

**CALIFORNIA COASTAL COMMISSION**

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

Permit Application No.:

**4-04-062**

Date:

August 20, 2004

Page 1 of 8

**ADMINISTRATIVE PERMIT RECORD PACKET COPY****APPLICANTS:**

Mujiba Cabugos, Patrick McAvoy and the City of Santa Barbara Waterfront Department

**PROJECT****DESCRIPTION:**

Construction of the Lost-At-Sea Memorial including an approximately 1390 sq. ft. concrete patio, decorative boulders, memorial plaque and sculpture, two benches, planting of native vegetation, removal of an existing 600 sq. ft. concrete slab, and 91 cu. yds. of grading.

**PROJECT****LOCATION:**

End of breakwater at Santa Barbara Harbor, City of Santa Barbara (Santa Barbara County)

**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

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

This permit will be reported to the Commission at the following time and place:

Friday, September 10, 2004  
9:00 am  
Eureka Public Marina  
Wharfinger Building Great Room  
1 Marina Way  
Eureka, CA 95501

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

PETER DOUGLAS  
Executive Director

By: Lillian Ford

Title: Coastal Program Analyst

**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 this permit is reported to the Commission. 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 term or 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:** See page seven.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

**FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:****A. Project Description**

The applicants propose to construct a memorial to those who have been lost at sea, to consist of an approximately 1390 sq. ft. concrete patio, decorative boulders, memorial plaque and sculpture, two benches, planting of native vegetation, removal of an existing 600 sq. ft. concrete slab, and 91 cu. yds. of grading (**Exhibits 3 - 7**).

The proposed project is located at the intersection of a concrete breakwater and rip-rap jetty that separate Santa Barbara Harbor from the Pacific Ocean (**Exhibits 1 - 3**). Site elevation is approximately 12 feet above mean sea level. The project site is adjacent to a public walkway that runs the length of the breakwater (**Exhibits 3 and 8**). The site consists of an unvegetated

sandy pad underlain by rip-rap (**Exhibit 8**). A sand spit that provides wintering habitat for western snowy plover is located on the seaward side of the rip-rap jetty adjacent to the site (**Exhibit 2**).

## **B. Water Quality**

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 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 require the protection of the biological productivity of coastal waters and the maintenance, enhancement, and restoration of marine resources.

The proposed project is located at the intersection of a concrete breakwater and rip-rap jetty that separate Santa Barbara Harbor from the Pacific Ocean. Construction, of any kind, adjacent to or in coastal waters has the potential to impact marine resources. Santa Barbara Harbor and the adjacent open ocean provide opportunities for water oriented recreational activities and also serve as habitat to marine organisms. Risks to coastal recreational activities and marine habitat are inherently linked to water quality issues.

Storage or placement of construction materials, debris, waste, or excavated material in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition One (1)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

**Special Condition One (1)** requires that the applicant dispose of all demolition and construction debris and excavated material at an appropriate location. This condition requires the applicant to use floating booms when necessary to control turbidity and debris discharge. Divers shall

remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible.

Therefore, only as conditioned to minimize construction related impacts during construction, does the Commission find the proposed project consistent with Sections 30230 and 30231 of the California Coastal Act.

### **C. Hazards**

The proposed development is located at the intersection of a concrete breakwater and rip-rap jetty located between Santa Barbara Harbor and the Pacific Ocean. The proposed project site is subject to overtopping, flooding and erosion from storm waves and tidal fluctuations, particularly during winter storm season.

Section 30253 of the Coastal Act states, in pertinent part, that 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, 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 applicant has submitted a geotechnical engineering report for the proposed project (Preliminary Foundation Investigation by Pacific Materials Laboratory, dated September 19, 2003). The report addresses subsurface soil conditions at the site and the stability of the proposed project. The report notes that sand levels beneath the proposed project vary each winter, as storms and high tides deposit sand and storms and low tides scour sand away. The report recommends that the concrete slab, memorial plaque and monument, and benches be supported on foundations attached to existing boulders located beneath the surface sand layer. The geotechnical consultant concludes that:

*It is the opinion of this Laboratory the proposed construction is feasible from a soil-engineering perspective provided the recommendations contained in this soil engineering report are incorporated into the design and implemented during construction.*

The geotechnical consultant concludes that the proposed development is feasible provided that their recommendations are incorporated into the proposed development. The geotechnical report contains several recommendations to be incorporated into the project construction regarding structural foundations. To ensure that the recommendations of the consultant have been incorporated into all proposed development, **Special Condition Two (2)** requires the applicants to incorporate the recommendations cited in the geotechnical report into all final design and construction plans. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

#### **D. Sensitive Habitat**

Section 30240 of the Coastal Act states:

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

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

Section 30240 of the Coastal Act requires protection of environmentally sensitive habitat areas (ESHA) from significant disruption, and requires development in areas adjacent to ESHA to be compatible with the continuance of such areas.

