

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.:** 4-02-033

**APPLICANT:** Santa Barbara Museum of Natural History  
City of Santa Barbara, Waterfront Department

**PROJECT LOCATION:** 211-213 Stearns Wharf, City of Santa Barbara, Santa Barbara County

**PROJECT DESCRIPTION:** Sea Center revitalization project consisting of removal of existing two-story, 2,056 sq. ft. Sea Center building and two-story, 1,059 sq. ft. Nature Conservancy building, and construction of a two-story, 29 ½ ft. high, 6,327 sq. ft. Sea Center building to provide additional marine exhibit, educational and research facilities, and office/workroom space for Sea Center and Nature Conservancy staff. The proposed project also includes construction of 144 linear feet of a 5 ft. public deck extension on the eastern edge of the Wharf and installation of bicycle parking, public bench seating and a public restroom facility.

<b>Zoning</b>	Harbor Commercial/Coastal Overlay
<b>Plan Designation</b>	Harbor Commercial
<b>Existing Building Area:</b>	3,115 sq. ft.
<b>Proposed Building Area:</b>	6,327 sq. ft.
<b>Existing Building Height:</b>	26 ½ ft.
<b>Proposed Building Height:</b>	29 ½ ft.

**LOCAL APPROVALS RECEIVED:** City of Santa Barbara Planning Commission Resolution No. 006-02, 01/24/02.

**SUBSTANTIVE FILE DOCUMENTS:** City of Santa Barbara, Local Agency Review Form, 02/06/02; City of Santa Barbara, Planning Commission Staff Report, 01/18/02; Negative Declaration MST2000-00324, 01/17/02; Coastal Development Permit 4-98-336 and 4-98-336-A1 (City of Santa Barbara, Waterfront Department), Coastal Development Permit #305-03 (City of Santa Barbara).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with **Four Special Conditions** regarding 1) Best Management Practices, 2) Disposal of Construction Debris, 3) Waiver of Liability and 4) Public Access Signage.

The applicant is proposing a Sea Center revitalization project consisting of removal of an existing two-story, 2,056 sq. ft. Sea Center building and a two-story, 1,059 sq. ft. Nature Conservancy building, and construction of a two-story, 29 ½ ft. high, 6,327 sq. ft. Sea Center to provide additional space for marine exhibits, educational, recreational and research facilities, and office/workroom space for Sea Center and Nature Conservancy staff. The proposed project also includes construction of 144 linear feet of a 5 ft. public deck extension on the eastern edge of the Wharf and installation of bicycle parking, public bench seating and a public restroom facility. The proposed project involves revitalization and expansion of an existing Sea Center facility which will serve to support additional ocean-related educational, recreational and research uses at Stearns Wharf. The proposed project, as conditioned, will not result in significant adverse impacts to public access, sensitive resources or coastal scenic views and is consistent with all applicable policies of the Coastal Act.

**I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-02-033 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

The applicant shall implement a Best Management Practices Plan consistent with the following requirements, and shall at a minimum, include the following components:

- (a) Construction debris 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 construction debris by wind, rain or tracking, which may discharge into coastal waters. Debris shall be disposed at an appropriate debris disposal location 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 construction debris material from the site. Should the disposal site 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.

## 4. Public Access Signage

The applicant shall install informative signage at readily visible locations on the Wharf at the project site, which indicates that the proposed deck extension on the eastern edge of the Wharf is designated public open space and available for unrestricted public access and viewing.

# IV. Findings and Declarations

The Commission hereby finds and declares:

## A. Project Description and Background

The project site is located on the Wye portion of Stearns Wharf within the Santa Barbara Waterfront area (Exhibit 1). Stearns Wharf is one of the most popular visitor destination points within the City of Santa Barbara, supporting a variety of coastal

dependent, related and visitor serving, commercial uses including site seeing, picnicking, commercial and recreational fishing, ocean boat tours, educational facilities, retail and food and beverage establishments.

Development on Stearns Wharf is governed by Coastal Development Permit #305-03 granted to the City of Santa Barbara on March 21, 1980. The coastal permit was a product of a collaborative planning process with participation by the City of Santa Barbara, the California Coastal Conservancy, and the California Coastal Commission. The permit provided a comprehensive plan for the rehabilitation of Stearns Wharf limiting the number and types of businesses and buildings to be constructed on the Wharf. The intent of the original coastal development permit issued for the Wharf was to establish an appropriate balance of public open space, ocean related and dependent uses, recreational opportunities, visitor serving retail, and restaurants. The Coastal Commission's approval of CDP #305-03 stressed the importance of small scale, low intensity commercial development and the maintenance of public open space and recreational areas. The permit provided for the construction of 28,410 sq. ft. of building area and 126 parking spaces on the Wharf. Uses permitted under the original coastal permit were predominantly visitor-serving uses and included two restaurants, a fast food outlet, fish market, bait and tackle shop, retail shops, and supporting office space. Approval for the rehabilitation project for Stearns Wharf was contingent upon the now constructed public parking lot at the corner of Cabrillo Boulevard and Santa Barbara Street, and implementation of a Wharf Parking Management Plan with parking fees.

