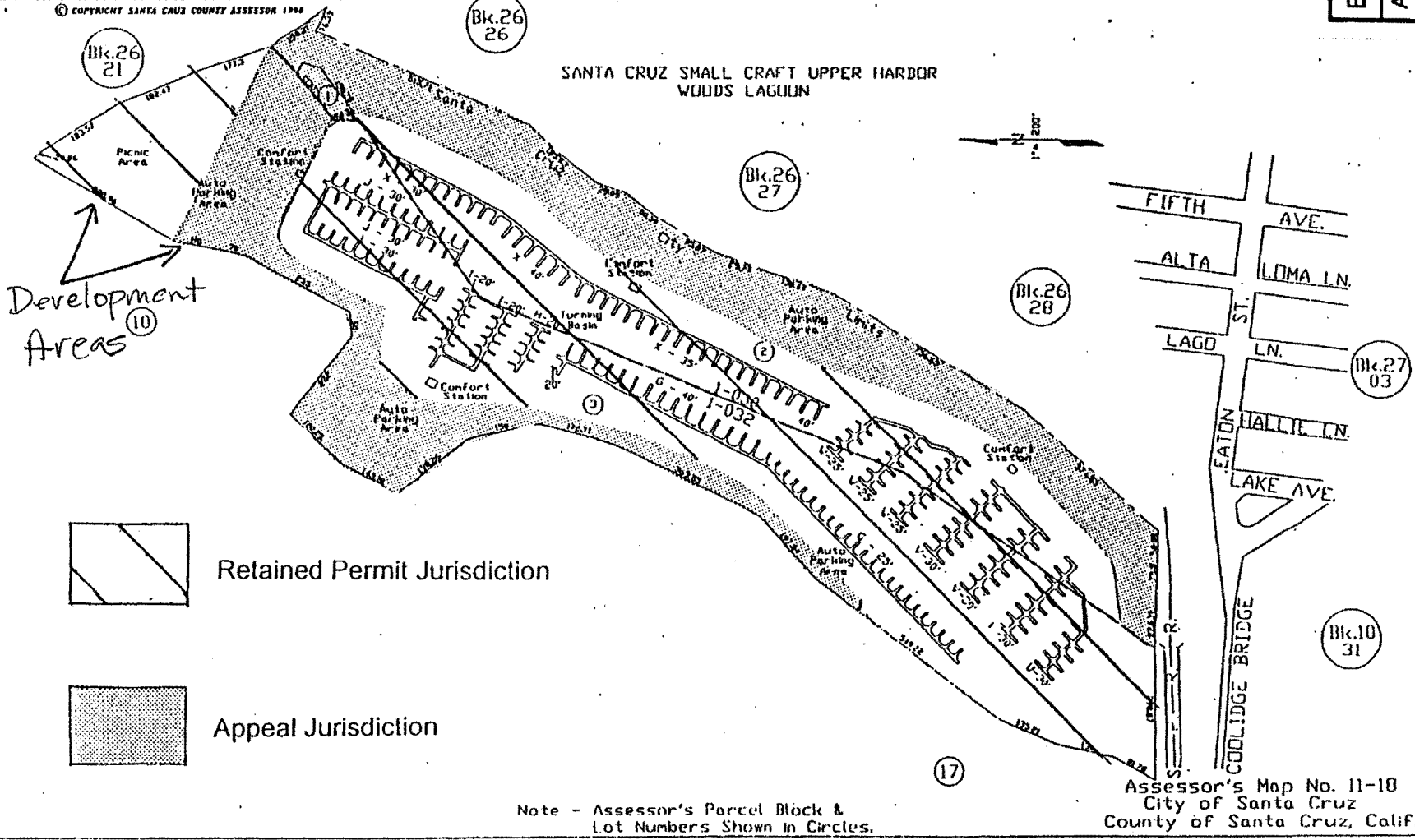
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CITY OF SANTA CRUZ

Tax Area Code
1-030 1-032

**SANTA CRUZ SMALL CRAFT UPPER HARBOR
WOODS LAGOON**



Development Areas ⑩

- Retained Permit Jurisdiction
- Appeal Jurisdiction

Assessor's Map No. 11-18
City of Santa Cruz
County of Santa Cruz, Calif.

