

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: September 17, 2015
To: Harbor Commissioners
From: Scott Riedman, Waterfront Director
Subject: **Dock Ladders**

RECOMMENDATION:

That Harbor Commission, at the request of Commissioner Helene Webb, receive and consider a staff report related to installation of dock ladders in Santa Barbara Harbor.

BACKGROUND:

Periodically, the Harbor Commission has discussed possible installation of dock ladders in Santa Barbara Harbor, for the exit of persons who accidentally fall in the water. As early as 2001, Department staff researched the history of persons who had fallen in the water in Santa Barbara Harbor. In July 2008, staff presented a report to the Harbor Commission outlining the pros and cons of adding dock ladders (Attachment 1 – Meeting Minutes). In July 2010, staff presented a report to the Harbor Commission with a rough cost analysis to install dock ladders (Attachment 2 – Meeting Minutes). Recently, Harbor Commissioners received a letter suggesting dock ladders be installed throughout the harbor (Attachment 3). Upon review of this letter, Commissioner Webb asked staff to bring the issue of dock ladders back to the Harbor Commission for consideration.

DISCUSSION:

Letter Dated August 6, 2015

Bellingham Marine Industries (BMI) is a large marina construction company that is under contract with the Waterfront to replace Marina One, A – P fingers. One of BMI's representatives recently gave a talk at the Santa Barbara Yacht Club (SBYC). The subject of dock ladders was brought up by an individual with extensive boating experience (see attached letter) suggesting dock ladders are common in many marinas. The letter suggests that the majority of projects completed by BMI includes dock ladders for little additional cost and the Waterfront Department chose not to include them as part of the Marina One Replacement Project.

Staff contacted BMI for clarification of the comments and suggestions made in the letter. Contrary to the statements in the letter, BMI rarely includes dock ladders in their designs or construction for marinas in southern California. There are no codes,

guidelines, or standards requiring dock ladders and therefore inclusion of them is not a primary design consideration. Although BMI will include dock ladders upon request, the subject of dock ladders never came up in discussion related to the design or construction of Marina One. Nevertheless, dock ladders do exist and are considered a desirable safety feature in some marinas. In general, dock ladders appear to be more common in northern climates where water temperatures are very cold and the risk of hypothermia and drowning are much greater than in southern California.

Marina managers consider a variety of issues when designing or improving marinas, safety being one of the most important. Considering the close proximity of the boating public to the water in most marinas constructed with floating docks, there is some inherent danger/risk associated with falling in. Marina managers consider the *public's obligation to use due care* in using public facilities, the *test of time, liability, and cost* among other things.

Public Obligation to Use Due Care

Roads, sidewalks, parks, marinas, etc. are considered public facilities. There is an implied obligation that the public use due care when using these facilities. A variety of codes, guidelines, and standards exist to allow engineers to design the safest public facilities possible. Nevertheless, eliminating all risk to the public is infeasible and therefore the public must take some responsibility in using public facilities. Marina managers expect the boating public to be aware of the risk of falling in the water and use due care at their facilities.

Test of Time

The simple notion behind the concept of the *Test of Time* suggests that if there are no (or few) accidents at a public facility, the facility is considered safe. The *Test of Time* should be applied when considering safety features independent of those required by codes, guidelines, or standards. Periodically there is a report of someone falling in the water at one of Santa Barbara Harbor's four marinas. Most people manage to get out of the water by a variety of means (climb out, use a stern ladder on a nearby boat, or with the assistance of someone) although there have been a few drownings over the years. Reports of people falling in are very infrequent (a few times a year) but not all incidents are reported and therefore it's difficult to determine exactly how often this happens.

Liability

Public agencies receive design immunity when facilities are designed by professional engineers that incorporate applicable codes, guidelines, and standards into their design. Minimizing liability is an important issue for public agencies. Lawsuits against public agencies related to design deficiencies and public safety are common. The Waterfront has been sued in the past over incidents related to falling in the water and successfully used the design immunity defense to dismiss (or win) the lawsuits. If installation of dock ladders is considered for Santa Barbara Harbor, staff strongly recommends consulting with a marine engineering firm to locate, specify, and design the ladders.

