

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 7/25/03
49th Day: 09/12/03
180th Day: 01/21/04
Staff: GT-V
Staff Report: 09/18/03
Hearing Date: 10/07/03
Commission Action:



RECORD PACKET COPY

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-02-033-A

APPLICANTS: 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

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: 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.

DESCRIPTION OF AMENDMENT: Reconstruction of a section of Stearns Wharf to support the new Sea Center building. The revised project will include removal of 153 existing piles and replacement with 70 new steel pilings, replacing existing wooden deck foundation under the building with a concrete slab foundation and replacing wharf deck planks, shifting the building footprint approximately 8 feet northward, and installing and removing a temporary construction staging area on 30 wooden piles.

LOCAL APPROVALS RECEIVED: City of Santa Barbara Planning Commission Resolution No. 006-02, 01/24/02 and Resolution No. 032-03, 06/19/03.

SUBSTANTIVE FILE DOCUMENTS: City of Santa Barbara, Local Agency Review Form, 02/06/02; City of Santa Barbara, Planning Commission Staff Reports, 01/18/02 and 06/12/03; 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 No. 305-03 (City of Santa Barbara); Coastal Development Permit No. 4-02-033 (Santa Barbara Museum of Natural History and City of Santa Barbara Waterfront Department).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicants or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

Summary and Staff Recommendation:

Staff recommends **approval** of the proposed project amendment with original special conditions and revised and additional special conditions related to; 1) protection of water quality, 2) location, use, and removal of temporary construction staging area, 3) use and maintenance of wood pilings and 4) pile driving activities. All previously required special conditions to the permit continue to apply to the proposed project as amended.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-02-033-A pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 impacts of the amended development on the environment

II. STANDARD AND SPECIAL CONDITIONS

*Unless specifically altered by the amendment, all standard and special conditions (Nos. 1 – 4) previously applied to Coastal Development Permit 4-02-033 continue to apply. In addition, the following revised and new special conditions (Nos. 1 & 5 - 9) are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-02-033-A. **Revisions to existing special conditions and additional special conditions are shown in underline.***

SPECIAL CONDITIONS

Existing Special Conditions (Revised):

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.
- (e) Disturbance to the beach, harbor bottom, and intertidal areas shall be minimized. No machinery or construction materials shall be allowed at any time on the beach or within the intertidal zone with the exception of construction activity required to remove and install pilings. Any accidental spills of construction equipment fluids shall be immediately contained on-site and disposed in an environmentally safe manner.

Additional Special Conditions:

5. Temporary Construction Staging Pier

The temporary construction staging and storage area shall be located adjacent to the west side of the Sea Center project area and shall be used and maintained for the purpose of supporting the reconstruction of the section of Stearns Wharf to support the proposed Sea Center authorized by this permit. The temporary staging and storage area, including wooden pilings, shall be removed in entirety and the subject site shall be restored to pre-project conditions within 60 days of final completion of construction of the Sea Center unless such time is extended by the Executive Director for good cause.

6. Removal of Temporary Pilings

All temporary pilings for the construction staging and storage area shall be removed in entirety and shall not be cut off below the ocean/sea bottom.

7. Piling Maintenance

The applicant shall maintain polyethylene wrapping around the creosote treated wood pilings installed at the subject site (if used). Maintenance shall be conducted on a regular basis to ensure the following requirements are met at all times:

- a. Measures shall be taken to prevent creosote from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
- b. The polyethylene wrapping shall remain sealed at all joints to prevent leakage.
- c. The polyethylene material is expected to maintain its integrity for the entirety of project construction, however, wrappings that develop holes or leaks before that time shall be repaired or replaced in a timely manner.

8. Pile Driving Activities

All pile driving activities shall be subject to the following requirements:

- a. Pile driving shall be conducted only when the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present.
- b. Should pile driving occur during the months of August through March, the applicant shall submit a survey, conducted by a qualified biologist, for the review and approval of the Executive Director, to determine if snowy plovers are present on the beach and sandspit in the project area. If snowy plovers are present during construction, the species' shall be monitored during pile driving activity and the monitor shall have the authority to stop pile driving activity should it be determined that construction-generated noise is causing adverse impacts to snowy plovers.
- c. Should pile driving occur during the months of July and August, the applicant shall submit a survey, conducted by a qualified biologist, for the review and approval of the Executive Director, to determine if least terns are present in shallow waters along the sandspit and in the project area. If least terns are present during construction, the species shall be monitored during pile driving activity and the monitor shall have the authority to stop pile driving activity should it be determined that construction-generated noise is causing adverse impacts to least terns.

9. Other Required Approvals

Prior to issuance of the coastal development permit, the applicant shall provide evidence that all other necessary authorizations or approvals have been obtained, or submit evidence that no such approvals or authorizations are required.

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background

The Coastal Commission approved the subject permit with special conditions on March 6, 2002. As approved by the Commission, the proposed Sea Center revitalization and expansion project will consist of demolition and 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, and construction of a new two-story, 29 ½ ft. high, 6,327 sq. ft. Sea Center building. The new structure will be sited in approximately the same periphery footprint as the existing developed area of the structures to be demolished. The footprint of the proposed new structure is approximately 1500 sq. ft. larger than the footprint of existing structures with the additional square footage occurring primarily in the existing open space area between the two buildings to be demolished. 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 of bicycle parking, public bench seating and of a public restroom facility. The deck extension is proposed as mitigation for the loss of public open space and scenic views created by construction of the larger structure. As approved by the Commission, all construction and project operations were to take place entirely on the existing wharf deck and no additional pier pilings were proposed to support the additional structural loads. The Commission's approval was subject to 4 special conditions regarding 1) Best Management Practices, 2) Disposal of Construction Debris, 3) Waiver of Liability, and 4) Public Access Signage. The Commission's adopted findings of approval and all special conditions for CDP 4-02-033 are hereby incorporated by reference into this staff report and recommendation.

Subsequent to Commission approval the applicant has been advised by its consulting engineer, Moffat and Nichol, that the wharf is structurally inadequate to support the proposed new building in the project site area. Therefore, the applicant is requesting an amendment to the approved CDP to include the demolition of the wharf in the project area, and the replacement of the wharf section with a steel and concrete structure. The revised project will require removal of 153 existing piles and placement of 70 new steel pilings, pouring a concrete slab for the foundation under the new building, and replacing wharf deck planks, and shifting the proposed new building footprint approximately 8 feet to the north (toward the shore) to ensure that the proposed building will be supported entirely on the new wharf structure. The amendment also includes construction of a temporary staging and storage area adjacent to the west side of the Sea Center project area in order to provide a sufficient work area and a safe working environment, and to reduce impacts to existing wharf merchants. The temporary staging area will consist of a deck approximately 200 feet long by 30 feet wide and will require the placement of approximately 30 wooden piles. The temporary deck and piles will be removed upon

completion of construction of the Sea Center (approximately one year after the new piles are installed).

The City approved the proposed revisions to the project with additional special conditions including a requirement limiting pile driving activities to only when the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present, a requirement that biological surveys be submitted for the presence of snowy plovers and least terns if construction is carried out during nesting and foraging periods and monitoring be carried out during pile driving if said species are determined to be present, and a requirement providing for bonding to ensure the complete removal of all temporary structures and materials including complete removal of the temporary pilings below the ocean bottom (pilings shall not be cut off at or below the ocean bottom.)

