

**CALIFORNIA COASTAL COMMISSION**

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# Tu 12c

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-06-126

**APPLICANT:** City of Santa Barbara Waterfront Department

**PROJECT LOCATION:** End of the Marina 4B Finger in the Santa Barbara Harbor, City of Santa Barbara, Santa Barbara County

**PROJECT DESCRIPTION:** Removal of four existing dolphin timber pilings, two guide piles, and a floating walkway and installation of 16 new steel piles and dockside amenities at the end of the Marina 4B Finger.

**APPROVALS RECEIVED:** U.S. Army Corps of Engineers Permit Number 200401224-JCM; City of Santa Barbara Planning Commission Recommendation to the California Coastal Commission dated September 15, 2005 (Resolution No. 059-05).

**SUBSTANTIVE FILE DOCUMENTS:** City of Santa Barbara Planning Commission Resolution No. 059-05 dated September 15, 2005; "Final Biological Resources Analysis, Santa Barbara Harbor Marina One and Marina Four Expansion" prepared by SAIC, August 1997; "Mitigated Negative Declaration ENV96-0209, Marinas One and Four Expansion Project" prepared by the City of Santa Barbara, December 1997; "Addendum to Mitigated Negative Declaration ENV96-0209 for 307 Shoreline Drive Marina 4B Finger Extension MST2004-00084" prepared by the City of Santa Barbara, September 8, 2005.

**SUMMARY OF STAFF RECOMMENDATION**

Staff Recommends **approval** of the proposed project with **Eight (8) Special Conditions** regarding 1) Pre-Construction Biological Surveys; 2) Timing of Construction; 3) Eelgrass Surveys; 4) Pre-Construction Caulerpa Taxifolia Surveys; 5) Construction and Maintenance Responsibilities and Debris Removal; 6) Best Management Practices Program; 7) Assumption of Risk; and 8) Other Agency Approvals.

The City of Santa Barbara proposes to reconfigure the end tie on the Marina 4B Finger in the City of Santa Barbara Harbor to allow for the berthing of three large boats instead of two large boats. The project would involve the removal of four existing dolphin timber pilings, two guide piles, and a floating walkway and installation of 16 new steel piles and dockside amenities. The City has proposed to conduct all pile driving, towing, and use

of heavy equipment outside of the time California least tern are present in the harbor in July and August. Additionally, recommended Special Condition One and Two would prohibit pile driving if Western snowy plover exhibit nesting or reproductive behavior near the project site on the harbor sandspit or West Beach.

Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, this project is located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits and the standard of review for this project is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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## I. STAFF RECOMMENDATION

**MOTION:** I move that the Commission approve Coastal Development Permit No. 4-06-126 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 approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## 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 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.

### **III. SPECIAL CONDITIONS**

#### **1. Pre-Construction Biological Surveys**

Should any pile driving or use of other heavy equipment which can cause excessive noise, odors, and vibrations be planned between March 1 and September 31<sup>st</sup>, inclusive, the City shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a survey prior to these construction activities. The environmental resource specialist shall conduct a survey of the sandy habitats at West Beach and the harbor sandspit, to determine presence and behavior of sensitive species, including snowy plover, one day prior to commencement of pile driving or use of any heavy equipment which can cause excessive noise, odors, and vibrations. In the event that any sensitive wildlife species (including but not limited to California least tern, western snowy plover, or California brown pelican) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit documentation prepared by the biologist or environmental specialist which indicates the results of each pre-construction survey, including if any sensitive species were observed and associated behaviors or activities. Location of any nests observed shall be mapped.

#### **2. Timing of Construction**

- A. Construction activities that require pile driving, towing, or the general use of heavy equipment, shall be prohibited from July 1<sup>st</sup> to August 31<sup>st</sup> inclusive to protect post-breeding California least tern.
- B. Construction activities that require pile driving or the use of heavy equipment which can cause excessive noise, odors, and vibrations shall be prohibited if any sensitive species, including Western snowy plover, are exhibiting reproductive or nesting behavior at West Beach or the harbor sandspit pursuant to the biological surveys required in Special Condition Two (2) above.

#### **3. Eelgrass Survey(s)**

- A. **Preconstruction Eelgrass Survey.** A valid pre-construction eelgrass survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this condition) adopted by the National Marine Fisheries Service and shall be prepared in

consultation with the California Department of Fish and Game. The applicants shall submit the new eelgrass survey for the review and approval of the Executive Director within five (5) working days of completion of the new eelgrass survey and in any event no later than fifteen (15) working days prior to commencement of construction. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The application shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation: impact). The exception to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

**4. Pre-construction *Caulerpa Taxifolia* Survey**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
1. for the review and approval of the Executive Director; and
  2. to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted

through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.

- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **5. Construction and Maintenance Responsibilities and Debris Removal**

- C. The permittee shall comply with the following construction-related requirements:
- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
  - B. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
  - C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
  - D. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
  - E. If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity.
  - F. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
  - G. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
  - H. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
  - I. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants and applicants' contractors shall have adequate equipment available to contain any such spill immediately.
  - J. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

- K. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
- L. The permittee shall use the least damaging method for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

## **6. Best Management Practices Program**

By acceptance of this permit, the applicant agrees that the long-term water-borne berthing of boats at the approved end tie will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs:

### **A. Boat Maintenance and Cleaning Best Management Practices**

- Boat maintenance shall be performed above the waterline in such a way that no debris falls into the water.
- In-water top-side and bottom-side boat cleaning shall be by hand and shall minimize the discharge of soaps, paints, and debris. Where feasible, remove the boats from the water and perform cleaning at a location where debris can be captured and disposed of properly.
- Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
- Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be prohibited.
- Boat repair and maintenance shall only occur in clearly marked designated work areas for that purpose.
- All boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas.

### **B. Solid and Liquid Waste Best Management Practices**

- All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene, and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or a gutter.

### **D. Sewage Pumpout System Best Management Practices**

- Vessels shall dispose of any sewage at designated pumpout facilities provided by the Waterfront Department.

**E. Petroleum Control Management Measures:**

- Boaters shall practice preventive engine maintenance and shall use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited.
- If the bilge needs more extensive cleaning (e.g. due to spill of engine fuels, lubricants, or other liquid materials), the boaters shall use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids.
- Bilge cleaners which contain detergents or emulsifiers shall not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

**F. Public Education Measures**

The Waterfront Department shall distribute a pamphlet with the best management practices included in this condition to all users of the boat docks and end ties. Informative signage and/or depicting best management practices for maintenance of boats and boating facilities consistent with those specific herein shall be posted conspicuously.

**7. Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from tidal action and storm waves; ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.