Subsequent to the issuance of Coastal Development Permit #305-03 a number of coastal development permits have been granted for relatively minor additions and alterations to the originally approved buildings, including construction of a two-story, 2056 sq. ft. Sea Center (1987) operated by the Santa Barbara Museum of Natural History, and a two-story, 1059 sq. ft. building with administrative offices to support The Nature Conservancy's Santa Cruz Preserve (1984). In 1984 the Coastal Commission also granted Coastal Development Permit 4-84-016 which permitted a 1,516 sq. ft. addition to the existing 4,078 sq. ft. Moby Dick Restaurant and a 1,350 sq. ft. addition of wharf space to Stearns Wharf. In November 1998 Stearns Wharf caught fire and approximately 27% of the middle reaches of the Wharf permitted under the original coastal permit were destroyed. Those portions of Stearns Wharf and related buildings destroyed in the fire were reconstructed under Coastal Development Permit 4-98-336 granted by the Coastal Commission in December 1998. After receiving approval for the Commission's approval to reconstruct the Wharf, the City identified a number of minor changes which would improve maintenance, safety and circulation on the Wharf without significantly changing the basic design and configuration of the Wharf. The minor changes were approved pursuant to Coastal Development Permit 4-98-336-A1.

Following the approval of Coastal Development Permits 4-98-336 and 4-98-336-A1 to reconstruct the fire damaged portions of the Wharf, the Commission granted a number of coastal development permits for minor tenant improvements on the Wharf and for some extension of building square footage and restaurant use. Building additions and increased restaurant use on the Wharf granted by the Commission include Coastal

Development Permit 4-98-181 (Santa Barbara Shell Fish Company), which permitted a small, 28 sq. ft. exterior addition and other improvements, construction of a public restroom, installation of seven public picnic tables, and the addition of a 26 bar-stool interior dining area; Coastal Development Permit 4-99-279 (Harbor Restaurant) permitting a number of minor additions to the structure, interior modifications, and an increase of the restaurant seating capacity by 39 seats; and Coastal Development Permit 4-00-198 (Moby Dick Restaurant) for a number of minor improvements and an increase of restaurant seating by 74 seats. In approving the referenced building additions and intensified restaurant use the Commission found that the development would not generate significant new use and increased parking demands, but would serve the existing pedestrian traffic on Stearns Wharf, and would therefore not adversely impact public access and recreational uses on the Wharf.

The Santa Barbara Museum of Natural History operates the existing Sea Center on Stearns Wharf providing a unique educational opportunity to school children and other visitors to learn about and explore the ocean environment and the Santa Barbara Channel. Additionally, the Nature Conservancy building, located just south of the Sea Center, provides a public visitor center in conjunction with management offices for the Santa Cruz Island Preserve. The applicant is proposing to demolish both existing buildings to construct a single, larger structure which will accommodate the educational and research facilities of the Sea Center and the visitor serving operations of the existing Nature Conservancy. The proposed Sea Center and visitor center will be supported and managed by the Santa Barbara Museum of Natural History, while the Nature Conservancy will sublease office space in the proposed Sea Center for management efforts of the Santa Cruz Island Preserve.

The proposed Sea Center revitalization and expansion project will consist of removal of the existing two-story, 26 ft. high, 2,056 sq. ft. Sea Center building and the two-story, approximate 23 ft., 1,059 sq. ft. Nature Conservancy building (Exhibit 2,3), and construction of a new two-story, 29 ½ ft. high, 6,327 sq. ft. Sea Center building (Exhibits 4,5). The proposed Sea Center will provide additional space for marine exhibits, educational, visitor-serving and research facilities, as well as office/workroom space for Sea Center and Nature Conservancy personnel. Additionally, the proposed project involves replacing an existing 659 sq. ft. outdoor touch tank with a new 614 sq. ft. outdoor oceanography lab. The proposed project also includes construction of 144 linear feet of a 5 ft. public deck extension on the eastern edge of the Wharf and installation bicycle parking, public bench seating and of a public restroom facility.

The proposed project will result in demolition of two separate existing structures and construction of a single structure in approximately the same periphery footprint as the existing developed area. The proposed project will result in a larger, taller structure than what presently exists at the site and will result in development infill within a 29 foot public open space area and view corridor that presently separates the existing Sea Center and Nature Conservancy structures. The footprint of the proposed structure is 1,546 sq. ft. greater than the footprint of existing development, with the additional square footage occurring primarily in the existing open space area between the two

buildings to be demolished. The applicant is proposing mitigation for the loss of public open space and scenic views by constructing 144 linear feet of a 5 ft. public deck extension adjacent to the proposed Sea Center along the eastern edge of the Wharf. The proposed 720 sq. ft. deck extension will be cantilevered over the Wharf edge and will be open for public access and viewing, and will include interpretive information and coin operated telescopes to enhance viewing opportunities. With the proposed deck extension, the proposed project will result in a net loss of 826 sq. ft. of public open space, which constitutes less than a 1% loss of open deck space on the Wharf.