Cost

There are approximately 1,100 double wide slips in Santa Barbara Harbor with approximately 550 finger docks that boats tie up to. Although there are no standards for dock ladder installations, Ventura Yacht Club (VYC) installed some in 2010. VYC has single wide slips and dock ladders are installed at every fourth slip. VYC has approximately 100 slips and is the only facility in the 2,000 slip Ventura Harbor with dock ladders. VYC paid approximately \$180 per dock ladder with an unknown installation cost. VYC installed "Up N Out" ladders, a collapsible stainless steel ladder that is well suited for marinas. If dock ladders were installed similar to VYC (one ladder every fourth boat) the cost could exceed \$55,000. Each marina consists of between two (Marina 4) and 19 (Marina 1) fingers with up to 60 boats on each. Marina fingers range from 100' to 500' long. The July 2010 staff report included a cost estimate of \$15,000 for installation of one dock ladder on each finger. An accurate cost estimate can only be made once a design, including locations, is completed.

CONCLUSION

Dock ladders have been formally considered by the Harbor Commission and staff in 2001, 2008, and 2010. People have fallen in the water several times over the years and occasionally the issue of dock ladders is brought up by the boating public. Staff has considered the relevant issues related to adding a safety device such as dock ladders to our marinas without concluding they should be installed. Nevertheless, public safety is a high priority for the Waterfront considering issues related to the addition of any safety device not otherwise required.

Attachments: 1. July 2008 Harbor Commission Meeting Minutes
2. July 2010 Harbor Commission Meeting Minutes
3. Letter Dated August 6, 2015

Prepared By: Karl Treiberg, Waterfront Facilities Manager

BOARD OF HARBOR COMMISSIONERS
CITY OF SANTA BARBARA
MINUTES

Regular Monthly Meeting
July 17, 2008

City Council Chambers - City Hall 6:30 p.m.

ROLL CALL 6:38 p.m.

Commissioners Present

Will Anikouchine
Betsy R. Cramer
Frank Kelly
Charles Watson

Staff Present

John Bridley, Waterfront Director
Scott Riedman, Waterfront Business Manager
Karl Treiberg, Facilities Manager
Mary Adams, Harbor Commission Secretary

Councilmembers Present

None

CHANGES TO THE AGENDA

None

PUBLIC COMMENT

None

HARBOR COMMISSION MATTERS

1. Election of Chair

Moved to nominate Commissioner Kelly to serve another year as Chair.
Cramer/Watson 4-0.

Moved to nominate Commissioner Watson to serve another year as Vice Chair.
Anikouchine/Cramer 4-0.

Commissioner Cramer felt it would be sufficient to have staff provide a series of reports on Waterfront's sustainability efforts instead of meeting as a Sustainability Committee. An updated list of Committee Assignments is attached.

Moved to remove the Sustainability Committee from the committee list and change the Selection Committee, so it is not specific to the 125 Harbor Way RFP, but will cover all upcoming tenant selections. Kelly/Anikouchine 4-0.

2. Approval of Minutes

Moved to approve the minutes from the June 19, 2008, Harbor Commission meeting. Kelly/Cramer 4-0.

DIRECTOR'S REPORT

3. Department Update

- Harbor Commission Rules and Agenda Process
- Tentative Agenda Items for August

Mr. Bridley asked for feedback from the Commission regarding staff's current practice of preparing and distributing Harbor Commission agenda packets. He also asked for suggestions, comments and/or changes to the Harbor Commission Rules, which were adopted in 1996. It was explained that the agenda distribution process has evolved over the past several years from hard copy distribution to its current availability online at www.santabarbaraca.gov/boardsandcommissions/harborcommission. The public can be notified when the Harbor Commission agenda packet has been posted by signing up on the City's home page under **Quick Links**, Sign up for e-subscriptions. Additionally, meetings are broadcast live and rebroadcast twice on City TV as well as now being available on the internet through the City's website. If you have any questions regarding the agenda distribution process or other Commission matters, you can e-mail Harbor Commission Secretary Mary Adams at MAadams@SantaBarbaraCa.Gov.

4. Business Services Report

- Lease Audits

Commissioners questioned costs vs. benefits of the lease audit program and suggested perhaps doing random audits or when some irregularity arises. Therefore, tenants would never know when they were going to be audited and this would keep them honest.

Staff pointed out that when the audit program began, auditors found more discrepancies than currently. This is attributed to the success of the lease audit program. Mr. Riedman said that staff is now doing only about eight audits annually. Staff would be criticized for not being prudent in collecting rents, if they did not have a lease audit program in place.

4. Facilities Management Report

- Stearns Wharf
 - Public Observation Deck
 - Annual Pile Driving Project
- Harbor
 - 117 Building Roof
 - Seawall Sidewalk Repair
 - Parking Lots

5. Harbor Operations Report

- July 4th Recap
- King Harbor Race—August 1st
- California Marine Life Protection Act Arrives in Southern California

NEW BUSINESS

7. Five-Year Lease Agreement with Dennis Longaberger

Staff Report: Scott Riedman, Business Manager

Moved to recommend Council approve a five-year lease agreement with one five-year option with Dennis Longaberger, doing business as Sunset Kidd Yacht Sales, for a 326 square foot office at 125 Harbor Way, Suites 13 and 24, at a base rent of \$708 per month, subject to annual Cost of Living increases. Watson/Cramer 4-0.