## **8. Other Required Agency Permits and Approvals**

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, evidence of all final required approvals from federal, State, and local agencies including: the Army Corps of Engineers (ACOE), California Department of Fish and Game (if required), U.S. Coast Guard (if required), National Oceanic and Atmospheric Administration (if required), and the City of Santa Barbara.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The City of Santa Barbara proposes to reconfigure the existing lease area on the end of the “Marina 4 B Finger” in the Santa Barbara Harbor (Exhibits 1-4). Currently this area has the ability to berth one large vessel or two moderately sized vessels (up to 90 feet in size) parallel to the end of the dock. The proposed reconfiguration would allow up to three vessels (60-90 feet in size) to berth perpendicular to the end of the dock. Construction will include the removal of four “dolphin piles” (a cluster of five wooden piles), two guide piles, and a floating walkway, which extends from the end of the existing dock to the vessel that is currently berthed in the lease area. The piles would be removed from the sea floor using a crane on a floating barge. The City would then install 16 new steel piles (four rows of four piles) so that three vessels would then face bow out to the Federal Channel. The steel piles would be 24 inches in diameter, coated with “Amerlock 400” by Ameron to reduce corrosion, and capped with polyethylene “rub strips” and cones. The new piles would be driven at the locations specified on the project plans by a pile hammer on a barge. Steel mooring tackle would then be welded to the steel piles. New dockside amenities, such as dock boxes, electricity, phone, cable, and water, would be provided for each vessel by utilizing the existing conduits that run through the dock system. The City has designated two staging areas for the project: 1) Marina 4B End Tie (on the water) and 2) Launch Ramp Parking Lot (approximately 10 parking spaces). Any disruption to parking and access to the marina would be temporary in nature and minor. The estimated time frame to complete construction is four weeks. The City proposes conduct all pile driving, towing, or use of heavy equipment for the project outside of the period the California least tern uses the harbor for post-breeding foraging in July and August.

The Santa Barbara Harbor is an important small boat harbor serving the south coast of Santa Barbara County, as well as areas further south. The Harbor is the only sheltered harbor along a 127 mile stretch of coast between Port San Luis to the north and the Ventura Marina to the south. The harbor and waterfront is the home base of the local commercial fishing fleet and the U.S. Coast Guard and provides a variety of commercial and coastal recreational resources. Common recreational uses of the project area include fishing, boating, jet skiing, bike riding, walking, sunbathing, kayaking, swimming, surfing, photography, and bird watching. The harbor includes more than 1,133 slips and associated facilities, including seven pump out facilities and recycling and hazardous

waste facilities. The harbor has also provided habitat for several sensitive species including western snowy plover, the California brown pelican, the California least tern, the California sea lion, and harbor seal. The project area, Marina 4B Finger, is located in the center of the harbor directly adjacent to the federal channel and approximately 200 ft. from the rock groin that extends southward from West Beach as shown in Exhibit 1. The small sandy beach adjacent to the rock groin has been used in the past by foraging terns, plovers, and pelicans; however, the City has indicated that there are no sensitive bird species currently nesting in this location. Snowy plovers, however, have in recent years (2005) established nests on the sandspit approximately 750-1,000 feet south of the project site. The project area is outside the high and moderate sensitivity zones for archaeological resources mapped by the City.

In 1986 the Commission certified the City of Santa Barbara Local Coastal Program. Later, in 1996, the Commission also certified a Harbor Master Plan for the harbor. The proposed project is located in that portion of the harbor that is under the retained permitting jurisdiction of the Coastal Commission. The standard of review for the subject permit, therefore, is the Chapter Three policies of the Coastal Act. However, the City of Santa Barbara LCP and Harbor Master Plan provide additional guidance for review of projects in the harbor.

## **B. MARINE RESOURCES AND 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 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 that:

***The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.***

Section 30232 of the Coastal Act states:

***Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development***

***or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.***

Section 30233 of the Coastal Act states:

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

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

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

***(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.***

***(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.***

***(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.***

***(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.***

***(7) Restoration purposes.***

***(8) Nature study, aquaculture, or similar resource dependent activities.***

***(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.***

Section 30222.5 of the Coastal Act states:

***Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.***

Policy MAR-1 and subsequent proposed actions of the City of Santa Barbara certified Harbor Master Plan also state in part:

- |                              |   |
|------------------------------|---|
| <b><i>Policy MAR-1</i></b>   | <b><i>Marine resources shall be maintained, enhanced, and, where feasible, restored.</i></b>  |
| <b><i>Action MAR-1.1</i></b> | <b><i>Continue to monitor water quality and enforce water quality protection rules and regulations.</i></b>                         |
| <b><i>Action MAR-1.2</i></b> | <b><i>Encourage the study and maintenance of biological diversity and health of the harbor.</i></b>                                 |
| <b><i>Action MAR-1.3</i></b> | <b><i>Continue to educate the public about reducing water pollution; continue to maintain pump out facilities in the harbor</i></b> |

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored. Section 30232 of the Coastal Act requires that protection against spillage of hazardous substances into the marine environment relating to any new development be provided. Section 30233 of the Coastal Act states that diking, filling, and dredging of Coastal Waters may be permitted for coastal-dependent industries and for maintaining or restoring existing coastal-related facilities including new or expanded boating facilities in open coastal waters where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. The approved City of Santa Barbara Harbor Master Plan also includes several measures to protect water quality and biological resources, including public education, proper disposal of hazardous materials and trash, water quality monitoring, and adequate sewage disposal systems.

#### Fill of Coastal Waters

The City of Santa Barbara proposes to reconfigure the Marina 4B Finger End Tie to accommodate three vessels 60-90 feet in size, instead of one large or two medium

sized vessels (approximately 90 feet in size). The project would involve removal of four existing dolphin pilings, two guide piles, and a floating walkway and installation of 16 new steel piles and dockside amenities. The project area is located in the center of the harbor near the federal channel and approximately 200 ft. from the rock groin that extends southward from West Beach as shown in Exhibit 1. According to biological studies conducted in 1997 by SAIC, the harbor contains soft bottom, hard substrate, and water column habitats. The frequent dredging in the harbor and shading of large areas by vessels and docks has limited the abundance and types of species present. Mats of red algae are present on the bottom in parts of the harbor. Hard substrates present include pilings, floating docks, and concrete and rock structures. A variety of invertebrate and algal species colonize these structures. A variety of fish, birds, and marine mammals use the marine environment in the project area, including the California sea lion and harbor seals. Additionally California least tern, western snowy plover, and California brown pelican are known to use portions of the harbor for foraging and nesting.

The proposed project will require the removal of 6 existing wood pilings and placement of 16 new steel pilings in approximately the same location on the sea floor in coastal waters. As described above, Section 30233 of the Coastal Act provides that diking, filling, and dredging of coastal waters may be permitted only when specific criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging feasible alternative; and (c) feasible mitigation measures to minimize adverse effects must be provided. The proposed project would provide boating facilities for recreational opportunities, an allowable use for fill of coastal waters under Section 30233(a)(4) of the Coastal Act. Given that the project area is currently occupied by boat end ties and is adjacent to the heavily dredged Federal Channel, there are no alternative locations available for the newly reconfigured berthing area that would be less environmentally damaging and still meet the purpose and need of the City of Santa Barbara for a reconfigured end tie area that would provide at least one new slip. The following discusses potential impacts of the proposed project on biological and water quality resources and mitigation measures that would adequately mitigate these potential impacts.

### Sensitive Species

The project has the potential to directly impact sensitive resources, including eelgrass, that may be present in the project area. Installation and driving of piles can directly remove and disturb eelgrass. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. While previous biological studies conducted by SAIC in 1996 did not reveal eelgrass in the project area, it is possible that eelgrass has established in portions of the project area not currently shaded by vessels. Therefore, **Special Condition Three (3)** requires that prior to construction, the City conduct a survey of the project area for eelgrass. If the survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Commission or a new coastal development permit. If any eelgrass is identified in

the project area prior to construction, the applicant shall also conduct a second eelgrass survey one month after the conclusion of construction to determine if any eelgrass was adversely impacted. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit.

California brown pelican, California least tern, and snowy plover are threatened or endangered species known to occur in the harbor and the areas surrounding the harbor. California brown pelicans are a year-round resident of the harbor area. The pelican, however, nests outside of the project area on the Channel Islands. The potential project impacts on brown pelicans are likely to be minimal due to the temporary nature of project disturbance and the species' tolerance of human activities.