The proposed development is located at the intersection of a concrete breakwater and rip-rap jetty located between Santa Barbara Harbor and the Pacific Ocean. Santa Barbara Harbor is identified in the certified Harbor Master Plan as a sensitive habitat area, which includes marine, intertidal and terrestrial beach habitats. The project site does not contain environmentally sensitive habitat; however, the sand spit that has formed on the ocean side of the adjacent rip-rap jetty has been designated critical habitat for the western snowy plover (*Charadrius alexandrinus nivosus*), a small shorebird that is federally listed as threatened. The sand spit is a principal wintering locale for the snowy plover, who forage for small crustaceans and worms along the surf line and in the wet sands.

The harbor area also attracts California least terns (*Sterna antillarum browni*), who visit during post-breeding season in July and August. The California least tern is listed as endangered by both federal and state governments.

In addition, California brown pelicans (*Pelecanus occidentalis californicus*), federally listed as endangered, are year-round "residents" of the harbor area. The pelicans are known to forage in the area and to rest on structures in Santa Barbara Harbor, including the breakwater. However, sufficient additional resting and feeding areas are available in the vicinity and the species is known to have a high tolerance of human activities. This project is not anticipated to adversely impact brown pelican habitat.

The proposed project involves construction of a concrete patio, benches, and art features adjacent to a sand spit that provides winter foraging habitat for western snowy plovers and habitat for California least terns in July and August. Construction near areas identified as providing habitat for sensitive wildlife species has the potential to adversely impact those species. The estimated time frame to construct the project is three to four weeks. Therefore, **Special Condition Three (3)** requires construction activities to begin no sooner than April 1 and no later than Memorial Day, in order to avoid the seasonal presence of both snowy plover and least tern, and to provide for maximum public access as discussed in Section E. below.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

## **E. Coastal Access**

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

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

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

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

The proposed project involves construction of a memorial site for those who have been lost at sea, and includes an approximately 1390 sq. ft. patio, two benches, and art features. The proposed project is located adjacent to a walkway that runs the length of the adjacent breakwater. The site consists of an unvegetated sandy pad that is accessible to pedestrians using the walkway and provides additional space for viewing the ocean and the harbor. The proposed project will enhance visitor use of the site, by providing an attractive patio area and benches for visitors wishing to view the ocean and to spend time in quiet reflection.

The proposed project will result in some limited temporary adverse effects to public access. Access to the breakwater will be closed to the public as needed during the three to four week construction period. During those times, barricades and signs informing the public of the temporary closure will be placed seaward of the Marina 1 gangway. An onsite monitor and the Harbor Patrol will be available to enforce temporary closures and ensure pedestrian safety. Potential adverse effects to public access can be minimized by prohibiting closures during the summer peak visitor use season. Therefore, **Special Condition Three (3)** requires that all construction occur prior to Memorial Day in order to minimize impacts on public access.

As conditioned, the proposed project will not significantly impact recreational opportunities and public access at the project site, and therefore the project is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

#### **F. Local Coastal Program**

The proposed project area lies within the limits of the City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction. The Commission certified the Local Coastal Program for the City of Santa Barbara (Land Use Plan and Implementation Ordinances) in 1981 (Land Use Plan) and 1986 (Implementation Ordinances). The City's LCP contains policies and standards for siting and design of new development and protection of marine habitats. The application before the Commission is for development within the Commission's retained jurisdictional area, and therefore the standard of review applied by the Commission in considering the proposed project is the Coastal Act. The Commission notes that its review of the proposed project discloses no conflicts with any of the policies of the City's certified LCP, including those policies regarding marine habitat, shoreline access, and recreation.

#### **G. California Environmental Quality Act (CEQA)**

Section 13096(a) of title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 effect which the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

#### **SPECIAL CONDITIONS:**

##### **1. Construction Responsibilities and Debris Removal**

- (a) No construction materials, equipment, debris, waste, or excavated material will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (b) Any and all construction material will be removed from the site within 10 days of completion of construction.
- (c) All excavated material and debris shall be removed to a disposal site located outside of the Coastal Zone, or to a disposal site located inside the Coastal Zone that has been authorized by a coastal development permit.
- (d) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.

- (e) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day. The floating boom shall be placed in such a way as not to block boating traffic within the waterway.
- (f) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

## **2. Plans Conforming to Geotechnical Engineer's Recommendations**

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the Preliminary Foundation Investigation by Pacific Materials Laboratory, dated September 19, 2003. These recommendations are to be incorporated into all final design and construction plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

## **3. Timing and Duration**

By acceptance of this permit, the applicant agrees that all construction activities for the proposed project will be conducted no sooner than April 1 and no later than Memorial Day, unless additional time is granted by the Executive Director for good cause.