The project site is located on the Wye portion of Stearns Wharf within the Santa Barbara Waterfront area. Stearns Wharf is one of the most popular visitor destination points within the City of Santa Barbara, supporting a variety of coastal dependent or related and visitor serving 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.

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 the two-story, 2056 sq. ft. Sea Center (1987) operated by the Santa Barbara Museum of Natural History, and the two-story, 1059 sq. ft. building with administrative offices to support The Nature Conservancy's Santa Cruz Preserve (1984). 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.

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.

Section **30233(a)** of the Coastal Act states in part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.***

As originally proposed and approved, all project operations were to be conducted entirely on the wharf deck and no additional pier pilings were proposed to support the proposed project or for staging and storage purposes. As proposed in the amendment to the CDP, however, the project will include reconstruction of a section of Stearns Wharf to support the new building. The revised project will require removal of 153 existing piles and placement of 70 new steel pilings. The applicant's consulting engineer has determined that the section of the wharf in the proposed project area is structurally inadequate to support the new Sea Center building. In addition, a temporary staging area is proposed adjacent to the west side of the Sea Center project area which will be supported by approximately 30 wooden temporary pilings. The temporary

staging area is necessary to reconstruct the wharf section in a manner that will provide a safe working environment for the contractor, produce the least possible impact to other wharf merchants, and provide enough space to rebuild the pier section. The finger of the wharf housing the Sea Center is insufficient to support the equipment required to remove and drive pilings. This section of the wharf was built using smaller-sized timber than the main wharf sections. The Museum considered other options for construction staging such as use of a barge but this alternative was rejected because the Waterfront Department felt that it would expose Stearns Wharf to danger from collisions created by the effects of wave action on the barge which could potentially cause substantial damage to the wharf. The City also determined that use of the temporary staging and storage area will decrease the time needed to construct the building, reduce impacts to other wharf merchants, and lessen impacts to visitor traffic on the wharf.

Because the proposed amendment to the project includes the removal of existing wooden pilings and the placement of new steel pilings as well as the construction of a temporary staging pier, the project does constitute "fill" within the meaning of Section 30233 of the Coastal Act. The Commission notes, however, that the proposed fill (removal and replacement of pilings) is specified as an allowable use under Section 30233(a)(4) of the Coastal Act (the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.) The Commission also notes that the proposed Sea Center is a visitor serving facility and that Stearns Wharf provides a variety of visitor serving, public access and recreational uses.

A Biological Resources Evaluation Report dated March 12, 2003 was prepared for the Sea Center project by Science Applications International Corporation. The report notes that the project area contains three main types of marine habitats: hard substrate, soft bottom, and water column and water surface habitats. In addition, shoreline and creek habitats are nearby. Hard substrate habitats include wharf pilings, the rock and concrete breakwater, boat moorings, pilings and floating docks in the harbor, scattered rocky outcrops on the bottom, and a variety of man-made debris on the bottom (cables, anchors, boats etc.) Soft bottom and water column habitats are present throughout the project area. Shoreline habitats include the sandy beach east and west of the wharf, and the breakwater and sandspit to the west of the wharf. Mission Creek flows into the ocean just west of the wharf.

Several sensitive and protected species are present in the project area, at least seasonally, including Western snowy plover, California least tern, and Steelhead. Marine birds commonly use the water surface in the project area for resting and forage in the water column. The California least tern often forages in shallow waters along the sandspit in late summer (July and August). The sandy shoreline is also used by a variety of marine and shore birds for resting, roosting, and foraging. Most are migratory with greatest numbers present in the winter including the snowy plover. Creek habitats would not be directly affected by the Sea Center project, but Steelhead are known to migrate into Mission Creek for spawning.

The Biological Report found that the primary impacts to biological resources would result from removal of pilings and attached encrusting organisms and from noise caused by the pile-driving process. Temporary disturbance of soft bottom habitat would result from pile replacement and increased turbidity. However, because fewer piles will be installed than removed, additional soft bottom would become available for recolonization by invertebrates resulting in a small net gain of bottom habitat. Further, some sensitive species known to be present in the project area could be affected by pile-driving noise. The report states that timing of project activities and monitoring for effects would avoid the potential for impacts from project noise to species such as western snowy plover and California least tern. Impacts to other species in the project area would be less than significant. The report recommends 2 mitigation measures to avoid or minimize potential impacts to biological resources in the project area. The first is that pile-driving activities should not occur during July and August, if least terns are present. If pile driving is necessary during that time a qualified biologist must conduct daily surveys to determine if terns are present, where they are foraging, and, if present, monitoring during pile driving must occur. The second recommended mitigation measure is that pile driving should be conducted only while the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present. No mitigation measures relative to pile driving during winter months and the presence of snowy plovers were recommended since the report anticipated that all pile driving would occur during the summer. Delays in project construction, however, could cause pile-driving activity to occur during winter months.

The Commission finds that the proposed development will result in temporary disturbance to the marine environment and could potentially result in adverse impacts to sensitive species' unless certain measures are taken to prevent such impacts during construction. In order to ensure that the proposed project would not adversely impact steelhead, special condition 8 requires that pile driving only take place when the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present. In order to ensure that noise from pile driving activity does not adversely impact nesting and foraging habitat of least terns (during the months of July and August) and snowy plovers (August through March) when said species may be present in the beach area or sandspit near the project site, special condition 8 provides that should pile driving occur during any of the months when these species may be present in the immediate project area, the applicant shall submit a survey conducted by a qualified biologist, for the review and approval of the Executive Director. The survey shall determine if either species are present, and if so, where they are nesting and foraging. If the species are present during construction, species activity shall be monitored during pile driving and the monitor shall have the authority to stop pile driving if it is determined that construction-generated noise is causing an adverse response to either species.

To further reduce impacts from construction related materials in the marine environment, special conditions 5 and 6 require the complete removal of the temporary staging area, including pilings, at the completion of proposed construction activities. In

addition, should creosote treated wood pilings be used for the temporary pier, special condition 7 requires that all pilings be wrapped in polyethylene material which shall be maintained throughout project construction until removed. Special condition 9 requires that all other necessary approvals that may be required for the proposed project be submitted prior to issuance of the coastal permit.

The Commission also 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 to 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 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 original subject permit requires the applicant to implement Best Management Practices (BMPs) consistent throughout the duration of the proposed project activities. Special Condition 2 of the subject permit requires that all construction debris shall be disposed at an appropriate debris disposal site. Both special condition 1 and 2 remain in effect for the proposed amendment to the project. Special condition 1 has been revised to require measures to minimize disturbance to the beach and intertidal habitat resulting from removal and installation of pilings.

Based on the above findings set forth above, the Commission finds that the proposed project with the proposed amendment, as conditioned, is consistent with Sections 30230, 30231, and 30233(a) of the Coastal Act.

C. 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.***

As originally proposed, the proposed project was to be located entirely on Stearns Wharf 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. As described above, the project as proposed to be amended now includes the demolition of a section of the wharf beneath the project footprint and replacement of the wharf section with a steel and concrete structure. The revised project will require removal of 153 existing wooden piles and placement of 70 new steel pilings plus installation and removal of a temporary staging and storage area on approximately 30 piles. The proposed deck foundation and new steel piles are necessary because the applicant's consulting engineer has determined that the section of the wharf in the project area is structurally inadequate to support the proposed building.