The western snowy plover is a small shorebird that occasionally uses the harbor for foraging. The nearest major breeding location is at Devereux Beach, approximately 10 miles north of the project site. Due to the distance of the project site from Devereux Beach, the proposed project will not result in any adverse impact to any plovers potentially breeding or nesting at Devereux Beach. However, in 2005 a pair of plovers established nests on the sandspit on the southern side of the harbor which is located approximately 750-1,000 feet south of the project area. Plovers are unlikely to be present directly in the project area due to the lack of sandy beach habitat. However, pile driving and use of other heavy equipment that typically results in vibration and loud noise levels does have the potential to negatively affect any snowy plovers attempting to nest on the sandspit or other nearby sandy locations, including West Beach. The City has submitted a Biological Report for the Project prepared by SAIC in 1996 that concludes that snowy plover would not be impacted by the project due to the significant distance from the project area to breeding locations (Devereux Beach). This report, however, was prepared prior to discovery of nesting plover on the sandspit in the harbor in 2005. In order to prevent potential impacts to Western snowy plover and other sensitive birds trying to nest in the vicinity of the proposed project, the Commission requires **Special Condition One (1)**. Special Condition One requires the City to conduct surveys for sensitive bird species, including snowy plover, at the harbor sandspit and West Beach should any pile driving or use of heavy equipment be planned during the nesting period for these species (March 1 to September 31, inclusive). According to **Special Condition Two (2)**, should any nesting sensitive bird species or Western snowy plover be found on the sandspit or West Beach, the City shall be prohibited from conducting activities that cause excessive noise, odors, or vibrations, including pile driving.

California least tern, nest along the coast near the mouths of the Santa Maria and Santa Ynez rivers and several locations on Vandenberg AFB. They then spend portions of the post-breeding time (July and August) in the harbor and at East and West Beaches. Due to the sensitive nature of these species, the City has proposed to prohibit pile driving, towing, and the use of heavy equipment during the months of July and August in order to eliminate any potential impacts to these species due to elevations in noise, odors, and vibrations associated with these activities. In order to ensure that this proposed

protection measure is adequately implemented, **Special Condition One (1)** requires that all construction activities that require pile driving, towing, or the general use of heavy equipment shall be prohibited from July 1<sup>st</sup> to August 31<sup>st</sup>.

### Caulerpa Taxifolia

The Commission further finds that the demolition and driving of piles on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia* and Japanese kelp (*Undaria pinnatifida*). *Caulerpa taxifolia* is a tropical green marine alga that spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. Because of toxins in its tissues, *Caulerpa taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *Caulerpa taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the Mediterranean<sup>1</sup>. Because of the grave risk to native habitats, in 1999 *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

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#### <sup>1</sup> References:

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

Chisholm, J.R.M., M. Marchionetti, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several States, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* or Japanese kelp is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of *C. taxifolia* and other non-native species, the Commission imposes **Special Condition Four (4)**. Special Condition Four (4) requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia* and Japanese kelp. If *C. taxifolia* or Japanese kelp is present in the project area, no work may commence and the applicants shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required. Special Condition Four (4) further requires all biological survey requirements to be included in the permit agreement between users of the mooring area and the City.

#### Water Quality

The Commission finds that the proposed demolition and installation of piles will occur over and in the water. The applicant proposes to install steel pilings that are coated with an epoxy coating (Amerlock 400 by Ameron) to prevent corrosion. Commission water quality staff have researched this epoxy coating and have found the coating would likely be safe for use in the marine environment (the coating is approved for drinking water and would be unlikely to leach or impact marine biological resources). The wood pilings that are proposed to be removed, however, are old and are likely to have been coated with creosote and other chemicals in the past. Creosote and other coatings for wood piles used in the past have been proven to cause significant impacts to biological resources in the marine environment. It is important, therefore, that the City implement measures to safely capture and dispose of these materials. Construction of any kind adjacent to or in coastal waters also has the potential to impact marine resources and water oriented recreation activities due to the potential generation of debris and/or presence of equipment, materials and hazardous substances that could enter the water. To ensure that construction related adverse effects to the marine environment and water quality are minimized, **Special Condition Five (5)**, requires the applicant to implement best management practices including storage of construction materials, staging of equipment, and proper disposal of debris, including dilapidated boats and old mooring and anchoring equipment found in the project area.

The storing, cleaning, and maintenance of boats in the project area creates potential sources of pollutants such as chemicals, petroleum, and cleaning agents in coastal waters. Additionally, leaks or illegal dumping of sewage in coastal waters from boats could impact water quality and biological resources in the project area. In order to reduce the threat of pollution in coastal waters, the City Waterfront Department has five



pump out stations and two porta-potty dump stations available in the harbor for proper disposal of sewage. According to City staff, there are 1,133 vessels in the harbor and seven pump out stations. The rule of thumb for pump out stations is one per 300 boats. Additionally, there are hull out, maintenance, cleaning areas, and waste receptacles established in the harbor to avoid maintenance and cleaning in the water. **Special Condition Six (6)** requires the applicant to enact measures to avoid impacts to water quality from boat maintenance and cleaning, disposal of solid and liquid wastes, and sewage pumpout. **Special Condition Six (6)** further requires the City to educate the public and users of the end tie on these measures.

The Commission, therefore, finds that the project is consistent as conditioned with Sections 30230, 30231, 30232, and 30233 of the Coastal Act.

### C. HAZARDS

Section 30253 of the Coastal Act states, in 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, 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 in Santa Barbara harbor, a partially protected area. However winter storm conditions can generate waves in the project area that may cause damage to boats and equipment. Vessels berthed at the end ties could still be at risk from tidal action and storm waves during winter storms. Therefore, **Special Condition Seven (7)** of the permit requires that the applicant acknowledge that site may be subject to extraordinary hazards from ocean waves and tides and that the applicant waives any future claims of liability against the Commission or its successors in interests for damage from such hazards. The project, as conditioned, is, therefore, consistent with Section 30252 of the Coastal Act.

### D. LOCAL COASTAL PROGRAM

The proposed project area lies within City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. 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.

## **E. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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 that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



CDP 4-06-126

Exhibit 1

Project Area

# GENERAL NOTES

## GENERAL

1. The Contractor shall verify all dimensions and site conditions before starting work. The Owner or Engineer shall be notified of any discrepancy.
2. Owner and Engineer shall not be responsible for expenses incurred as a result of failure on the part of the Contractor to verify dimensions and/or verify site conditions prior to beginning work. The Owner and Engineer shall bear no responsibility for failure on the part of the Contractor to coordinate activities of Contractor's employees or subcontractors.
3. Notes and details on drawings shall take precedence over these General Notes.
4. Dimensions take precedence over each.
5. It shall be the responsibility of the Contractor to locate all existing utilities, whether shown or not shown on these drawings, and to protect them from damage. The Contractor shall have the expense of repair or replacement in conjunction with the location of the work.
6. All underground items removed and not used shall remain the property of the Owner at the discretion of the Owner.
7. All debris and trash shall be removed from the site.
8. If conflicts appear between plans and these General Notes, the Contractor(s) shall act for directions from the Owner or Engineer.
9. The Contractor shall provide and pay for all construction equipment required.
10. All dimensions given are based on Mean Lower Low Water (MLLW) Datum = 6.00.
11. A local bench mark will be identified by the Owner before construction begins.