## **ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

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

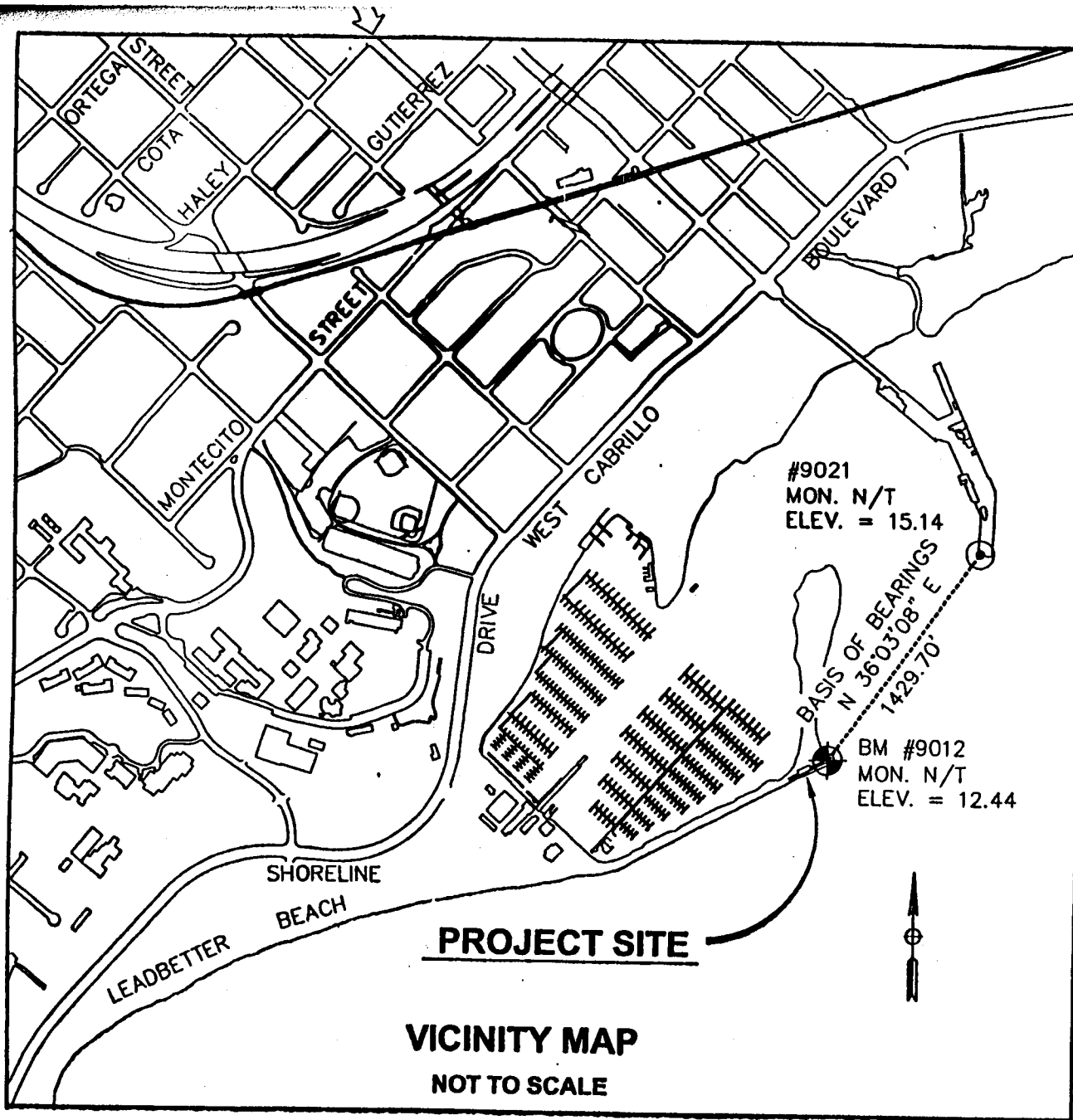
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Applicant's Signature

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Date of Signing





**PROJECT SITE**

**VICINITY MAP**

NOT TO SCALE

FOR REDUCE PLANS ORIG.  
SCALE IS IN INCHES



Exhibit 2  
CDP No. 4-04-062  
Aerial Photo



Exhibit 3  
CDP No. 4-04-062  
Site Location

POST MILE	SHEET NO.
0.00	1
0.10	2
0.20	3
0.30	4
0.40	5
0.50	6
0.60	7
0.70	8
0.80	9
0.90	10
1.00	11
1.10	12
1.20	13
1.30	14
1.40	15
1.50	16
1.60	17
1.70	18
1.80	19
1.90	20
2.00	21
2.10	22
2.20	23
2.30	24
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2.60	27
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2.80	29
2.90	30
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9.90	100