The proposed structural modifications to the wharf will provide increased support and stability to the wharf section and the proposed Sea Center project. However, the Commission notes that the proposed development will extend into an area subject to wave attack and storm damage. Stearns Wharf has suffered significant damage from storms waves and fire in the past. Therefore, Special Condition 3 of the original permit required 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. Special Condition 3 remains in effect for the proposed amendment to the permit as well.

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.

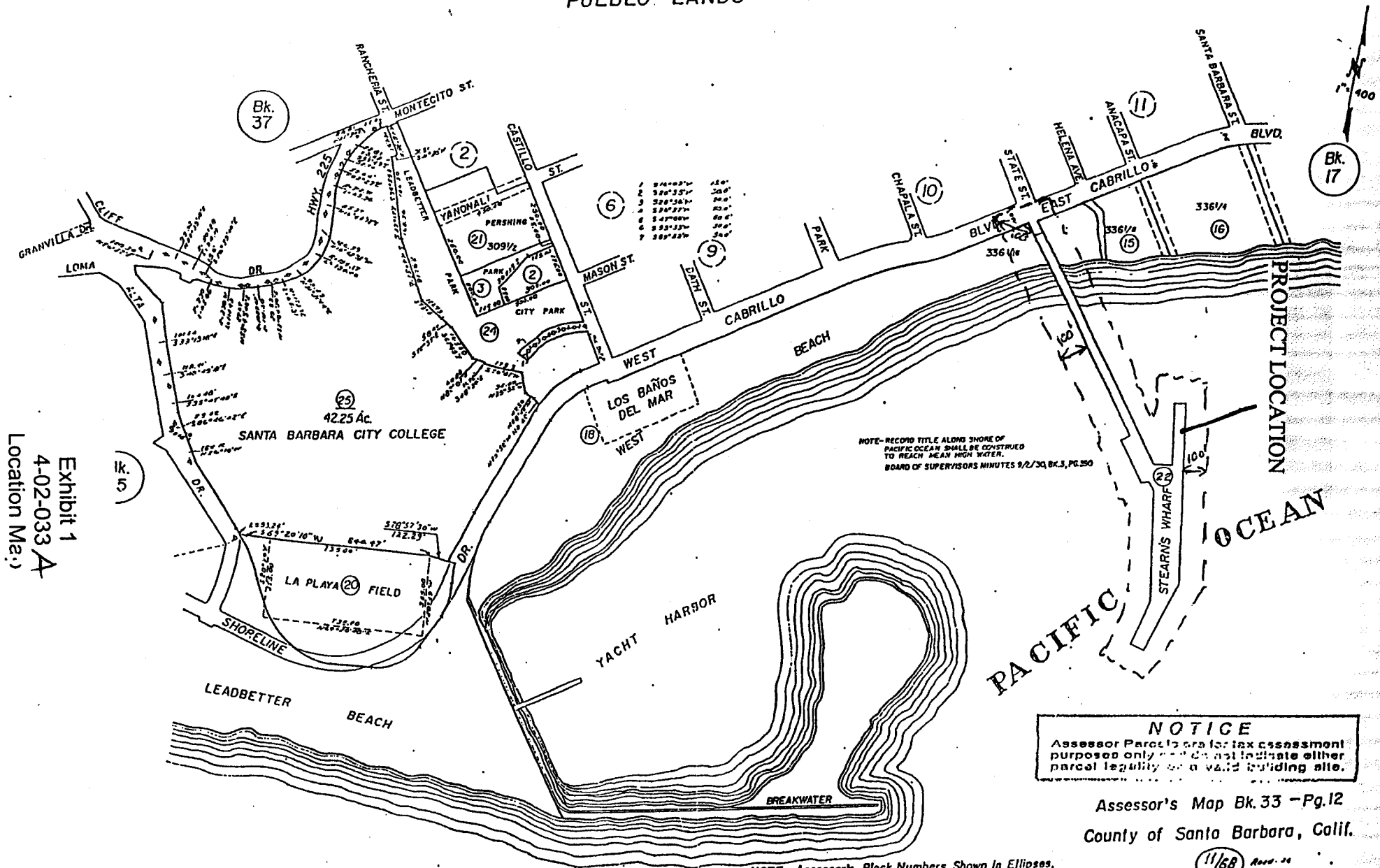


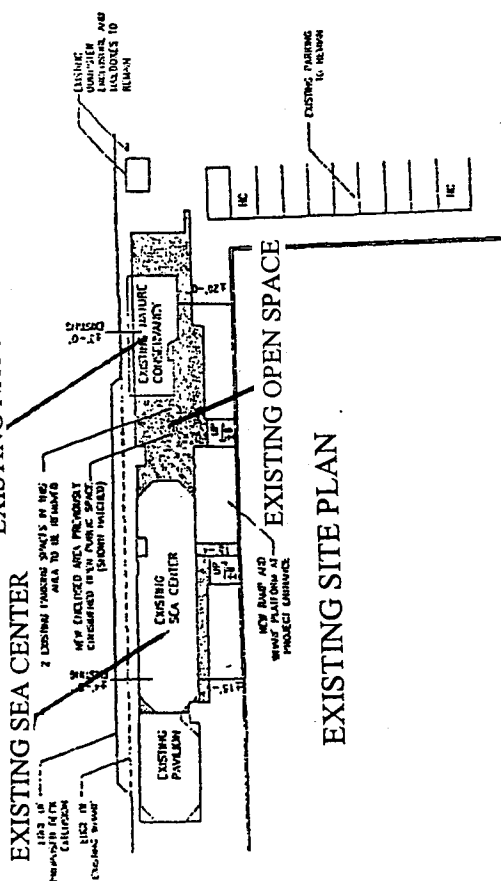
Exhibit 1
4-02-033 A
Location Map

NOTICE
Assessor's Map for tax assessment purposes only and does not indicate either parcel legality or a valid building site.