## STEEL PIPE NOTES

1. Steel Pipe shall be the steel as noted on the drawings and conforming to ASTM A53, Grade B.
2. Pipe shall be coated with ALKLOCK 400 BY ALKEMID, or, an approved equal. Coating shall be applied, according to the coating manufacturer's recommendations, in two coats. Each coat shall be 8 mils thick, for a total of 16 mils minimum.
- (a) 24 inch pipe shall be coated inside and outside, except for the bottom 24 inch of the pipe.
- (b) 36 inch pipe shall be coated on the outside only, except for the bottom 24 inch of the pipe.
3. The steel shall be for connecting the end of the pipe and not be welded to the end of the pipe. The steel shall be welded to the end of the pipe and not be welded to the end of the pipe. The steel shall be welded to the end of the pipe and not be welded to the end of the pipe.
4. The welding procedure for the 24 inch pipe shall be D-15 Shielded Metal Arc Welding (SMAW) with E6010 electrode.
5. The 24 inch pipe shall be driven to within 2'-0" of the elevation shown on the drawings then stop driving and inform the Engineer of the location, blow count, and other observations. The Engineer will inspect the pipe and the top of the pipe and shall record the driving log. The pipe shall be driven to within 2'-0" of the elevation shown on the drawings then stop driving and inform the Engineer of the location, blow count, and other observations. The Engineer will inspect the pipe and the top of the pipe and shall record the driving log.
6. When the 24 inch pipe is in final location, they shall be cut off to elevation shown to within the 1 inch pipe and 8 inch pipe assembly.
7. The 8 inch pipe shall be also welded to the 1 inch pipe and the whole assembly shall be welded to the 24 inch pipe. Final welds shall be coated with ALKLOCK 400 in accordance with the coating manufacturer's recommendations.

## RUB STRIPS

1. Rub Strips shall be the same shown and composed of High Density Polyethylene (HDPE) or Polypropylene (PP) as manufactured by ESCO Industries, Inc. (858) 231-1724. Fax: (858) 232-7000 or approved equal.

## BIRD PROTECTION

1. Bird Protection shall be "Nets and Baffles" by Sarnco Pest Management, Inc. 4000 John Sweeney Blvd. Sarnco, Memphis, TN.

## REGULATORY REQUIREMENTS

1. All Permit Check expenses shall be paid for by the Owner.
2. The Construction Permit shall be obtained and paid for by the Contractor.
3. All other Permits will be obtained and paid for by the Owner.
4. The Contractor shall, at all times, comply with all OSHA and State Safety Orders.
5. All materials and work shall conform to the California Building Code (CBC), 2001 Edition.

## CODE COMPLIANCE

All work and materials shall be performed and installed in compliance with the current editions of the following codes:  
California Building Code 2001  
California Electrical Code 2001

## OWNER

City of Santa Barbara  
300 State Street  
Santa Barbara, CA 93106  
(805) 964-5531

## PROJECT STATISTICS

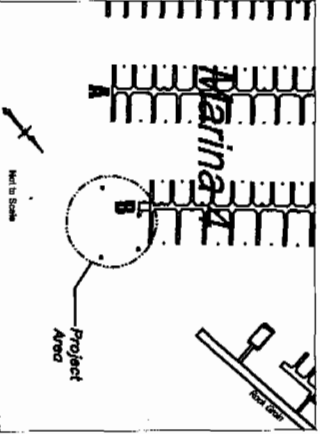
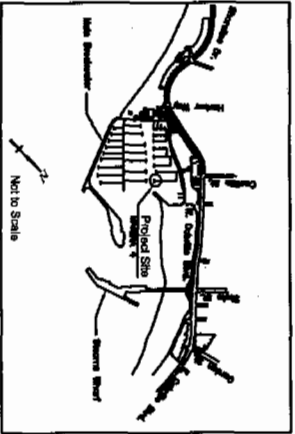
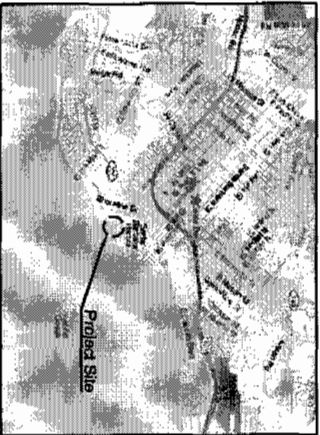
APR 003-120-18  
Zone: H-4/303  
Latitude: 34° 34' 24" N  
Longitude: 119° 41' 28" W

## SCOPE OF WORK

Reconfigure existing levee area on the end of Marina 48 to allow for 2 additional vessels to berth in this area. Remove existing piles & flooring. Install 18 new steel piles. Provide detailed estimates for 3 vessels.

## SHEET INDEX

- |     |                    |
|-----|--------------------|
| T-1 | Title Page         |
| D-1 | Demolition Plan    |
| S-1 | Location Plan      |
| S-2 | Grading Plan       |
| S-3 | Excavation Plan    |
| S-4 | Foundation Details |
| E-1 | Electrical Plan    |



NO.	DATE	REVISIONS
1	01/01/00	ISSUED FOR PERMIT
2	01/01/00	ISSUED FOR PERMIT
3	01/01/00	ISSUED FOR PERMIT
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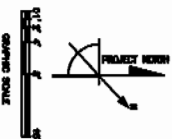
CASH & ASSOCIATES  
ENGINEERING AND ARCHITECTURE  
(714) 880-2072

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DESIGNER	ARCH	SANTA BARBARA MARINA	SCALE AS NOTED
CAD OPERATOR	ARCH	MARINA 48 LEVEE AREA RECONFIGURATION	PROJECT NUMBER 007700
CHECKER	ARCH	VICINITY MAP, SITE PLAN	DRAWING NUMBER T-1
PROJECT MANAGER	ARCH	AND GENERAL NOTES	