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. The proposed project operations will be conducted entirely on the Wharf and the proposed structures will not require that additional pier pilings be constructed to support the proposed structural loads. As such, the proposed project will not result in filling of coastal waters nor construction activities directly within the marine environment. However, because the proposed project is located on Stearns Wharf, seaward of the mean high tide line and over open coastal water, the project is subject to the retained original coastal permit jurisdiction of the Coastal Commission.

## B. 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.***

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality be maintained and enhanced and, where feasible, restored.

The applicant is proposing a Sea Center revitalization and expansion project consisting of removal of an existing two-story, 26 ft. high, 2,056 sq. ft. Sea Center building and a two-story, approximate 23 ft., 1,059 sq. ft. Nature Conservancy building, and construction of a new two-story, 29 ½ ft. high, 6,327 sq. ft. Sea Center building. Additionally, the proposed project involves replacing an existing 659 sq. ft. outdoor touch tank with a new 614 sq. ft. outdoor oceanography lab. The proposed project also includes construction of 144 linear feet of a 5 ft. public deck extension on the eastern edge of the Wharf and installation bicycle parking and of a public restroom facility. The project will require the use of heavy construction equipment on the Wharf for the purposes of demolition and construction and will result in loose construction material and debris occurring at the site. As mentioned, the proposed project operations will be conducted entirely on the Wharf and will not require that additional pier pilings be constructed to support the proposed project. Though the proposed project will not require filling of coastal waters or construction activities directly within the marine environment, construction activities such as those required for the proposed project near the marine environment and over open coastal waters have the potential to adversely affect sensitive marine resources and coastal water quality.

The Commission finds that construction activities associated with the proposed project will result in the potential generation of debris and or presence of equipment, materials and hazardous substances that could be subject run-off and wind dispersion into the marine environment. The presence of construction equipment, building materials and debris 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 and pollutants of coastal waters. To protect marine resources and coastal water quality and to ensure that construction related adverse effects to the marine environment are minimized **Special Condition 1** of the subject permit requires the applicant to implement Best Management Practices (BMPs) consistent throughout the duration of the proposed project activities. 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 such pollutants and 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 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.

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

**C. Public Access and Recreation**

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 Section **30213** states:

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

Coastal Act Section **30221** provides that:

***Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already provided for in the area.***

Finally, Coastal Act Section 30255 states in part:

***Coastal dependent developments shall have priority over other developments on or near the shoreline...When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.***

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access to the ocean and recreational opportunities be provided 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. In addition, Coastal Act Sections 30213 and 30221 provide that lower cost visitor-serving and recreational facilities be protected, encouraged, and where feasible, provided, that developments providing such recreational opportunities are preferred, and that oceanfront land suitable for recreational use be protected for such use. Finally, Coastal Act Section 30255 mandates that coastal-dependent developments have priority over other development types near the ocean and that coastal-related developments be accommodated near the coastal-dependent uses they support. All projects requiring a coastal development permit must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act.

As previously discussed, the design and configuration of Stearns Wharf and associated buildings and businesses were the subject of Coastal Development Permit #305-03, which permitted the rehabilitation of Stearns Wharf in 1980. The permit approved by the Commission provided a comprehensive plan for the rehabilitation of Stearns Wharf, which limited the number and types of businesses and buildings to be constructed on the Wharf. The intent of the original coastal development permit issued for the Wharf was to establish an appropriate balance of public open space, ocean related and dependent uses, recreational opportunities, visitor serving retail, and restaurants. Realizing that the Wharf supported a variety of coastal dependent and related uses, and recreational uses in an area expected to experience continuing demand for expansion of development, the Coastal Commission's approval of Coastal Development Permit #305-03 stressed the importance of small scale, low intensity development and the maintenance of public open space and recreational areas, consistent with the public access and recreational provisions of the Coastal Act.

The applicant is proposing a Sea Center revitalization and expansion project that will result in removal of the existing two-story, 26 ft. high, 2,056 sq. ft. Sea Center building and the two-story, approximate 23 ft., 1,059 sq. ft. Nature Conservancy building, construction of a new two-story, 29 ½ ft. high, 6,327 sq. ft. Sea Center building, and replacement of a 659 sq. ft. outdoor touch tank with a 614 sq. ft. outdoor oceanography

lab. The proposed project also includes construction of 144 linear feet of a 5 ft. public deck extension on the eastern edge of the Wharf and installation bicycle parking, public bench seating and of a public restroom facility.