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

11/68 Rev. 20

EXISTING NATURE CONSERVANCY



EXISTING SITE PLAN

PROJECT SITE

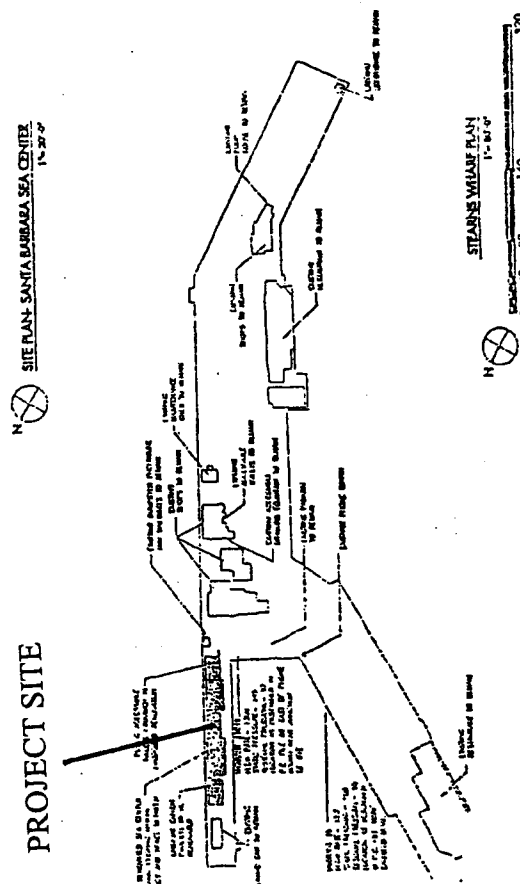
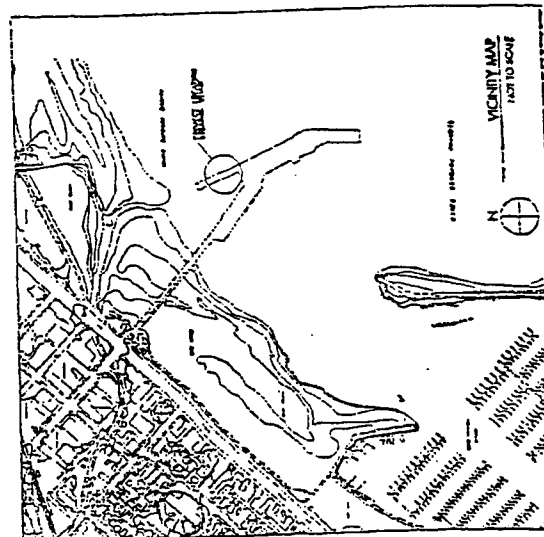
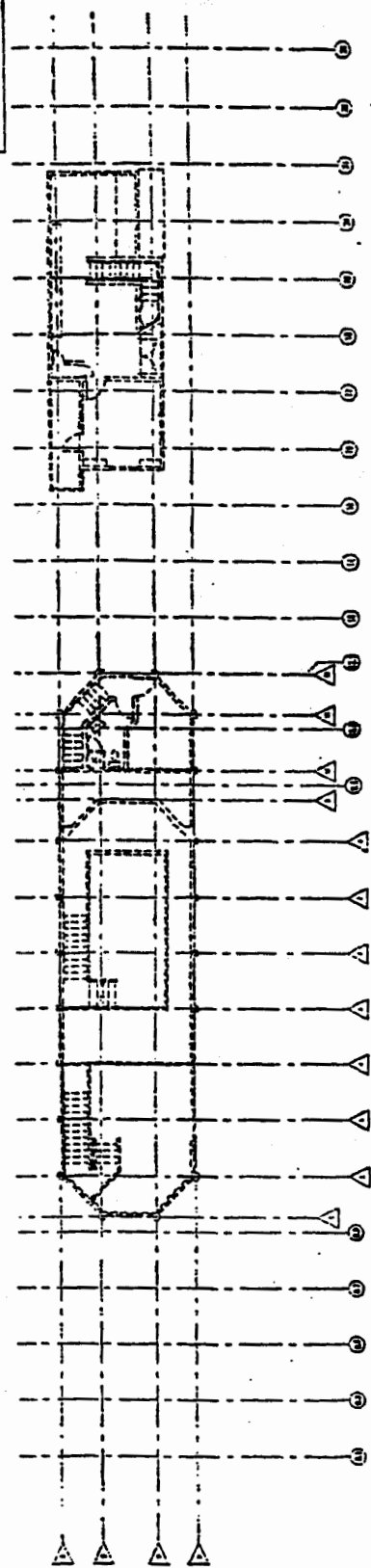


Exhibit 2
4-02-033A
isting Site Plan

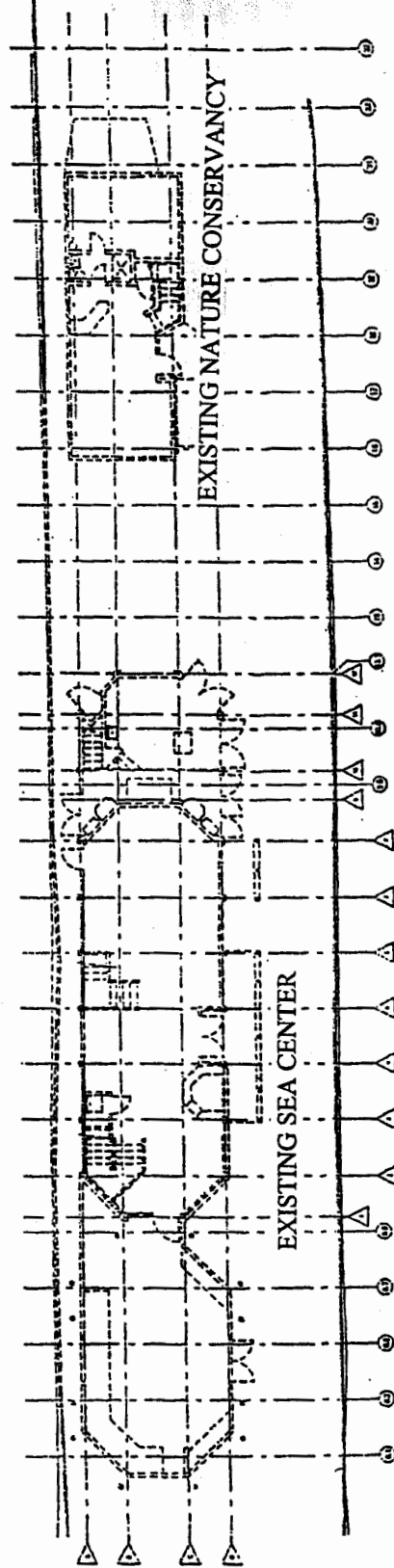
WATERFRONT PARKING SUMMARY		
STANDARD VEHICLE	79	
GREEN -	4	
INVELOCAP -	4	
VALET -	33	
TOTAL	210	
GREEN -	265	
INVELOCAP -	197	
VALET -	3	
TOTAL	465	
GREEN -	167	
INVELOCAP -	3	
TOTAL	170	
GREEN -	275	
INVELOCAP -	3	
TOTAL	278	
GREEN -	212	
INVELOCAP -	3	
TOTAL	215	
GREEN -	79	
INVELOCAP -	3	
TOTAL	82	
GREEN -	145	
INVELOCAP -	4	
TOTAL	149	
GREEN -	193	
INVELOCAP -	27	
VALET -	53	

[illegible]

Edward Adams
 Bico Inc. Ltd./Bico/Comp/Bar
 Edwards & Fenton Architects American Architects



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



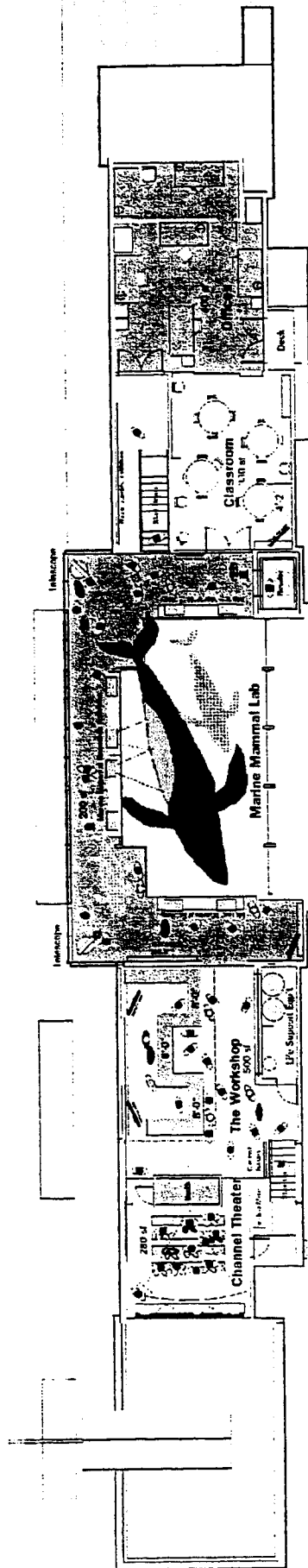
FIRST FLOOR PLAN - DEMOLITION
 1/8" = 1'-0"