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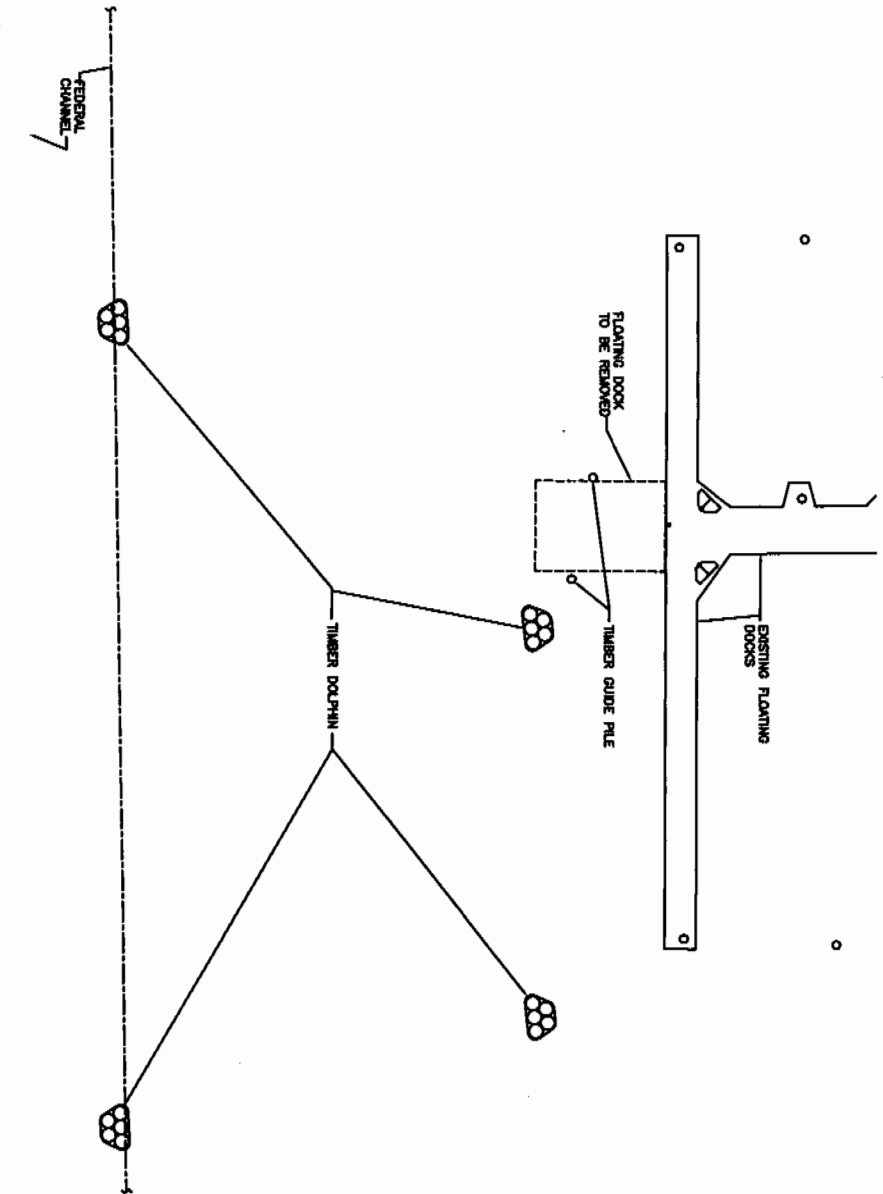
**CASH & ASSOCIATES**  
ENGINEERING AND ARCHITECTURE  
(714) 963-3072

ENGINEER	ARC	CITY OF SANTA BARBARA	REDUCED SET - HALF SIZE
DESIGNER	ARC	SANTA BARBARA HARBOR	SCALE AS NOTED
CO-OPERATOR	ARC	WARM 48 LEASE AREA REDEMPTION	PROJECT NUMBER
CHECKER	ARC		6077.00
PROJECT MANAGER	ARC	DEMOLITION PLAN	DRAWING NUMBER
			D-1



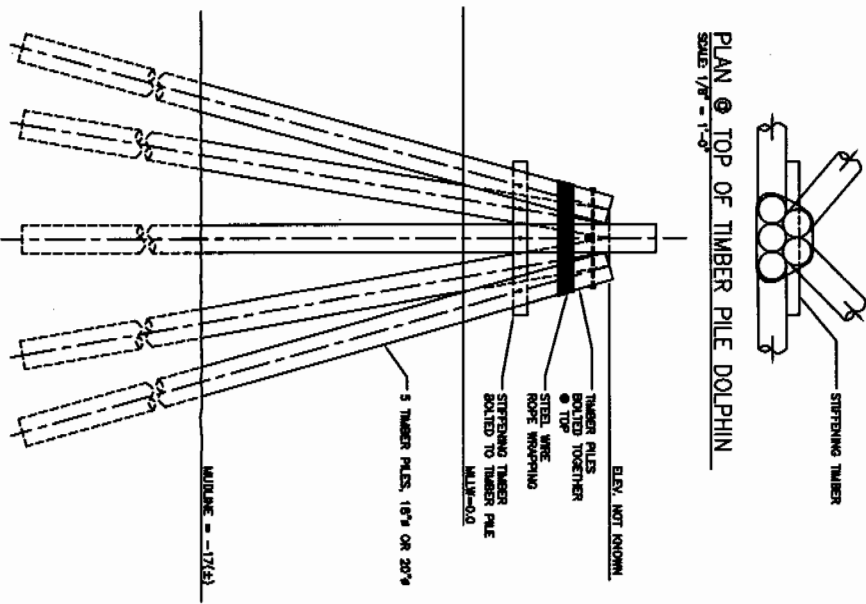
### DEMOLITION PLAN

SCALE 1/8" = 1'-0"



### PLAN @ TOP OF TIMBER PILE DOLPHIN

SCALE 1/8" = 1'-0"

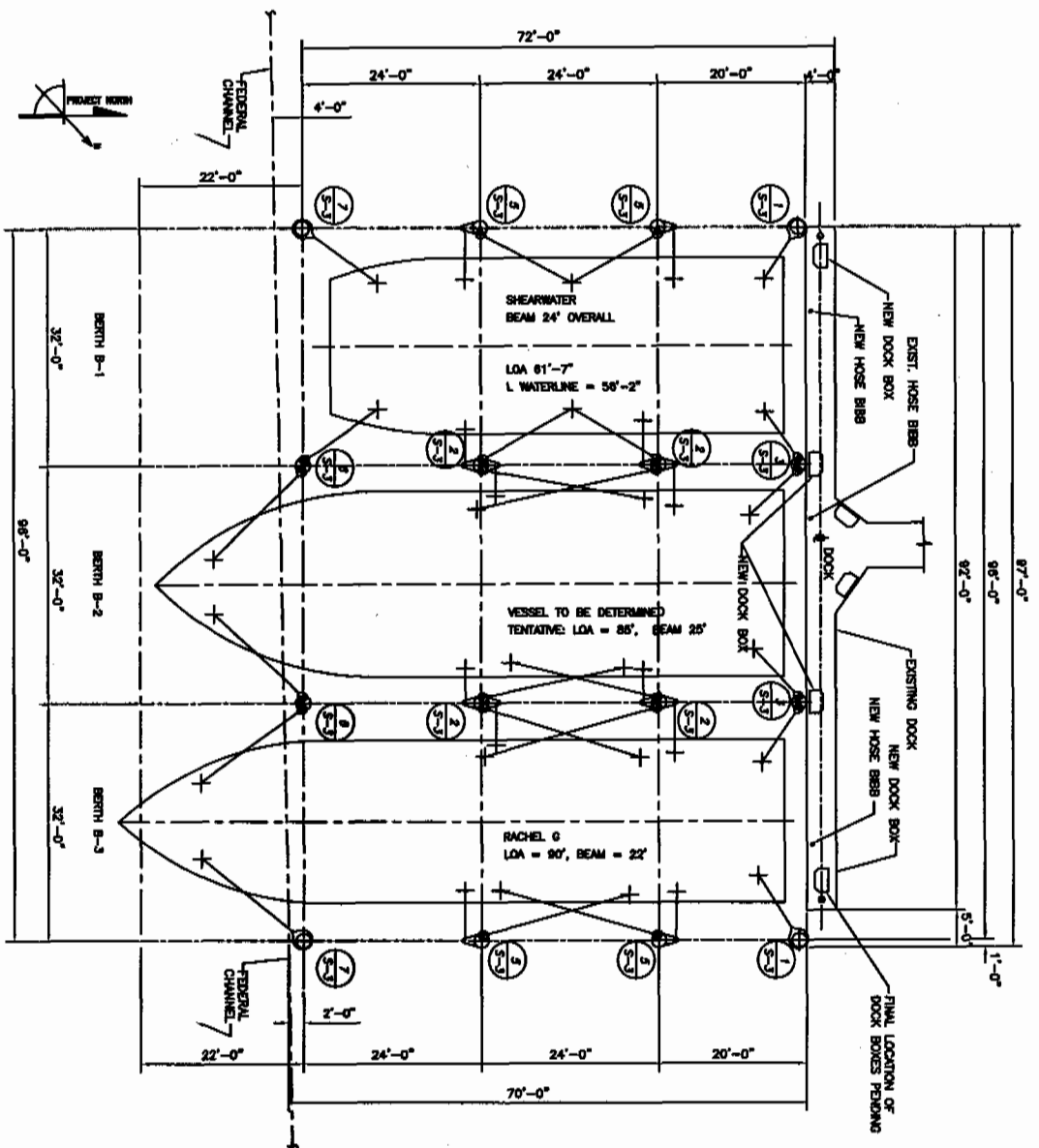


### NOTES:

1. CONTRACTOR SHALL REMOVE PILES, NECESSARY HARDWARE AND BOLTED PILES AND HARDWARE TO SITE DESIGNATED BY OWNER.
2. FLOATING DOCK SHALL BE REMOVED AND TAKEN TO A SITE DESIGNATED BY OWNER.