8. Harbor Laundry Facility

Staff Report: Scott Riedman, Business Manager

Moved to direct staff to issue a Request for Proposal to identify a new potential operator for the laundry facility; and directed staff to evaluate any proposals received weighed against the Waterfront Department operating the laundry facility directly. Anikouchine/Cramer 4-0.

9. Dock Ladders

Staff Report: Mick Kronman, Harbor Operations Manager

Harbor Commission received a comprehensive staff report relating to the establishment of dock ladders in the Santa Barbara Harbor. Staff concluded that installing dock ladders in the harbor is not warranted at this time.

REQUEST FROM THE PUBLIC

10. Public Request – Hendrick Fink

Mr. Kronman presented background information regarding Mr. Fink's request to extend the deadline to install his mooring in the anchorage; outlined the reasons Mr. Fink was removed from the list of qualified marine inspectors and explained that it would be a conflict of interest for marine inspectors to inspect their own moorings.

Mr. Fink gave his version of the events, which caused a delay in his mooring installation; issues associated with the Coastal Commission permit; and the fact that he was unfairly removed from the qualified marine inspection list. Mr. Fink was requesting that Commission extend the deadline for him to install his mooring until a marine survey could be done and also be put back on the list of marine inspectors.

Commission asked questions of Mr. Fink and staff, evaluated the timeline of events and took no action. Commission left it up to staff to make the decision regarding Mr. Fink's request.

Commissioner Cramer suggested including in the policy that a person's own company cannot inspect their own mooring installation.

COMMISSION/STAFF COMMUNICATIONS

Commission and staff decided to dispense with the August 21st meeting after reviewing vacation schedules and pending agenda items.

ADJOURNMENT

Moved to adjourn the meeting at 8:35 p.m. Anikouchine/Kelly 4-0.

**BOARD OF HARBOR COMMISSIONERS
CITY OF SANTA BARBARA
MINUTES**

Regular Monthly Meeting
July 15, 2010

City Council Chambers - City Hall 6:30 p.m.

ROLL CALL 6:30 p.m.

Commissioners Present

Will Anikouchine
Cory Bantilan
Betsy R. Cramer
Eric Friedman – Arrived 6:40 p.m.
Frank Kelly
Bill Spicer
Jim Sloan

Staff Present

John Bridley, Waterfront Director
Scott Riedman, Business Manager
Karl Treiberg, Facilities Manager
Mick Kronman, Harbor Operations Manager
Mary Adams, Harbor Commission Secretary

Councilmembers Present

None

CHANGES TO THE AGENDA

Mr. Bridley said that Commissioner Sloan would be making an announcement after the seating of the New Harbor Commissioner.

PUBLIC COMMENT

None

- 1. Seating of New Harbor Commissioner, Cory Bantilan, appointed to serve on the Commission for a term expiring December 31, 2013**

Mr. Sloan announced that he would be resigning after the July meeting because he had moved out of the City into the County. A special recruitment will be held in order to fill this vacancy.

- 2. Election of Chairperson and Vice Chairperson – Commission Committee Assignments**

Moved to nominate Commissioner Kelly to serve as chair for another one-year term. Anikouchine/Cramer 6-0.

Moved to nominate Commissioner Cramer to serve as Vice Chair for a one-year term. Spicer/Sloan 6-0.

It was suggested that the Harbor Commission Rules be changed to reflect that up to three members, instead of the current limit of two, could serve on Harbor Commission Committees due to the increase in Harbor Commission members from five to seven. Three members on a Committee would not constitute a quorum of the seven member Commission. However, because this item had not been agendized, it was decided to put the Harbor Commission Rules on next month's meeting for discussion.

Due to Commissioner Sloan's resignation from the Commission, it was decided to replace Commissioner Sloan on the Request for Proposals (RFP) and Chartering/Business Activity Permit (BAP) Committees.

Moved to nominate Commissioner Bantilan to serve on the RFP Committee. Kelly/Cramer 7-0.

Moved to nominate Commissioner Cramer to serve on the Chartering/BAP Committee. Kelly/Spicer 7-0.