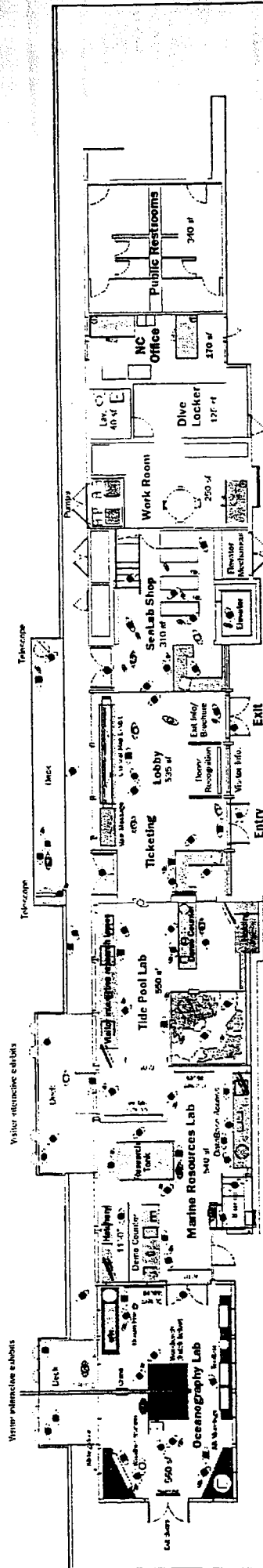
EXISTING WALLS, PARTITIONS, COLUMNS,
 FACTORY, EQUIPMENT, ETC. TO REMAIN

 EXISTING WALL, PARTITIONS, COLUMNS,
 FACTORY, EQUIPMENT, ETC. TO BE DEMOLISHED

Sanita Barbara Museum of Natural History Renovations to the Sea Center-Stearns Wharf	
Demolition Floor Plan	
Project No.	2
Scale	1/8" = 1'-0"
Date	NOV 14 1981