REGISTERED ENGINEER - CIVIL  
**Progress Print**  
 PROJECT APPROVAL DATE  
 DESIGN CORRELATION  
 200 AND 400 CONCS  
 200 AND 400 CONCS  
 200 AND 400 CONCS

Horizontal Alignment Curve Report  
 Prepared by  
 Date

Stationing  
 Stationing

Length: 2.15 Station: N 27-08-41 W

Circle Curve Data  
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 Radius: 12.00 DCC: 477-27-53  
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 Elevation: 14.58 Course: N 40-34-02 E

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 Length: 31.00 Tangent: 17.96  
 Chord: 31.00  
 Elevation: 5.88 Course: N 11-51-51 W

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 Chord: 3.11  
 Elevation: 14.58 Course: N 40-34-02 E

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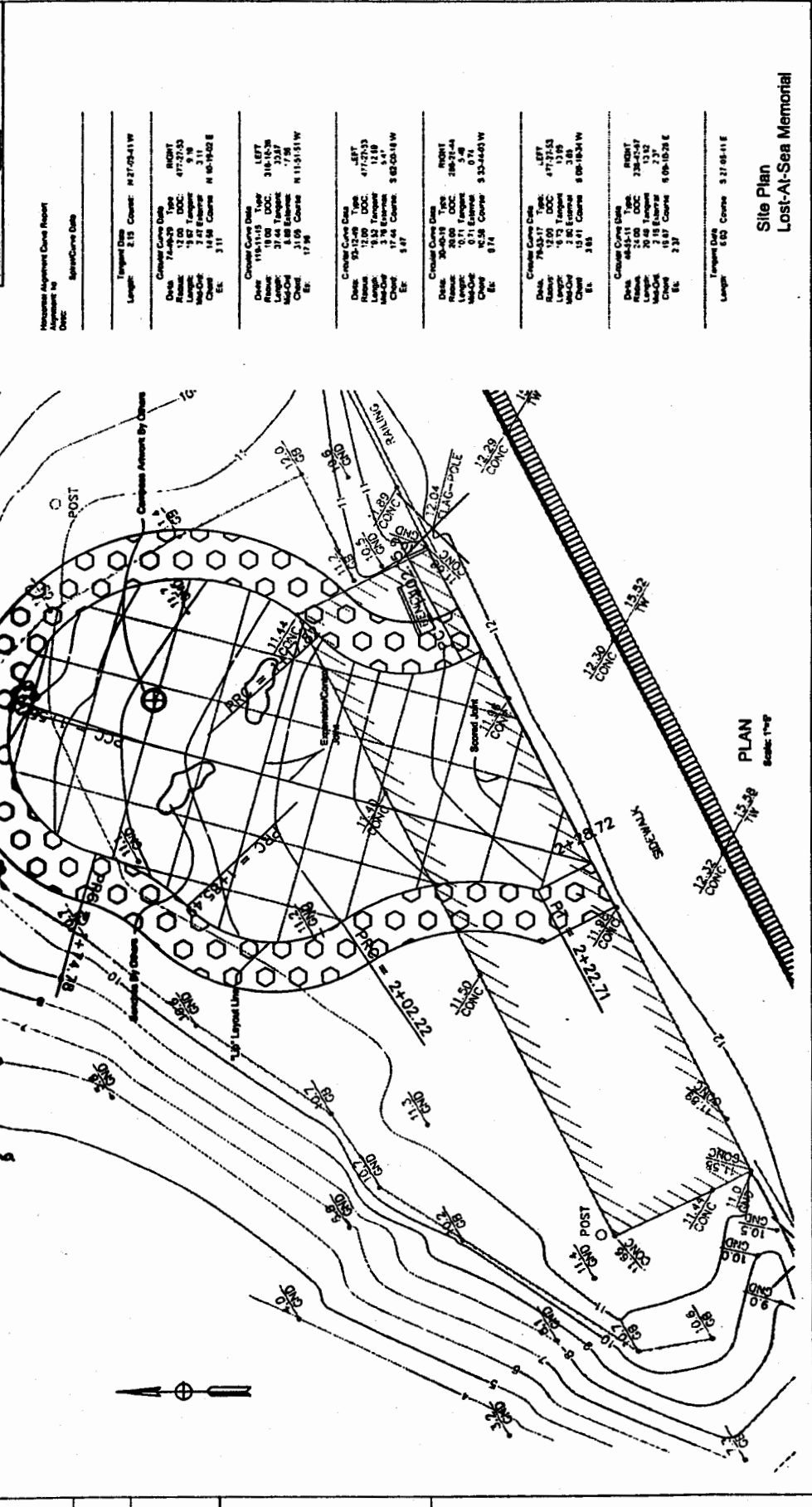
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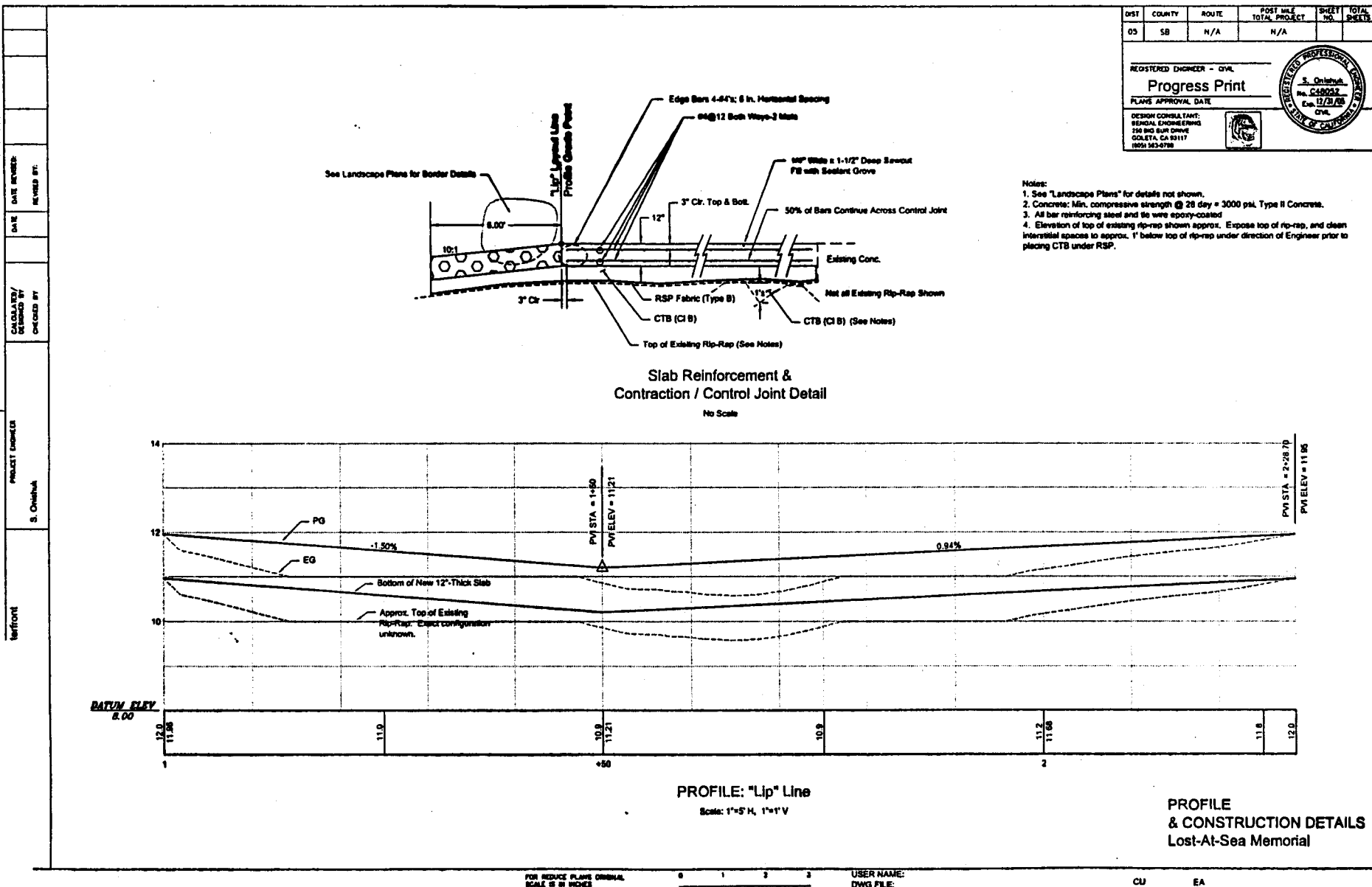


1. COORDINATE BASE IS NAD-83 PER CITY CONTROL.  
 2. VERTICAL DATUM IS MAND 86 PER POINT #1012.  
 ELEVATION = 12.44'  
 Abbreviations:  
 CONC=Concrete  
 GND=Ground  
 GND=Grade Break

PROJECT ENGINEER: S. Chisholm  
 CHECKED BY: [blank]  
 DATE: [blank]  
 SCALE: [blank]