**Exhibit 2: Boundary Determination #50-2000
Assessor's Parcel Map
11-18-1,2,3**

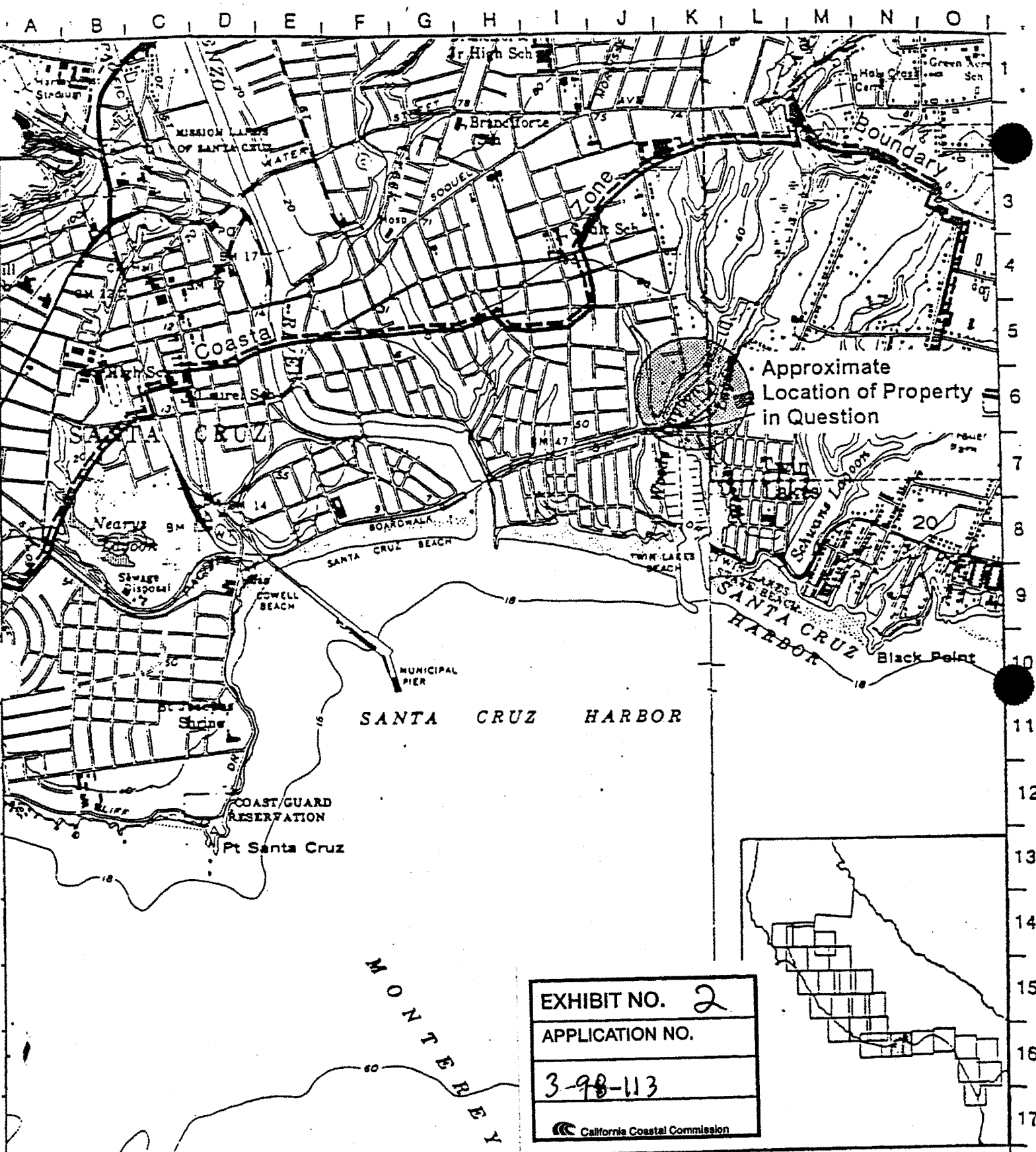
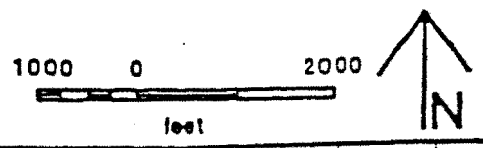


EXHIBIT NO. 2
APPLICATION NO.
3-98-113
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General Location Map: Santa Cruz County
 Portion of Coastal Zone Boundary Maps 72 and 73
 Santa Cruz and Soquel Quadrangles