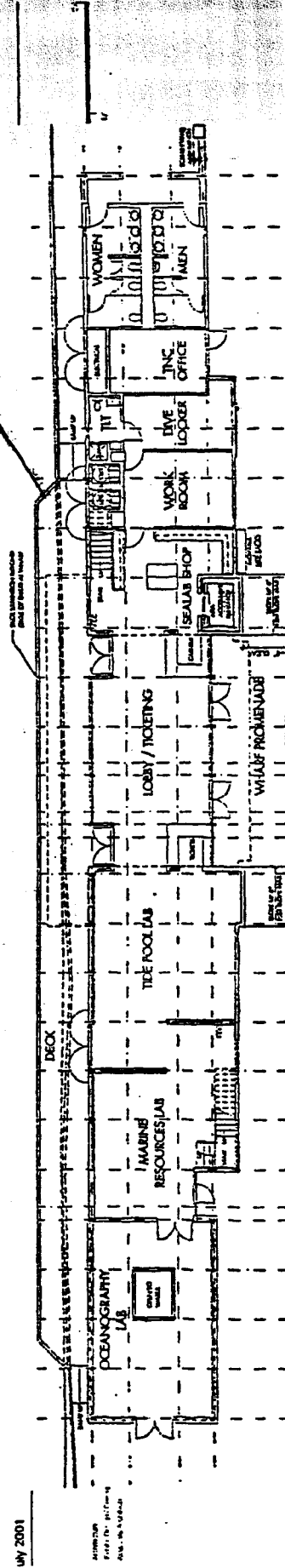


Second Floor Plan



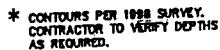
First Floor Plan

PROPOSED DECK EXTENSION



July 2001

ATTACHMENT B



**FINAL SUBMITTAL
NOT FOR CONSTRUCTION**


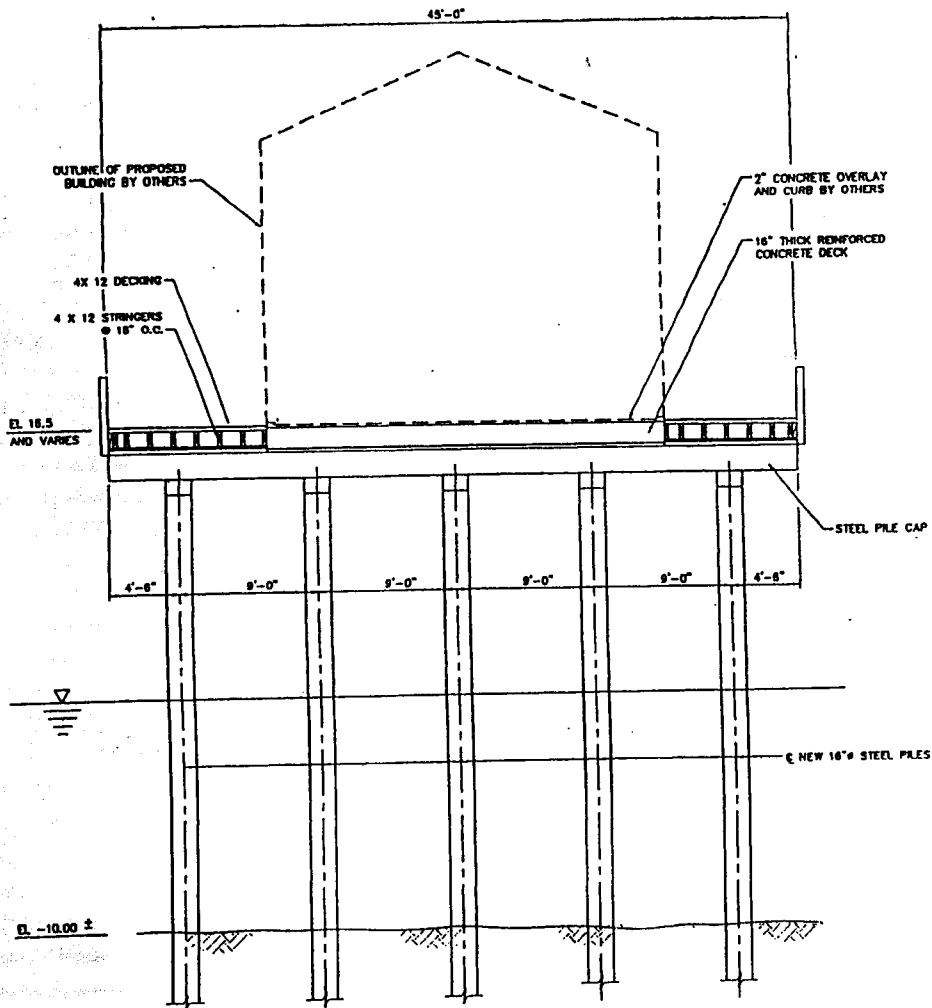
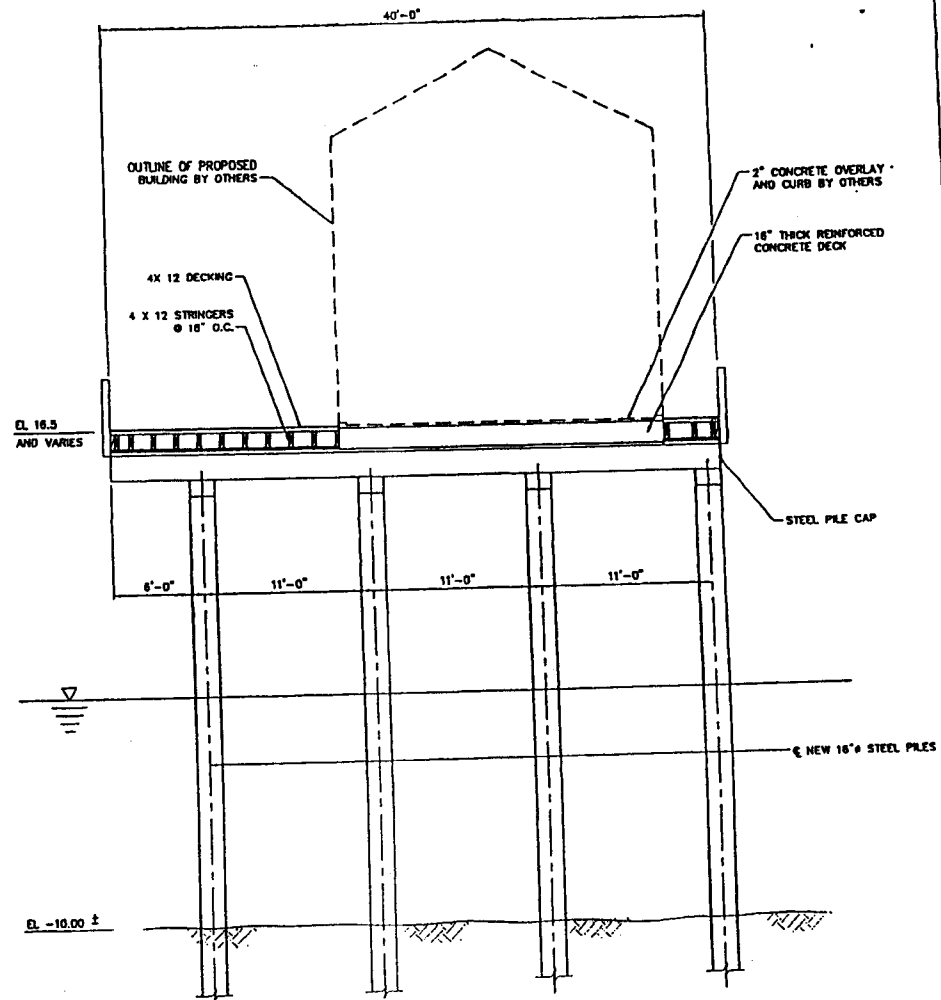
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EXHIBIT NO. 6
APPLICATION NO.
4-02-033A
STAGING AREA



TYPICAL SECTION A
1/4"=1'-0" S-013-02



TYPICAL SECTION B
1/4"=1'-0" S-015-02

S-013-02 Dwg 4815025057 300 DWG 4/23/03

DESIGN	CMD
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SANTA BARBARA MUSEUM OF NATURAL HISTORY
SEA CENTER RENOVATIONS - STEARNS WHARF

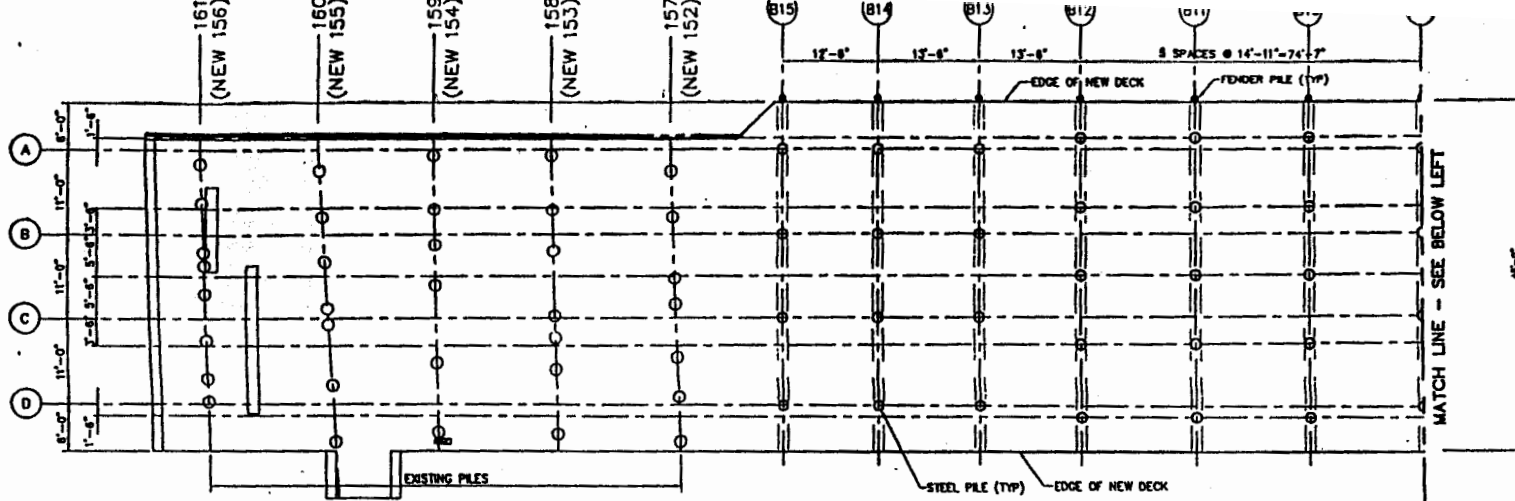
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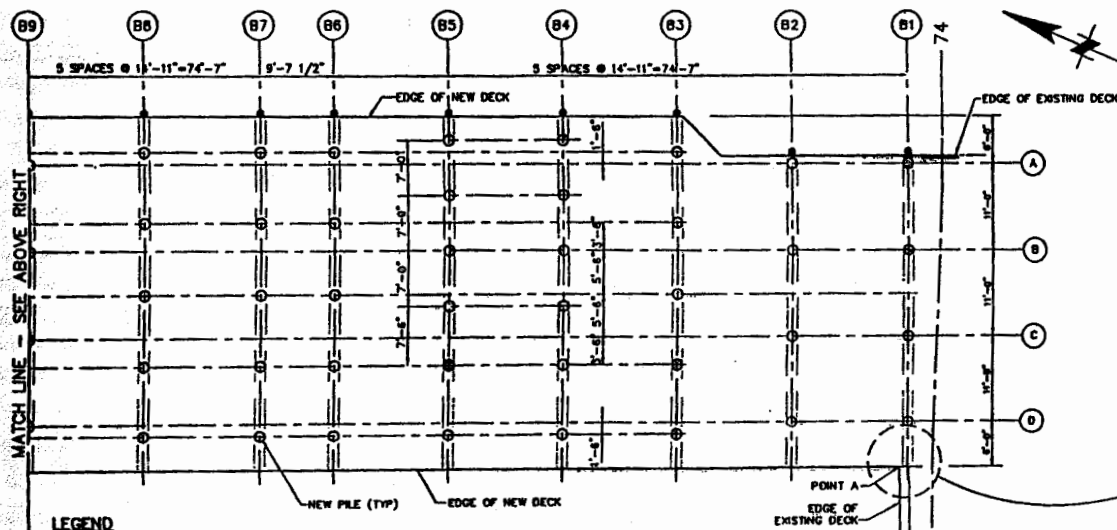
Prepared by: **MOFFATT & MICHO**
Under the direction of:
TERRILL JAK Green REC 048433