The proposed project will result in demolition of two separate existing structures and construction of a single structure in approximately the same periphery footprint as the developed area. The proposed project will result in a larger, taller structure than what presently exists at the site and will result in development infill within a 29 foot public open space area and view corridor that currently separates the existing Sea Center and Nature Conservancy structures. The footprint of the proposed structure is 1,546 sq. ft. greater than the footprint of existing development, with the additional square footage occurring primarily in the existing open space area located between the two buildings to be demolished. The applicant is proposing mitigation for the loss of public open space resulting from construction of the new structure by constructing 144 linear feet of a 5 ft. public deck extension adjacent to the proposed Sea Center along the eastern edge of the Wharf. The proposed 720 sq. ft. deck extension will be cantilevered over the Wharf edge and will be open for public access and viewing, and will include interpretive information and coin operated telescopes to enhance viewing opportunities. With the proposed deck extension, the proposed project will result in a net loss of 826 sq. ft. of public open space, constituting less than a 1% loss of open deck space on the Wharf.

The Commission finds that the proposed project will result in a net 826 sq. ft. reduction of public open space on the Wharf. However, the Commission further finds that the intent of the proposed project is to foster and enhance marine-related, public educational and visitor-serving opportunities on the Wharf, which are priority uses for shoreline development identified by Coastal Act. The proposed Sea Center will provide additional space for marine exhibits, educational and research facilities, a visitor center, as well as office/workroom space for Sea Center and Nature Conservancy personnel. Additionally, the proposed project will result in 720 sq. ft. of additional deck space to provide for public access and viewing opportunities adjacent to the project site, and additional bicycle parking, public bench seating and public restrooms, which will further improve public access and recreational opportunities on the Wharf. As such, the Commission finds the proposed project will result in a minor loss of public open space that will not significantly impact public access and recreational opportunities on the Wharf. To ensure that the proposed 720 sq. ft. deck space is open for public access opportunities at all times and that the public is informed of such opportunities, **Special Condition 4** specifies that the applicant shall install informative signage at readily visible locations on the Wharf near the project site, which indicates that the new deck extension on the eastern edge of the Wharf is designated public open space and available for unrestricted public access. The Commission finds that as conditioned, the proposed project will not have a significant adverse impact on public open space, access or recreation, and is therefore consistent with the public access and recreation policies of the Coastal Act.

The Commission finds that the proposed project, as conditioned, will expand the marine-related, public educational, recreational and visitor-serving and research

opportunities on the Wharf, which the Sea Center presently provides, and will therefore promote and intensify such priority uses for shoreline development identified by Coastal Act. In past permit actions for approving building additions and intensified uses on Stearns Wharf, the Commission has required that new development not generate significantly increased parking demands, which could potentially preclude access to the shoreline for competing, high priority ocean-dependent/related and recreational uses on the Wharf.

Parking for Stearns Wharf is currently provided by the 126 spaces located on the Wharf, approved under the original coastal permit, and existing parking lots located along Cabrillo Boulevard in the Waterfront area. The original coastal development permit approved the existing parking on the Wharf principally to serve the Moby Dick Restaurant and the Harbor Restaurant. In approving the limited on-site wharf parking the Coastal Commission concurred with the City's intent to provide an essentially pedestrian environment on the Wharf. Consequently, neither the City nor the Coastal Commission has required additional on-site parking on Stearns Wharf to accommodate the additions and increased uses on the Wharf since 1980. As such, parking for Stearns Wharf is provided solely by the existing public parking on the Wharf, and those public lots located within the Waterfront area.

The project site is located entirely on Stearns Wharf seaward of the mean high tide line, therefore the project falls within the area of the Coastal Commission's retained original permit jurisdiction. As such the standard of review for the project is the Coastal Act, however, the Commission may look to the certified Local Coastal Plan for guidance in its review. The City's Local Coastal Plan states that all new development in the Waterfront area, except Stearns Wharf, must provide adequate off-street parking to satisfy peak parking demand, and that parking requirements at a minimum be consistent with City Ordinance requirements. The City's Municipal Ordinance generally requires that one parking space be provided for every 250 sq. ft. of new floor area for the proposed project (SBMC Section 28.90.100). Pursuant to the City's zoning ordinance, the proposed project would require 13 additional parking spaces. However, the City's Municipal Ordinance also provides that parking requirements may be waived if the project is determined to be consistent with the purposes of the zoning ordinance and will not cause an increase in demand for parking spaces in the immediate area.

The City's Transportation Staff notes that visitors of the Sea Center are likely to be attracted to Sea Center due to its location on Stearns Wharf in conjunction with several other popular and complementary uses on the Wharf. Therefore, any parking demand for the proposed development would likely not be related to additional square footage and display area, but is a continuing demand driven by the variety of coastal uses supported by Stearns Wharf. As such, the City's Transportation Staff has estimated that should the project result in an increased parking demand, the actual increase would be no more than five parking spaces.