APPROVAL OF MINUTES

3. Moved to approve the minutes for the May 20, 2010, meeting. Sloan/Cramer 4-0.

DIRECTOR'S REPORT

4. **Department Update**
 - Council Actions
 - Tentative Agenda Items for August 2010
5. **Business Services Report**
 - Stearns Wharf Wine Tasting Concession
 - Stearns Wharf Coastal Cruise / Whale Watching Concession
 - Charter Business Activity Permits
 - Charter Permits
 - Kayak Excursion Permits

Tony Vultaggio – He is interested in getting a Chartering BAP Permit and has been on the wait list since 2007.

Virga Paskos and Doug Scott spoke about their vision for the wine tasting facility on the wharf. They gave a copy of their RFQ to the Commissioners. They expressed their concern over not being selected by the Committee and want to participate in the RFP selection process.

Commissioners seemed satisfied with the way the RFQ process was handled and the applicants that were selected.

6. Facilities Management Report

- Marina One Replacement Project Phases 2 -4 Bids

7. Harbor Operations Report

- 4th of July Recap

Commissioner Cramer noted how quickly and efficiently everything was cleaned up after the 4th of July event.

NEW BUSINESS

8. Special Event Camping Permit – Catamaran Regatta

Scott Riedman gave the staff report.

Commissioners asked questions about other requests, impacts on parking and traffic reconfiguration during the event.

Moved to approve event Chairman Steve Leo's request for a special permit to allow participant camping in the Harbor West parking lot from 5 p.m. Friday, August 20th until 5 p.m. Sunday, August 22nd during the 2010 Wine and Roses Charity Regatta as allowed per Santa Barbara Municipal Code 15.16.090. Sloan/Cramer 7-0.

9. Dock Ladders

RECOMMENDATION:

At the request of Chair Frank Kelly, staff put this item on the agenda. Mick Kronman presented a staff report related to the placement of dock ladders in Santa Barbara Harbor and then turned the item over to the Commission for discussion.

Commissioner Kelly cited that two people had drowned recently in the Ventura Harbor, which prompted him to place this item on the agenda.

Commissioners discussed this item and asked questions about the ladder's construction, placement within the harbor, installation, durability, liability issues, cost and ease of use.

Moved to ask staff to present a more in depth presentation as to where the dock ladders would be installed, what model staff would recommend and do some research on what other marinas are doing. Additionally, include the information presented at tonight's meeting along with the requested research.
Kelly/Cramer 2/5.

STAFF COMMUNICATIONS

Mr. Bridley informed the Commission that Senator Feinstein's office was supporting the City's request for additional dredge funding in the amount of \$3.2 million; however the Energy and Water Committee was supporting the \$1.2 million currently in the President's Budget. We will not find out until the fall exactly how much funding will be allocated to Santa Barbara's annual maintenance dredging project this year.

ADJOURNMENT

Moved to adjourn the meeting at 7:51 p.m. Friedman/Spicer 7-0

*It should be noted that Harbor Commission Meetings are televised and recorded. To view these televised recordings, please visit www.santabarbaraca.gov/government/boards_and_commissions_D-M/Harbor_Commission/Videos

Stephen K. Lemon
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(805) 687-8009

RECEIVED

August 6, 2015

AUG 12 2015

WATERFRONT DEPARTMENT

Harbor Commission
City of Santa Barbara

Dear Sirs:

For the past several years my wife and I have traveled extensively on our boat, visiting areas from Alaska to Maine. During this time we have stayed at various marinas throughout both coasts of the United States and have had the opportunity to evaluate many facilities.

If someone were to fall from the dock walkway into the water in the average marina, it would be very difficult to get out of the water to safety. The vast majority of marinas have recognized this fact and have provided well marked emergency use ladders in case such an accident should occur. Interestingly, no such emergency ladders have been provided in Santa Barbara.

Earlier this week I attended the Monday Lunch presentation at the Santa Barbara Yacht Club given by Eric Noegel, project manager for Bellingham Marine, and I asked him about the lack of emergency ladders in Santa Barbara. He noted that the majority of projects completed by Bellingham Marine included emergency ladders, but Santa Barbara had chosen not to do so. He also conceded that inclusion of such emergency ladders would not add any meaningful increment to costs.

From a common sense safety aspect as well as from a liability aspect, it seems to me that inclusion of safety ladders in the current rebuild process would be in the best interest of the harbor and of the City of Santa Barbara. The cost of retro fitting ladders on existing docks might need examination, but again, the reduced liability may well be worth the minimal cost. Please consider having safety ladders added to the docks in Santa Barbara Harbor.

Thank you for your consideration.

Sincerely,



Stephen K. Lemon