CITY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION
APPROVED: _____ DATE: _____ 20

SCALE:	NOTED	PROJ. NO.	S-013-02
VERT.	NOTED	SHT. NO.	11 OF 11
HOR.	NOTED	SHEET NO.	S-02
DWG. NO.			

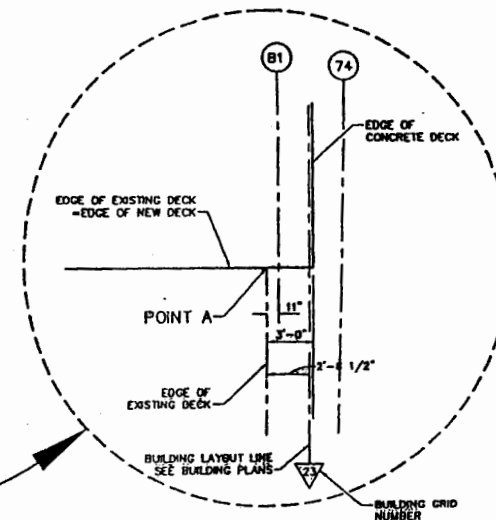


PLAN
1/8"=1'-0"



LEGEND
○ NEW PILES
○ EXISTING PILES
● FENDER PILE (TYP)

PLAN
1/8"=1'-0"



SANTA BARBARA MUSEUM OF NATURAL HISTORY
SEA CENTER RENOVATIONS - STEARNS WHARF

PILE LAYOUT PLAN



Prepared by: **MOFFATT & MICCOLI ENGINEERS**
Under the direction of:
Elizabeth Ann Greer RCE 044835

CITY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT-ENGINEERING DIVISION
APPROVED: _____ DATE: _____
CITY ENGINEER

SCALE:
VERT. 1/8"=1'
HOR. 1/8"=1'
PROJ. NO. 44835-03
SHEET NO. 18 OF 18
SHEET NO. S-03

NO. 44835-03 DATE 11/15/2001 BY JMG



SANTA BARBARA MUSEUM OF NATURAL HISTORY
Inspiring a passion for the natural world • Founded 1916

June 25, 2003

California Coastal Commission
89 South California Street Suite 200
Ventura, CA 93001



JUN 26 2003

CLERK
CALIFORNIA COASTAL COMMISSION
SANTA BARBARA COUNTY OFFICE

SUBJECT: Sea Center Revitalization Project
Request to Amend California Coastal Commission Permit # 4-02-033
211 & 213 Stearns Wharf

To Whom It May Concern:

On March 6, 2002, the California Coastal Commission granted (as an item on the consent calendar) to Santa Barbara Museum of Natural History and the City of Santa Barbara, Waterfront Department, permit # 4-02-033 for development 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 1/2 ft high, 6,327 sq. ft. Sea Center building to provide additional marine exhibits, educational and research facilities for the public, 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 Santa Barbara Museum of Natural History, has since learned from its wharf engineer, Moffatt and Nichol, that currently the wharf in the project area is structurally inadequate to support the proposed building. The Museum requests an amendment to the original California Coastal Commission Resolution # 4-02-033 to include the demolition of the wharf in the project site, and the replacement of the wharf with a steel and concrete structure.

On June 19, 2003 the Santa Barbara City Planning Commission voted in favor of adopting an amendment to Resolution # 006-02 as presented by staff. This amendment request was found to be of substantial conformance with the original resolution. Therefore, all of the previous conditions of approval were adopted unchanged, with the addition of four new conditions of approval due to the fact that the scope of the wharf repairs enters into the marine environment. These additional conditions were a result of a Biological Resources Evaluation Report (attached) prepared by Science Applications International Corporation (SAIC). With these findings by the Santa Barbara Planning Commission in mind, the Museum respectfully requests that the California Coastal



Commission deem this request as an "immaterial amendment" and process it with an administrative action.

Santa Barbara City Planning Commission additional Mitigation Measures

These additional conditions of approval were deemed to be sufficient mitigation to the potential short-term biological resource impacts of the proposed Pile Driving activities and include:

- **BIO-1** – "Pile driving activities shall be conducted only when the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present."
- **BIO-2** – "Should pile driving activities occur during the months of August through March, the applicant shall submit a survey, conducted by qualified biologist for City Environmental Analyst review and approval. The survey shall determine if snowy plovers are present, and if so, where they are nesting and foraging. If snowy plovers are determined to be present during construction, the species' activities shall be monitored during pile driving activities and the monitor shall have the authority to stop pile driving activities should it be determined that construction-generated noise is causing an adverse response in the plovers."
- **BIO-3** – "Should pile driving activities occur during the months of July and August the applicant shall submit a survey, conducted by a qualified biologist for City Environmental Analyst review and approval. The survey shall determine if least terns are present, and if so, where they are nesting and foraging. If least terns are determined to be present during construction, the species' activities shall be monitored during pile driving activities and the monitor shall have the authority to stop pile driving activities should it be determined that construction-generated noise is causing an adverse response in the least terns."

Since the additional proposed scope is to take place in the marine environment, the Santa Barbara City Planning Commission added the following Mitigation Measure:

- **HAZ-3** – "The owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Best Management Practices."

The proposed change of scope also includes the construction and full removal of a temporary staging area. In order to ensure complete removal of said temporary facility the Santa Barbara City Planning Commission added the following mitigation measure:

- **WE-1** – "Prior to the issuance of any Public Works Permit or Building Permit, the Owner shall provide bonding/securities for the complete removal of all temporary structures, bolts, attachment and mechanical devices, and temporary pilings that the contractor constructed for the staging areas. This includes the complete removal of pilings below the ocean/sea bottom. The contractor shall not cut off the pilings below



the ocean/sea bottom. The Owner shall sign an agreement, provided by City Staff, for these construction securities. The agreement shall be reviewed by City staff, for these construction securities. The agreement shall be reviewed and approved as to form by the City Attorney."

All other project impacts of the scope within this proposed amendment were found to be less than significant (please refer to the attached Memorandum to the Planning Commission, exhibit F). These include aesthetics, air quality, biological resources (with inclusion the above listed mitigations BIO-1, 2, and 3), cultural resources, geophysical, hazards (with the inclusion of the above described mitigation, HAZ-3), noise, population and housing, and public services (with the inclusion of the above described mitigation, WE-1).