County of Santa Cruz

Exhibit 1: Boundary Determination #50-2000
 (1B-31)

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

135 5th Avenue 99-070

Adoption of Negative Declaration, Design, Special Use Permit and Coastal Permit to allow expansion of the dry storage yard facility in the north harbor

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction, which are not covered by this review, shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall be come null and void.
4. If, upon exercise of this permit, this use is at any time determined by the Zoning Board to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Zoning Board could occur.
5. A review of this permit shall be conducted by staff one year after project completion to ensure conformity with conditions of approval.
6. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
7. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
8. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application.
9. The development of the site shall be in accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
10. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy.
11. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and

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EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

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plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.

12. A final landscaping and fencing plan shall be submitted to the Zoning Board for review and approval prior to the issuance of a building permit. Subsequent to approval of this project and prior to submittal of the required landscaping plan, no removal or pruning of trees, or any other change to existing vegetation on the site shall be made. The landscaping plan shall include: native landscaping and landscaping along all fences to screen the fences and dry boat storage areas; and significant landscaping at the edge of the walkway to Arana Gulch and the walkway at the harbor edge.
13. Drought-tolerant native plants shall be included on approved landscape plan as approved by the Zoning Administrator consistent with environmental mitigations.
14. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
15. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained. Such maintenance shall be secured through an 18-month bond prior to occupancy.
16. A fully automated irrigation system shall be installed in all planting areas, except in the riparian buffer area, which shall be hand-watered until established.
17. A six-inch (6") continuous concrete curb shall be used to separate paved areas from landscaped areas.
18. All trees shall be a minimum 15-gallon size.
19. An engineered drainage plan and an erosion control plan shall be submitted in conjunction with application for building permits.
20. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.
21. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain. No earth-moving activities shall occur between November 1 and April 1.
22. Prior to site grading all trees and/or tree stands indicated for preservation or approved plans shall be protected through fencing or other approved barricade. Such fencing shall protect

EXHIBIT "A"

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vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.

23. Handicap access shall be provided in accordance with UBC, including handicapped parking spaces as required.
24. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
25. Implement recommendations set forth in previous geotechnical investigations for the Upper Harbor related to grading, compaction, and paving (i.e. "Geotechnical Investigation for Santa Cruz Upper Harbor Improvements" (Haro, Kasunich & Associates, July 1988) and "Preliminary Geotechnical Investigation for Santa Cruz Upper Harbor (Same Consultant June 1990)
26. Increase the height of the existing stop sign on the Upper Harbor entrance road to seven feet above the top-of -curb.
27. Install "Stop Ahead" pavement markings on the entrance road between Seventh Avenue and the upper parking lot.
28. Install sign on Upper Harbor entrance road to warn bicyclists and pedestrians of vehicle traffic, designed in accordance with City requirements.
29. The boat washdown area shall have water fixtures that are timed with automatic shut-off valves, a coin operated/time limited system, or other such measures to prevent wasteful use of water.
30. Appropriate catch basins shall be designed in the paved areas and at the boat washdown and dredge storage yard. The Port District shall conduct yearly maintenance of these facilities, or more often if deemed necessary, and provide receipts of the cleaning to the Planning Department.
31. The Port District shall coordinate with the City if the bikeway alignment utilizes the easement identified on the map.
32. At least two additional fire hydrants shall be installed with the location to the satisfaction of the Fire Department.
33. All turning radius in the Boat storage yard shall be 28' inside and 48' outside.

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

135 5th Avenue 99-070

Adoption of Negative Declaration, Design, Special Use Permit and Coastal Permit to allow expansion of the dry storage yard facility in the north harbor

34. A Knox Key switch shall be required on all automatic gates. Knox padlocks required on all others.
35. Gates shall have a minimum width of 12' and a vertical clearance of 13'6".
36. Fire lane signage and striping will be required to the satisfaction of the Fire Department.
37. A.C. Paving shall be designed to be capable of supporting 60,000 pounds.
38. Obtain a Coastal Permit from the State Coastal Commission for portions of the project within their jurisdiction, prior to issuance of grading or building permits.
39. All light standards shall be directed downward, of low voltage, only illuminating the intended areas of the parking lot, dry storage, and dredge areas. A lighting plan shall be submitted to the Planning Department, subject to the approval of the Zoning Administrator prior to issuance of permits.
40. The boat maintenance building shall be modified to add eaves with a design and materials compatible with the structure, subject to the approval of the Zoning Administrator.
41. Maintain a maintenance/emergency vehicle access way, along the path at the northerly side of the project site to Arana Gulch.
42. Install removable bollards at the entrance to Arana Gulch Open Space, and cooperate with the City in installing directional signs to Arana Gulch.