### ELEVATION OF TIMBER PILE DOLPHIN

SCALE 1/8" = 1'-0"



# NOTES:

1. NEW DOCK BOXES SHALL BE ITEM NO. 11-018 BY HENDERSON MARINE SUPPLY INC.
2. SEE DRAWING E-1 FOR ELECTRICAL ARRANGEMENT.
3. + MOORING LINE & TROUBLE CONNECTIONS FURNISHED BY VESSEL OWNER

1" = 10'-0"

1/8" = 1'-0"

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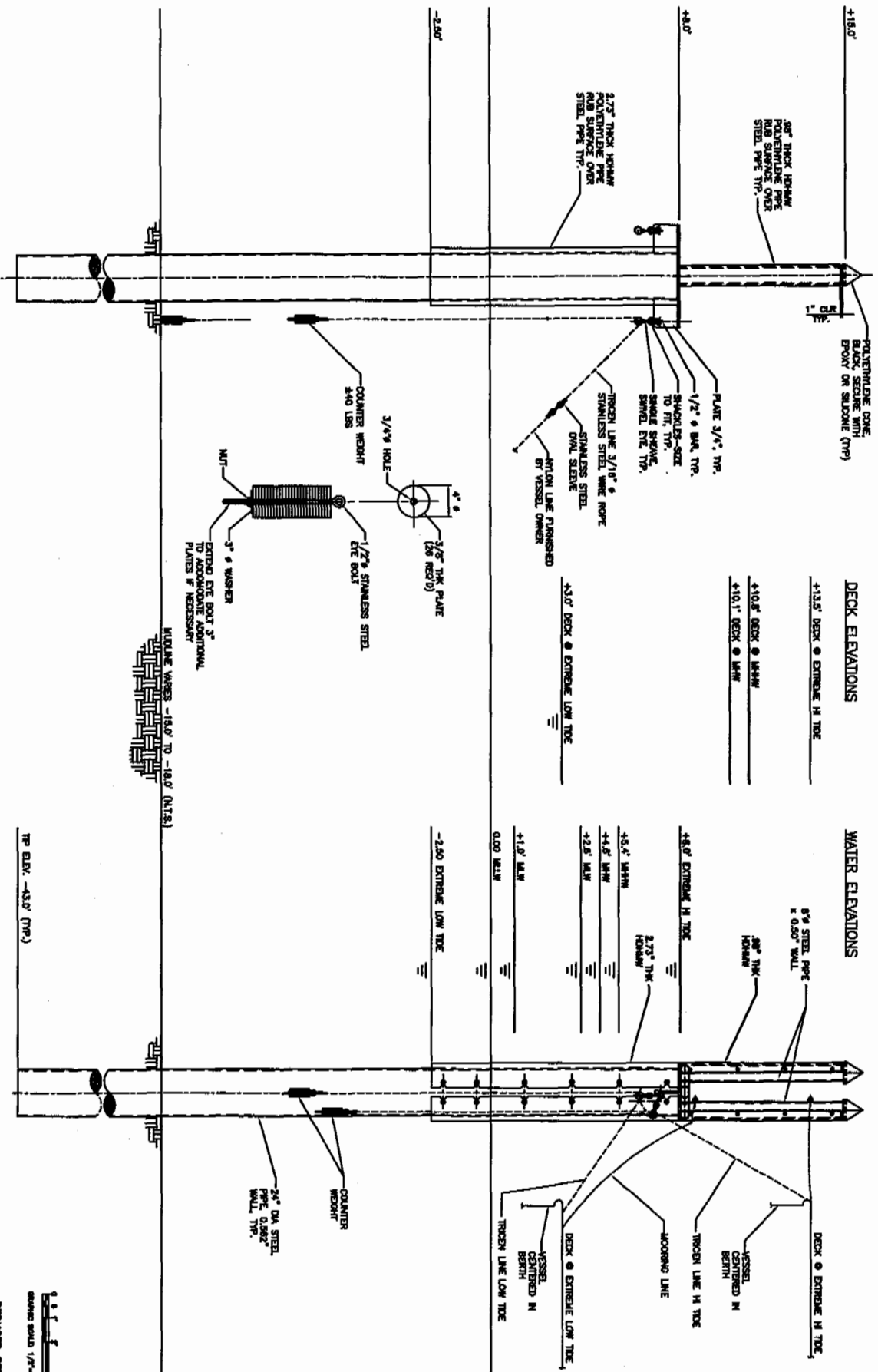


CASH & ASSOCIATES  
ENGINEERING AND ARCHITECTURE  
(714) 896-2072

DESIGNER	AMC
CAD OPERATOR	AMC
CHECKER	AMC
PROJECT MANAGER	AMC

CITY OF SANTA BARBARA  
SANTA BARBARA HARBOR  
MARINA 45 LEASE AREA RECONFIGURATION  
GENERAL  
ARRANGEMENT

REDUCED SET - HALF SIZE
SCALE AS NOTED
PROJECT NUMBER 8077.00
DRAWING NUMBER S-1



NO.	DATE	REVISIONS
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2	10/1/00	ISSUED FOR PERMIT
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**CASH & ASSOCIATES**  
ENGINEERING AND ARCHITECTURE  
(714) 866-2072

ENGINEER	ARCHITECT
DESIGNED	ARCH
DRAWN	ARCH
CHECKED	ARCH
PROJECT MANAGER	ARCH

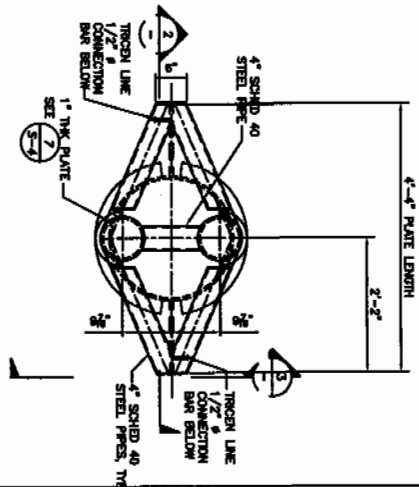
**CITY OF SANTA BARBARA**  
SANTA BARBARA HARBOR  
GLIDE PILE  
ELEVATIONS

SCALE	PROJECT NUMBER	DRAWING NUMBER
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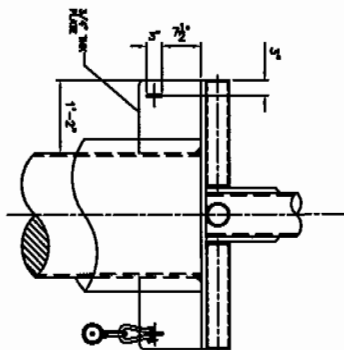