It is for these reasons that the Santa Barbara Museum of Natural History respectfully requests that the California Coastal Commission also deem this amendment as substantially conforming, and with the added mitigation measures and the fact that the project originally passed on the consent agenda in March of '02 in mind, consider this amendment an "immaterial amendment" and process its approval with an administrative action. This would help maintain a project schedule that has already sustained a 1.5-year delay due to these unforeseen changes in scope. The issue of schedule becomes absolutely critical when considering mitigation, BIO-1, which states that the pile driving cannot occur while Mission Creek is open. If we do not begin pile driving activities this fall, we could potentially be delayed until after the rainy season (late Spring or early Summer of '04).

Project Description

The project engineers have made every effort to design a wharf that does not change the look or feel of the current structure, while greatly increasing its strength, durability and expected lifespan.

The proposed changes will affect bents 139 through 152. These bents will be replaced by the proposed structure, constructed of 16" steel pilings (the same size and basic design that was utilized in the area of the Moby Dick Restaurant) with a concrete slab to support the new building. The concrete slab will be approximately the same size as the footprint of the building. On the east and west sides of the building, the steel pile caps will support wood stringers and Douglas Fir timber decking.

The stringers and decking will be re-used from the existing pier. This will ensure that the new structure has the same character as the current pier, and will also reduce the impact of the project on the environment by reducing the amount of discarded debris and the amount of natural resources utilized.



Project Benefits

This new pier structure will provide many benefits to the City of Santa Barbara. First, it will allow for a net reduction of the required maintenance as it is proposed. It will be constructed of steel pilings and steel pile caps, which last three times longer than that of the current system – wood pilings and pile caps. This will greatly reduce the amount of maintenance needed by the Waterfront Department, co-applicants.

The proposed structure will also greatly reduce the threat of fire in that area. Not only will the pilings and pile caps be constructed of steel, but the wharf deck under the footprint of the building will be constructed of concrete. Currently the deck under the building is constructed of treated timber (which is flammable). Additionally, the wood decking areas east and west of the building will be outfitted with an under-the-deck deluge system to help fight a fire if one were to start in these areas.

Additionally, the proposed project will be replacing a section of sterns wharf that has sustained fire damage on numerous occasions since the construction of the original Sea Center in 1986, with a structure that meets all current California seismic codes. The attached structural calculations have taken into account recently updated seismic codes, wind and wave action, as well as the building loads to provide for a sound, durable structure.

Temporary Staging Area

A temporary staging area is proposed to be constructed adjacent to the west side of the Sea Center project area. Substantial time and effort has been spent figuring out a way to build the wharf in a manner that would provide a safe working environment for our contractor, produce the least possible impact to the wharf merchants, and provide enough space to build the proposed pier. Our marine construction consultant, Cushman Contracting Co., has proposed a temporary staging area, similar to the one used in the construction of the Moby Dick section of the wharf, in order to accomplish these goals.

In our analysis of how to accomplish the above mentioned goals in a safe, cost effective way, the Museum consulted not only with Cushman Contracting Co., but with the City of Santa Barbara's Waterfront Department as well. Other options discussed included the use of a barge as a staging area, but this was deemed to be inappropriate. The Waterfront Department felt that this would expose Stearns Wharf to the danger of collisions created by the effects of wave action on the barge. These collisions would potentially cause substantial damage to City property. Additionally, the use of a barge during the wharf construction would be cost prohibitive, and would cause additional safety concerns according to our marine construction consultant.



The main issue creating the need for this temporary staging area is the safety of the workers on the wharf during construction. The Sea Center finger of the wharf is insufficient to support the equipment required to remove and drive pilings. The finger of the pier on which the Sea Center is situated was built using smaller-sized timber than the main wharf sections. This fact, coupled with the heavy weight of the steel piles and the requirement of larger equipment to drive the piles, indicates the current pier section is insufficient to support the equipment.

This temporary staging area will also allow for the storage of materials necessary for a day's work. This greatly reduces the impact to the merchants on the wharf because it lessens the amount of material that would have to be brought in from off-site on a regular basis. The unique location of the Sea Center project would make it impossible to deliver materials regularly enough to sustain a day's worth of work without impacting the merchants unless the use of this temporary staging area is allowed.

The building contractor would use the temporary staging area as well. This will decrease the time needed to construct the building, reduce the impact to the wharf merchants, and would allow for the storage of enough materials to work through an full day without constant deliveries, which would impact the visitor traffic on the wharf.

Attachments

The following have been attached for your review:

- City of Santa Barbara Planning Commission Resolution.
- Two (2) sets of plans showing the proposed changes to the wharf. Please note, that the building had to be moved eight feet to the north (towards shore) in order to ensure that it is entirely supported by the new wharf structure. This is the only change to the building design that is significant enough to require attention in this amendment.
- Biological Resources Evaluation Report performed by SAIC. The report suggests that the environmental impact of the proposed wharf project would be less than significant.
- Memorandum to the City of Santa Barbara Planning Commission prepared by April Verbanac.
- Letter to the City of Santa Barbara Planning Commission Requesting amendment.



- Letter from Moffatt and Nichol informing the Santa Barbara Museum of Natural History of the necessary changes to the project. Please note that the description has changed slightly from how it is described in the letter.
- Assessor's parcel map, addressed and stamped envelopes, and address list.
- Structural calculations prepared by Moffatt and Nichol engineers, supporting the wharf design.

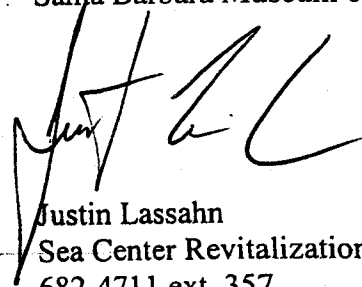
Summary

It is our opinion that the proposed changes to the Sea Center Revitalization Project are consistent with the purpose and intent of the original California Coastal Commission Permit # 4-02-033 and that it represents a less than significant additional impact on the environment. With the inclusion of the additional mitigation measures added by the City of Santa Barbara Planning Commission, we are hopeful that the changes could be deemed as substantially conforming to the California Coastal Commission Permit # 4-02-033, and therefore could be considered an "immaterial amendment" and could be processed as an administrative action.

Thank you very much for your time, and please contact me with any questions regarding our request for amendment.

Sincerely,

Santa Barbara Museum of Natural History



Justin Lassahn
Sea Center Revitalization Project Manager
682-4711 ext. 357

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Page 1 of 3

Date: April 26, 2002

Permit Application No. 4-02-033

COASTAL DEVELOPMENT PERMIT

On March 6, 2002, the California Coastal Commission granted to Santa Barbara Museum of Natural History, City of Santa Barbara, Waterfront Department, permit 4-02-033, subject to the attached Standard and Special Conditions, for development 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 1/2 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. This permit is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Santa Barbara County at 211-213 Stearns Wharf, City of Santa Barbara.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

A handwritten signature in cursive script, reading "April Verbanac".

By: April Verbanac
Coastal Planner

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

Permittee

COASTAL DEVELOPMENT PERMIT

Page 2 of 3
Permit Application No. 4-02-033

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.

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.

COASTAL DEVELOPMENT PERMIT

Page 3 of 3
Permit Application No. 4-02-033

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.