PLAN  
 Scale: 1"=40'

Exhibit 4  
 CDP No. 4-04-062  
 Site Plan



FOR REDUCE PLANS ORIGINAL  
SCALE IS IN INCHES

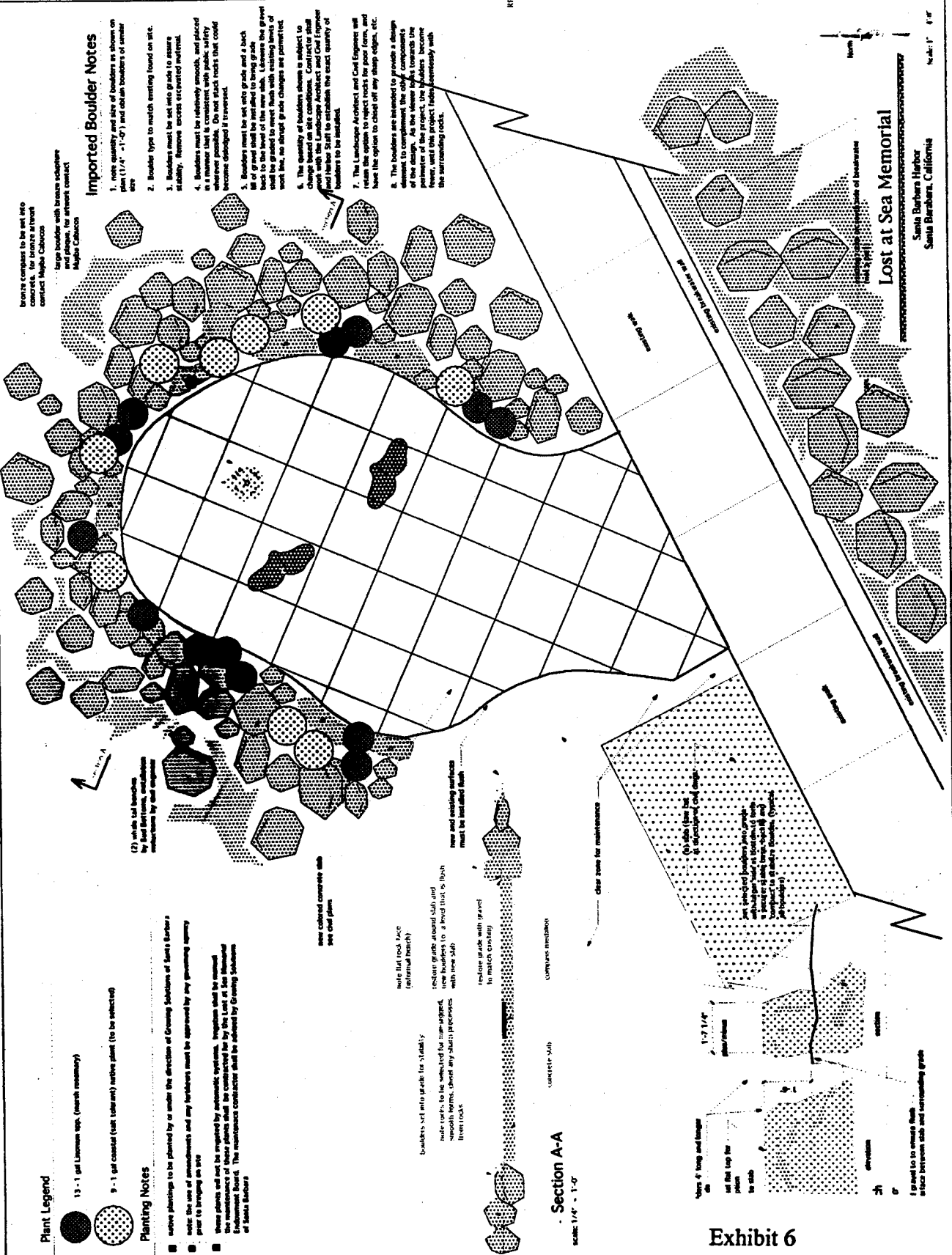
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CU EA

2/23/04

1. The landscape architect shall be responsible for the design and construction of the landscape and shall be responsible for the selection of plants and materials. The landscape architect shall be responsible for the design and construction of the landscape and shall be responsible for the selection of plants and materials. The landscape architect shall be responsible for the design and construction of the landscape and shall be responsible for the selection of plants and materials.