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DRAWING NUMBER	S-3	

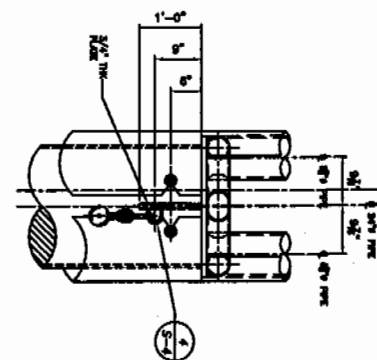




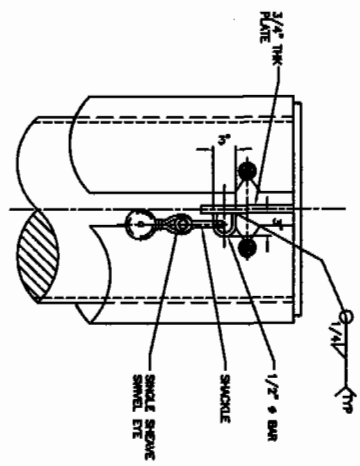
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SCALE 1"=1'-0"



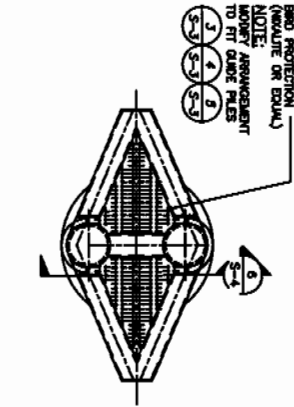
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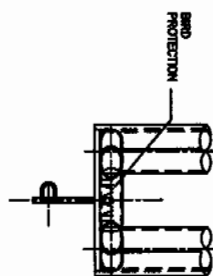
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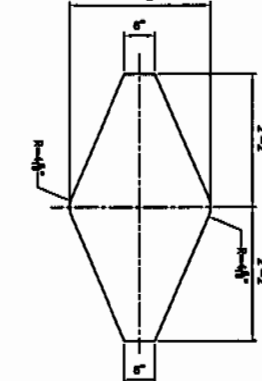
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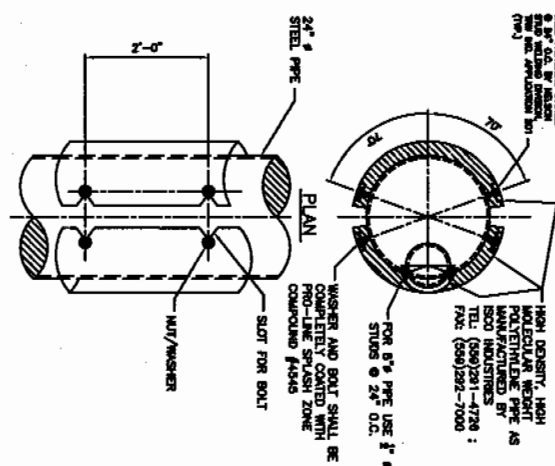
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6 SECTION  
SCALE 1"=1'-0"



7 KEYPLAN OF 1" PLATE  
SCALE 1"=1'-0"



8 TYPICAL CONNECTION DETAIL FOR RUB STRIP  
SCALE 1"=1'-0"

NO.	DATE	REVISIONS
1	10/1/00	ISSUED FOR BIDDING
2	10/1/00	ISSUED FOR BIDDING
3	10/1/00	ISSUED FOR BIDDING
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5	10/1/00	ISSUED FOR BIDDING
6	10/1/00	ISSUED FOR BIDDING
7	10/1/00	ISSUED FOR BIDDING
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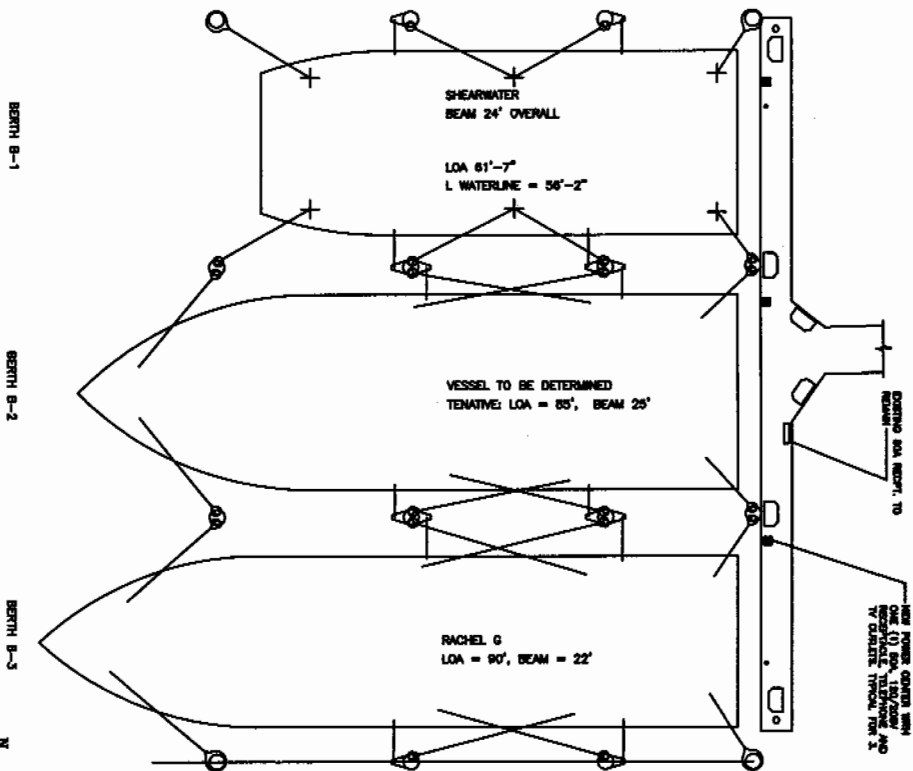
CASH & ASSOCIATES  
ENGINEERING AND ARCHITECTURE  
(714) 880-2072

DESIGNER	CHK
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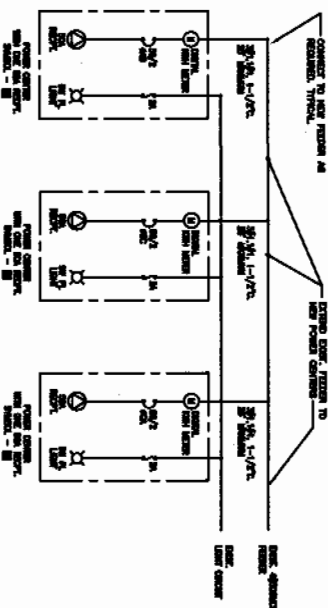
CITY OF SANTA BARBARA  
SANTA BARBARA MARINA  
MARINA 48 LEASE AREA REDEVELOPMENT  
GUIDE PILE  
MISCELLANEOUS DETAILS

PROJECT NUMBER	DRAWING NUMBER
607700	S-4

1. ALL WORK SHALL BE IN FULL COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL GOVERNMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL GOVERNMENTS.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL GOVERNMENTS.