Furthermore, the City's Transportation Staff has indicated in their study that the proposed project's increased parking demand of five spaces will be met by reserve

parking in the Waterfront area. As mentioned, as originally permitted the Wharf itself can not provide additional parking to accommodate parking demand, but that the majority of parking accommodations for the Wharf are provided in additional parking areas located in the Waterfront area. Based on a Waterfront Area Transportation Study 2 (WATS 2), dated May 25, 2001, on-street parking in the Waterfront peaked at 85 percent and off-street parking peaked at 51 percent on typical sunny summer days, when parking accommodations are expected to be at a highest level of demand. The WATS 2 study further indicates that peak parking occupancy within the entire Waterfront area (on-street and off-street) was 63 percent, suggesting that public parking is generally available in the Waterfront area during peak periods of parking demand. As such, any additional parking demand associated with the proposed project may be accommodated by the existing parking supply in the Waterfront area. Therefore, the proposed project and expected increase the parking demand will not substantially displace available parking during peak summer weekends and therefore will not preclude other public coastal access opportunities. In addition, the Commission finds that the proposed project supports high-priority coastal uses which will serve to enhance coastal-related educational, recreational, visitor-serving, and marine research amenities on the Wharf, and will thus maintain an appropriate mix of uses established on the Wharf consistent with the intent of the original coastal permit granted for the design and construction of Stearns Wharf.

For the reasons discussed above, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, 30213, 30221 and 30255 of the Coastal Act.

#### D. Visual Resources

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 of the Coastal Act requires public views to and along the ocean and scenic coastal areas to be considered and protected when siting new development. The proposed project includes the demolition of an existing two-story, 26 ft. high, 2,056 sq. ft. Sea Center building and a two-story, approximate 23 ft., 1,059 sq. ft. Nature Conservancy building, and construction of a new two-story, 29 ½ ft. high, 6,327 sq. ft.

Sea Center building. The proposed project also includes construction of 144 linear feet of a 5 ft. public deck extension on the eastern edge of the Wharf and installation bicycle parking, public bench seating and of a public restroom facility.

As mentioned, the proposed project will result in demolition of two separate existing structures and construction of a single structure in approximately the same periphery footprint as the developed area. The footprint of the proposed structure is 1,546 sq. ft. greater than the footprint of existing development, with the additional square footage occurring primarily in the existing open space between the two buildings to be demolished. The proposed project will result in a larger, taller structure than development that presently exists at the site, and will result in development infill within a 29 foot public open space area and view corridor that provides an incremental view of the shoreline between the existing Sea Center and Nature Conservancy structures from the Wharf. The applicant is proposing mitigation for the loss of public open space and the 29 foot view corridor by constructing 144 linear feet of a 5 ft. public deck extension adjacent to the proposed Sea Center along the eastern edge of the Wharf. The proposed 720 sq. ft. deck extension will be cantilevered over the Wharf edge and will be open for public access and viewing, and will include interpretive information and coin operated telescopes to enhance viewing opportunities. The change in public scenic views resulting from the infill development of the 29 ft. view corridor is negligible when considering the expansive views of the shoreline, coastal mountains and Santa Barbara Channel available from several access points along the Wharf, and the additional viewing opportunities that will be available to the public as a result of the proposed deck addition. In addition, the proposed project will encompass an area currently developed with two existing, two-story structures, and therefore will not result in a substantial change in development pattern on this section of the Wharf as viewed from the shoreline.

The Commission finds that the proposed project, with the applicant's proposal to construct a 720 sq. ft. public open space and viewing area adjacent to the proposed structure, will not result in significant adverse impacts on public scenic views. To ensure that the proposed 720 sq. ft. deck space is open for public access and viewing opportunities at all times and that the public is informed of such opportunities, **Special Condition 4** specifies that the applicant shall install informative signage at readily visible locations on the Wharf near the project site, which indicates that the new deck extension on the eastern edge of the Wharf is designated public open space and available for unrestricted public access and viewing.

The Commission finds that as conditioned, the proposed project will not have a significant adverse impact on coastal scenic views and is therefore consistent with Section 30251 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 on Stearns Wharf and is therefore elevated above the marine environment in a location not regularly subject to potentially damaging wave action. However, exceptional winter storm conditions may potentially generate waves that may cause damage to the Wharf and/or development constructed on the Wharf. 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.