# Exhibit 6 CDP No. 4-04-062 Site Design



**Lost at Sea Memorial**

Santa Barbara Harbor  
Santa Barbara, California

**L-1**

DATE: March 10, 04  
DRAWN: C.M.  
CHECKED: M.H.  
SCALE: 1/4\"/>

Signature \_\_\_\_\_  
Date \_\_\_\_\_

**Plant Legend**

- 13 - 1 gal. Laurus nobilis (north necessary)
- 9 - 1 gal. coastal (salt tolerant) native plant (to be selected)

**Planting Notes**

- Native plantings to be planted by or under the direction of Greening Solutions of Santa Barbara.
- Native plants to be planted by or under the direction of Greening Solutions of Santa Barbara.
- Native plants to be planted by or under the direction of Greening Solutions of Santa Barbara.

**Imported Boulder Notes**

1. Verify quantity and size of boulders as shown on plan (1 1/4\"/>

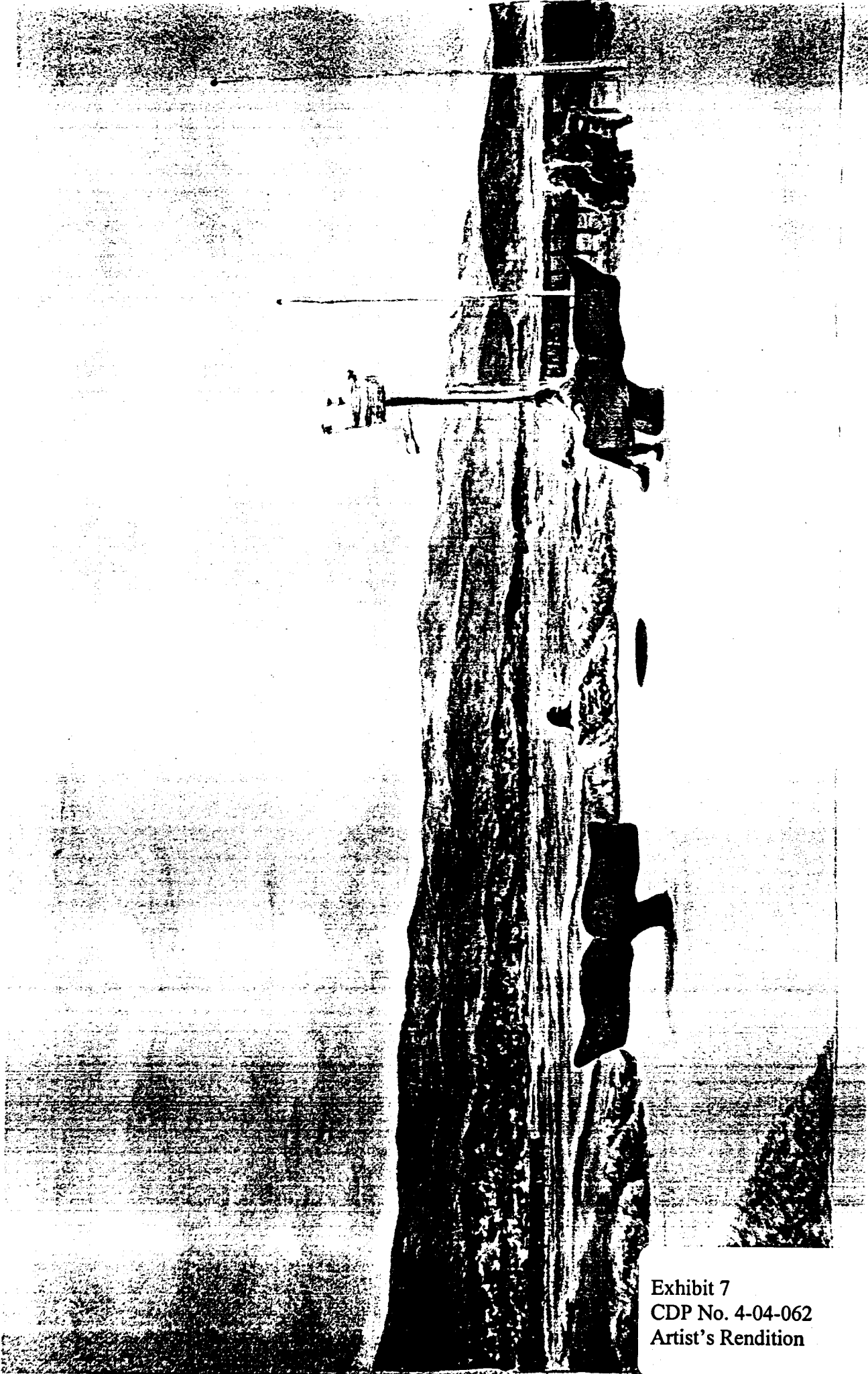
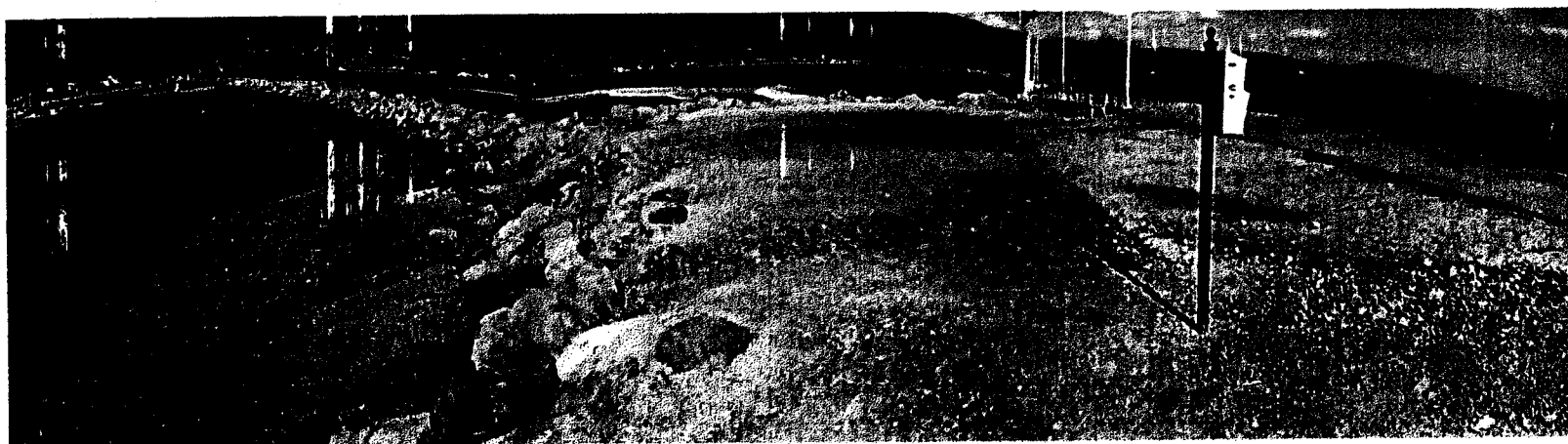