Environmental Mitigation's and Monitoring

Note: These are included as Conditions of Project Approval

43. **MITIGATION MEASURE 1:** Erect perimeter protective fencing adjacent to Arana Gulch, along the northern edge of the project site and adjacent to Upper Harbor waters, to prevent graded materials, sediments, or debris from inadvertently entering adjacent wetlands and to prevent construction equipment or personnel from extending into these areas.

Monitoring: This has been added as a condition of approval including the requirement for an erosion control plan as part of the final submittal. Port District and City staff will be responsible for inspecting site during construction to ensure that measures are in place.

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

135 5th Avenue 99-070

Adoption of Negative Declaration, Design, Special Use Permit and Coastal Permit to allow expansion of the dry storage yard facility in the north harbor

44. **MITIGATION MEASURE 2:** Conduct surveys for yellow warbler and raptors during the nesting season, performed by a qualified wildlife biologist. If nesting birds are found, delay construction until the end of the nesting season and/or maintain a minimum 200 foot construction setback from the edge of nesting sites until the nesting season is completed. Implement any other setback or recommendation identified in the survey.

Monitoring: This measure has been included as a condition of approval. If construction is planned in the spring, Port District is responsible for conducting a nesting bird survey with results presented to the Planning Department. Construction shall not proceed until Planning Department staff have reviewed the results and have permitted construction to proceed.

45. **MITIGATION MEASURE 3:** Modify project landscaping plans to include planting native shrubs and trees between the project expansion area and wetland/riparian habitats on the northeast, if permission can be granted and coordinated with the City of Santa Cruz. Remove non-native vegetation from the drainage in conjunction with the landscaping of this area.

Establishing a native plant buffer north of the project site would further buffer the riparian area and potential warbler nesting area. The area is located on the Arana Gulch greenbelt property owned by the City of Santa Cruz. The Port District should work with the City to develop and implement a joint buffer as part of the Port District project, and ultimate development of the Broadway-Brommer bikeway.

Monitoring: This has been added as a Condition of approval. Planning Staff will review the final landscape plans and monitor plans for the Broadway Brommer bike path to insure that appropriate landscaping is installed.

46. **MITIGATION MEASURE 4:** Minimize installation of lighting along the northern perimeter of the project, as planned, and use lighting fixtures that do not create offsite illumination into Arana Gulch or adjacent habitats.

Monitoring: Final lighting plans will be reviewed by Planning Staff to insure that lighting is minimized along the northern perimeter.

47. **MITIGATION MEASURE 5:** Although the project will not result in direct impacts to potential aquatic habitat or species, and potential indirect impacts related to erosion can be mitigated, Consultation with NMFS and USFWS to confer on potential short-term impacts to steelhead trout and tidewater goby is recommended.

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CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

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Adoption of Negative Declaration, Design, Special Use Permit and Coastal Permit to allow expansion of the dry storage yard facility in the north harbor

Monitoring: Port District Staff is responsible for consulting with the listed resource agencies and providing results to the City Planning Department staff prior to initiation of project construction activities.

48. **MITIGATION MEASURE 6:** Conduct pre-construction surveys for the red-legged frog prior to construction.

Monitoring: Port District is responsible for conducting a survey to be performed by a qualified biologist with the results presented to the Planning Department and the US Fish and Wildlife Service staff for review.

49. **MITIGATION MEASURE 7:** Prepare and implement an educational program for construction workers to brief them, prior to construction, about the red-legged frogs by a biologist familiar with the species, in the event that the species is discovered during construction. The program should include discussion of the frog's general behavior, sensitivity to human activities, the protection afforded by the Endangered Species Act, and specific measures being taken during this action to avoid the take of the species. Employees shall be notified that they are not authorized to handle or otherwise move red-legged frogs that may be encountered on the job site.

Monitoring. Port District will prepare program and notify Planning Department staff of the time that the briefing will occur.

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APPLICATION NO.
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