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

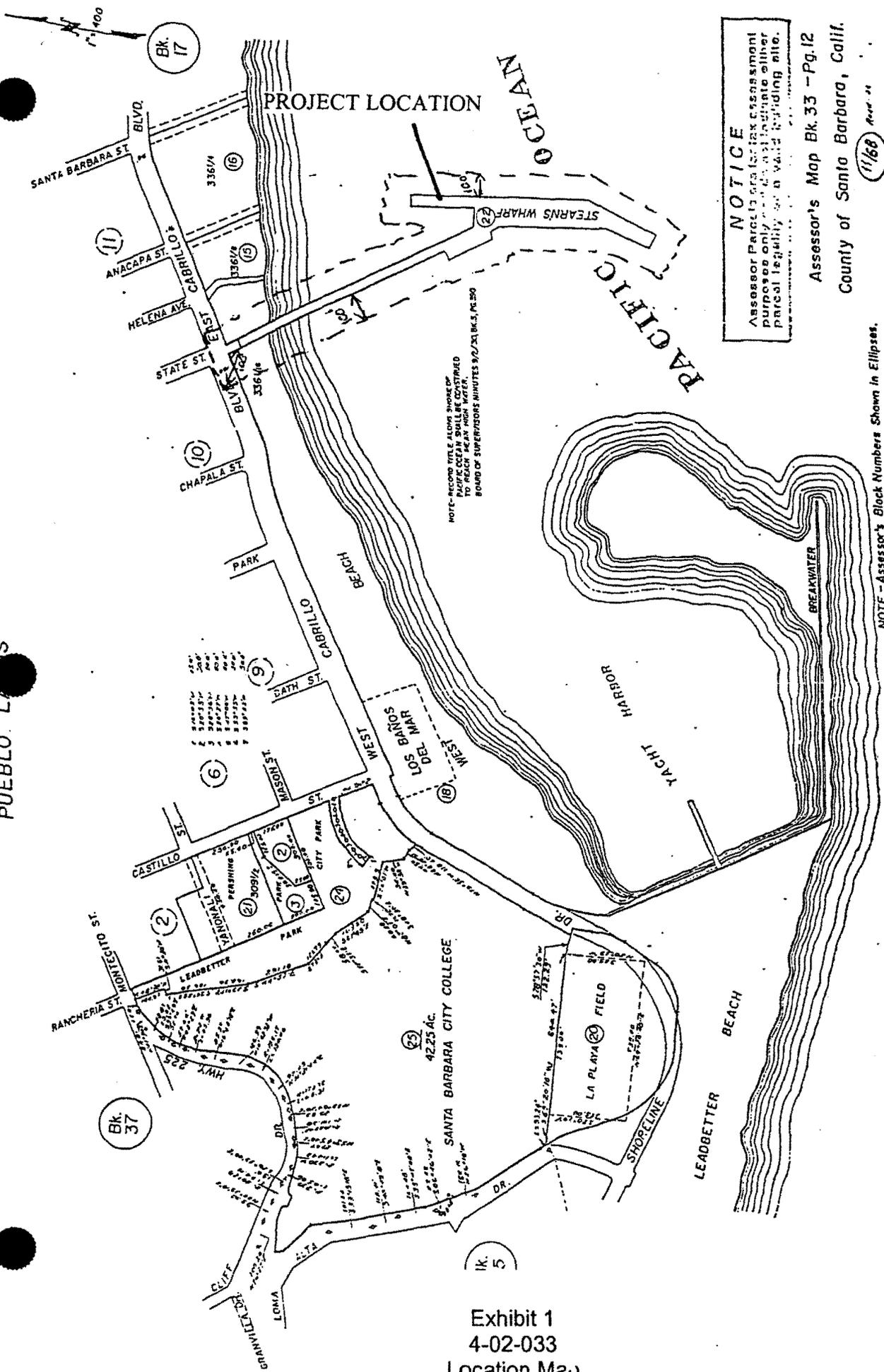
The proposed site lies within the City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on state tidelands or is below the mean high-tide. The Commission has certified the Local Coastal Program for the City of Santa Barbara (Land 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.



**NOTICE**  
 Assessor Parcel Numbers for assessment purposes only. Do not substitute other parcel legality or zoning information.

Assessor's Map Bk. 33 - Pg. 12  
 County of Santa Barbara, Calif.

11/68

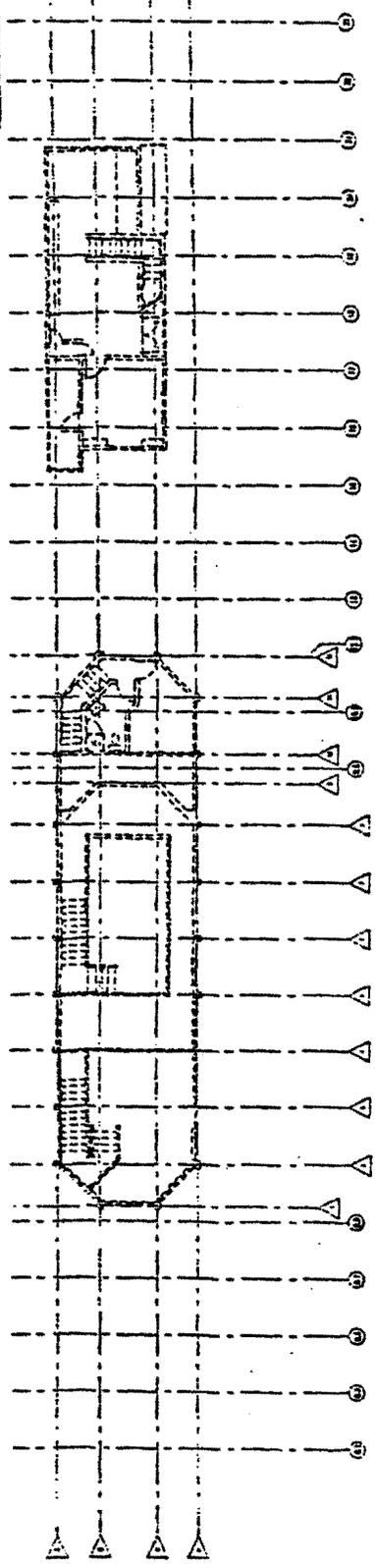
NOTE: RECORD TITLE ALONG SHORE OF PACIFIC OCEAN SHALL BE CONSIDERED TO REACH OCEAN HIGH WATER. BOARD OF SUPERVISORS MINUTES 9/2/51 BKS. PG. 250