**ELECTRICAL PLAN**  
SCALE: 1/8" = 1'-0"



### TYPICAL POWER CENTER CONNECTION

LOAD CALCULATION (EXISTING 225KVA TRANSF)									
DOCK	NO. OF TRAILERS	NO. OF TRUCKS	NO. OF TRUCKS	NO. OF TRUCKS	NO. OF TRUCKS	NO. OF TRUCKS	NO. OF TRUCKS	NO. OF TRUCKS	NO. OF TRUCKS
1	1	1	1	1	1	1	1	1	1
2	1	1	1	1	1	1	1	1	1
3	1	1	1	1	1	1	1	1	1
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98	1	1	1	1	1	1	1	1	1
99	1	1	1	1	1	1	1	1	1
100	1	1	1	1	1	1	1	1	1
TOTAL	114	24	1	852,000	8.3	4.1	103,113	541.8	

• 20 DEER, AND 3 NEW OUTLINES

✓			
✓			
✓			
✓			
✓			
NO.	PROJECNTARY SUBMITAL	REV	
DATE	DESCRIPTION	BY	


REVISIONS



**CASH & ASSOCIATES**  
ENGINEERING AND ARCHITECTURE  
(714) 898-2072

ENGINEER	PTT
DESIGNER	PTT
CAD OPERATOR	
CHECKER	PTT
PROJECT MANAGER	PTM

**CITY OF SANTA BARBARA  
SANTA BARBARA HARBOR  
HARBOR 48 LEASE AREA RECONFIGURATION  
ELECTRICAL PLAN  
CALCULATION AND DETAIL**

SCALE AS NOTED	
PROJECT NUMBER 6077.00	
DRAWING NUMBER E-1	



**City of Santa Barbara  
California**

**RECEIVED**  
MAR 22 2007

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**CITY OF SANTA BARBARA PLANNING COMMISSION**

**RESOLUTION NO. 059-05  
307 SHORELINE DRIVE  
COASTAL DEVELOPMENT PERMIT  
SEPTEMBER 15, 2005**

**APPLICATION OF KARL TREIBERG, AGENT FOR CITY OF SANTA BARBARA,  
WATERFRONT DEPARTMENT (PROPERTY OWNER), 307 SHORELINE DRIVE,  
033-120-018, HC ZONE, GENERAL PLAN DESIGNATION: HARBOR (MST2004-00084  
CDP2005-00013)**

The proposed project involves removal of four "dolphin" piles, two guide piles and an existing 12 foot by 16 foot floating walkway and reconfiguration of the existing lease area at the southern end of Marina 4B to install sixteen, 24 inch diameter, steel piles in four rows, to accommodate up to three vessels, moored perpendicular to the dock. Mooring tackle and smaller piles would be welded to the 24 inch diameter piles. Dockside amenities, including dock boxes, electricity, phone, cable, and water, primarily routed within existing conduits, would be provided for each vessel. The discretionary application required for this project is a recommendation to the Coastal Commission to approve a Coastal Development Permit to allow the proposed development in the California Coastal Commission Permit Jurisdiction (SBMC §28.45.009). An Addendum to the Marinas 1 and 4 Expansion Project Mitigated Negative Declaration (ENV96-0209) has been prepared for the project.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to voice his concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 15, 2005
2. Site Plans
3. Correspondence received in opposition to the project:

William and Mary T. Fryer

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

- I. Recommended that the California Coastal Commission approve the subject application, making the following findings and determinations:
  - A. **Environmental Findings for the Final MND and Addendum (CEQA Guidelines §15074)**
    1. The Planning Commission has considered the Addendum, dated September 8, 2005, for the Marina 4B Extension project (MST2004-00084), together

CDP 4-06-126

Exhibit 3

City of Santa Barbara  
Resolution

Final Mitigated Negative Declaration (ENV96-00209) for the original project, including public comments received.

2. The Addendum to the Mitigated Negative Declaration for MST2004-00084 has been prepared in compliance with California Environmental Quality Act requirements and is hereby adopted. The Addendum, together with the adopted MND, constitutes adequate environmental analysis of the current proposed the extension of Marina 4B.
3. Mitigation measures identified in the Mitigated Negative Declaration and Addendum have been agreed to by the applicant and incorporated into the current project as conditions of approval and would avoid or reduce all potentially significant impacts to less than significant levels. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the proposed project will have a significant effect on the environment.
4. The location and custodian of documents associated with the environmental review process and decision for the Marina 4B Extension project (MST2004-00084) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93102.

**B. Coastal Development Permit (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, including the Harbor Master Plan.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

**II. Said approval is subject to the following conditions:**

- A. **Approved Project.** The project approved on August 15, 2005, is a Coastal Development Permit for the removal of four "dolphin" piles, two guide piles and an existing floating walkway; reconfiguration of the existing lease area at the southern end of Marina 4B to install sixteen, 24 inch diameter, steel piles in four rows, to accommodate up to three vessels, moored perpendicular to the dock. Mooring tackle and smaller piles would be welded to the 24 inch diameter piles. Dockside amenities, including dock boxes, electricity, phone, cable, and water, primarily routed within existing conduits, would be provided.
- B. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.

- C. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1,250 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- D. **Project Environmental Coordinator Required.** A qualified representative for the Owner, approved by the City Planning Division, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
- E. **Mitigation Monitoring and Reporting Requirement.** The Waterfront Department shall submit to the City's Environmental Analyst a monitoring program for the project's mitigation measures, as stated in the Addendum to the Mitigated Negative Declaration for the project. The mitigation monitoring program shall include, but not be limited to:
  - 1. A list of the project's mitigation measures.
  - 2. An indication of the frequency of the monitoring of these mitigation measures.
  - 3. A schedule of the monitoring of the mitigation measures.
  - 4. A list of reporting procedures.
  - 5. A list of the mitigation monitors to be hired.
- F. **Biology - California least terns.** Construction of marina facilities during the months of July and August shall be limited to those activities which do not require pile driving, towing, or the general use of heavy equipment. (MM - Bio-1)
- G. **Hazardous Materials Disposal.** All construction related debris shall be disposed of properly at a properly licensed facility. Any construction related debris deposited in the harbor shall be removed immediately. (MM - Haz-1)
- H. **Hazardous Materials Education.** The Waterfront Department shall continue its public education and awareness of pollution prevention associated with marina activities. (MM - Haz-4)
- I. **Hazardous Materials Equipment Maintenance.** The construction contract shall contain a provision that all construction equipment shall be maintained and maintenance verified prior to the commencement of construction and checked daily by the contractor for materials toxic to marine life. In addition, the construction contract shall include a

provision that spill containment and cleanup materials shall be present at all times at the work site. (MM - Haz-5)

- J. **Construction Hours.** Construction activity shall be prohibited Saturdays, Sundays, and holidays and between the hours of 5 p.m. to 7 a.m. Holidays are defined as those days that are observed by the City of Santa Barbara as official holidays for City employees. (MM - Noise-1)
- K. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice shall be reviewed and approved by the City Planning Division prior to being distributed.
- L. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
- M. **Slip Lease Stipulations.**
1. The Waterfront Department shall place stipulations on slip leases that limit the use of generators while the boat is in-dock.
  2. The slip holders shall minimize the effects of any propeller wash that occurs during mechanical testing at the discretion of the Waterfront Department.
- N. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Karl Trimbey, Waterfront Facilities Manager 11-15-05  
Property Owner Date

\_\_\_\_\_  
Contractor Date License No.

\_\_\_\_\_  
Architect Date License No.

\_\_\_\_\_  
Engineer Date License No.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**


The Planning Commission's action recommending approval of the Coastal Development Permit shall expire two (2) years from the date of approval by the California Coastal Commission, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 15th day of September, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 Larson/Maguire

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Deana Rae McMillion, Admin/Clerical Supervisor

11-10-05  
\_\_\_\_\_  
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.





CDP 4-06-126

Exhibit 4

Aerial Photo of Site