Exhibit 7  
CDP No. 4-04-062  
Artist's Rendition



Proposed location, looking west. Part of existing slab (photo left) will be removed.



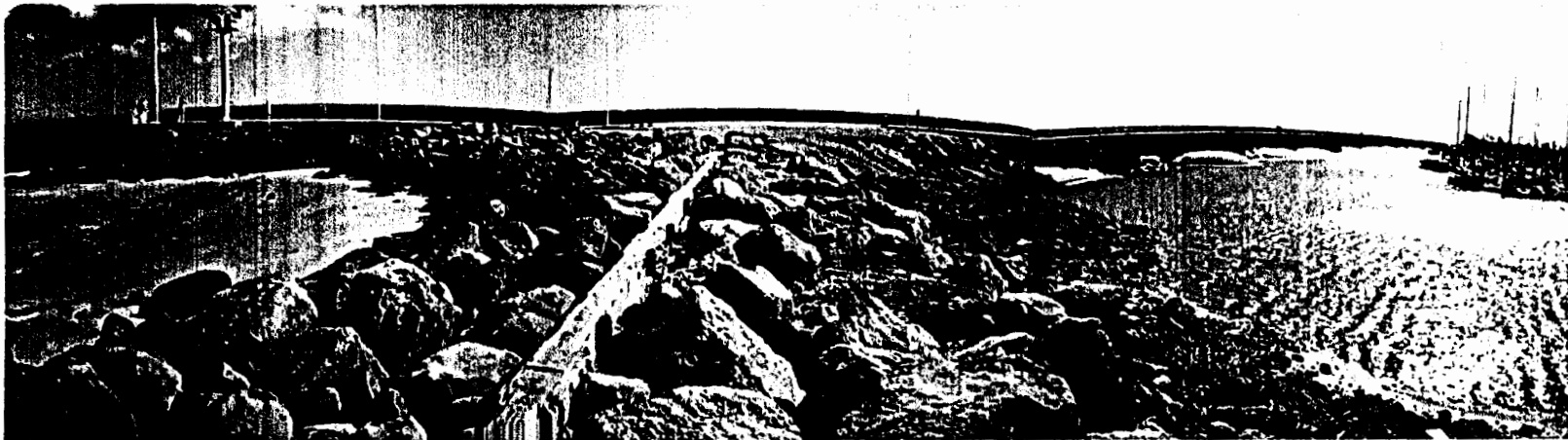
Proposed location, looking east.

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Proposed location, looking south. Memorial will be along seawall in "sandy spot", photo center.