NOTE - Assessor's Block Numbers Shown in Ellipses.  
 Assessor's Parcel Numbers Shown in Circles.

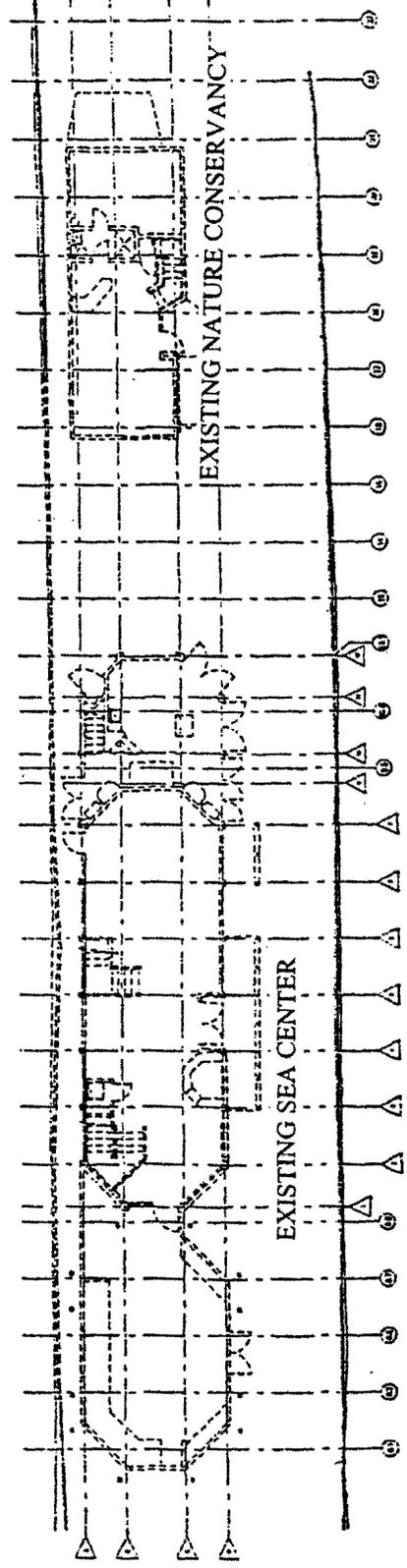
Exhibit 1  
 4-02-033  
 Location Map



Architect  
 Edwards & Pinson Architects  
 1111 State Street, Santa Barbara, CA 93101  
 Phone: (805) 964-1111  
 Fax: (805) 964-1112



SECOND FLOOR PLAN - DEMOLITION  
 1/8" = 1'-0"



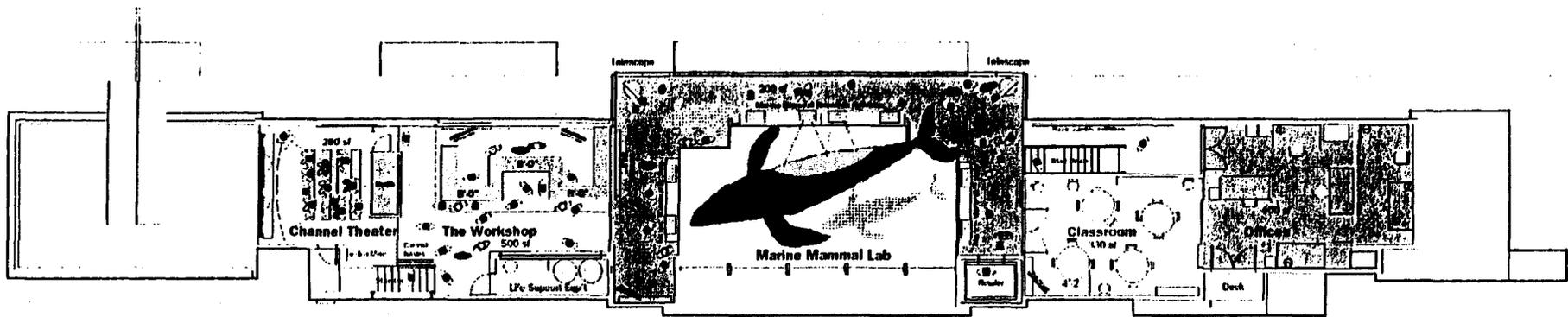
FIRST FLOOR PLAN - DEMOLITION  
 1/8" = 1'-0"



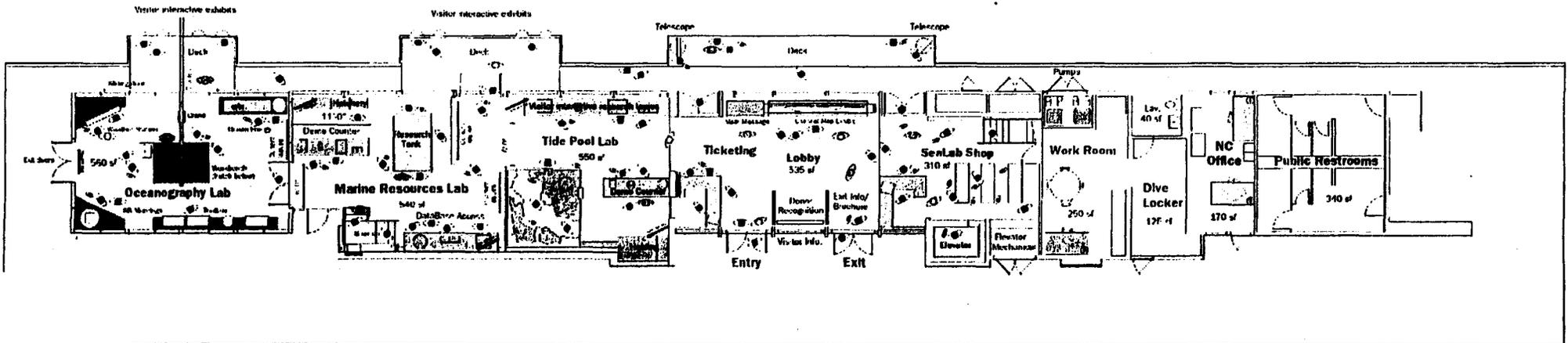
- EXISTING WALLS, PARTITIONS, COLUMNS, INTERIORS, EQUIPMENT, ETC. TO REMAIN
- - - EXISTING WALL, PARTITIONS, COLUMNS, INTERIORS, EQUIPMENT, ETC. TO BE DEMOLISHED

Santa Barbara Museum of Natural History Renovations to the Sea Center-Searns Wharf	
Demolition Floor Plan	
Scale	2
Date	10/14/2001
Drawn by	PHH
Checked by	PHH
Project No.	1001-14-2001

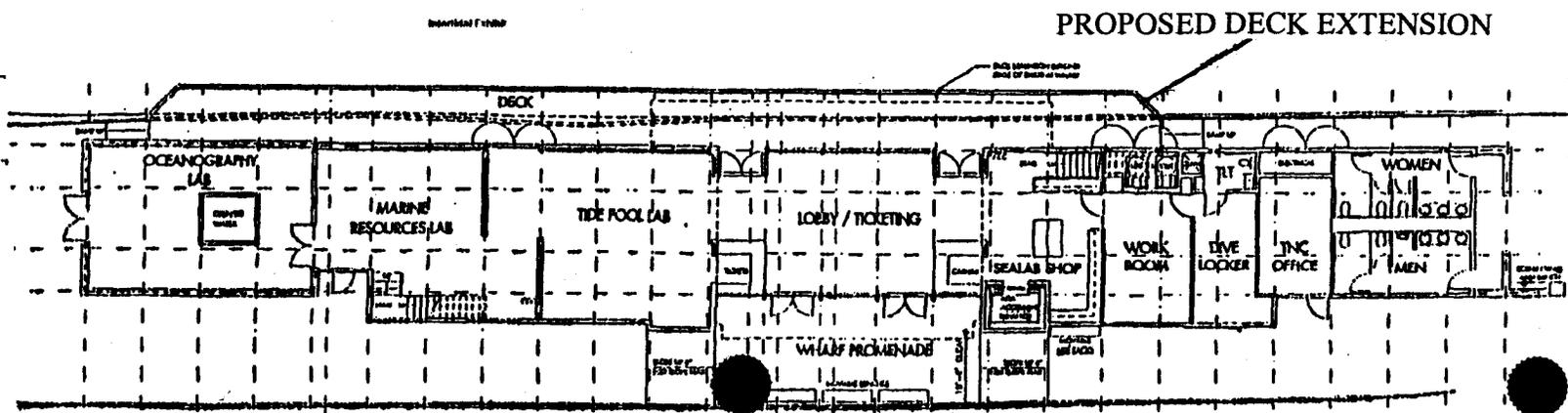
Exhibit 3  
 4-02-033  
 Demolition Floor Plan



Second Floor Plan



First Floor Plan



PROPOSED DECK EXTENSION

Proposed Floor Plan  
 Exhibit 4  
 4-02-033

July 2001



