



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 058-05
309 SHORELINE DRIVE (MST2005-00167)
COASTAL DEVELOPMENT PERMIT
AUGUST 25, 2005

APPLICATION OF KARL TREIBERG, AGENT FOR CITY OF SANTA BARBARA WATERFRONT DEPARTMENT (PROPERTY OWNER), 309 SHORELINE DRIVE, APNs: 045-250-011, -012, 033-120-018, 033-120-015, -016,-018, -022, 017-112-001, 017-191-003, 017-271-001, 117-312-003, 017-353-001, 017-383-001, 017-191-004, 045-240-004, ZONES: HARBOR COMMERCIAL/PARK AND RECREATION/COASTAL OVERLAY, GENERAL PLAN DESIGNATION: HARBOR/BEACH/OPEN SPACE (MST2005-00167/CDP2005-0004)

The proposed project involves reauthorization of maintenance dredging of the non Federal Channel portions of the harbor area, and grading and grooming the sand to achieve predetermined contours on the beach from Santa Barbara Point to the Clark Estate. The project includes an enlarged berm at the mouth of Mission Creek designed to preclude Mission Creek from flowing into the Wharf. Beach grooming would be conducted to remove debris above the wrack line from the beach. The discretionary application required for this project is a Coastal Development Permit (SBMC § 28.45.009.6.p).

An Addendum to the approved Final Mitigated Negative Declaration was prepared. No new significant impacts were identified or mitigation measures required. The Planning Commission will consider approval of the Addendum to the Final Mitigated Negative Declaration for the project (MST99-00329) pursuant to the California Environmental Quality Act Guidelines Section 15073.5.

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

WHEREAS, 3 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 18, 2005
2. Site Plans

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

- I. Approved 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 August 18, 2005, for the Sediment Management Program (MST2005-00167), together with

the Final Mitigated Negative Declaration (MST1999-00329) for the original project, including public comments received.

2. The Addendum to the Mitigated Negative Declaration for MST2004-00870 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 Sediment Management Program project.
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 Sediment Management Program project (MST2005-00167) 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.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

C. Park and Recreation Zone Findings (SBMC §28.37.025)

1. The proposed improvements are necessary for the benefit of the community and visitors, and are compatible with the neighborhood, in terms of intensity, size, bulk, and scale.
2. The proposed improvements are compatible with the scenic character of the City.

II. Said approval is subject to the following conditions:

- A. **Approved Project.** The project approved on August 25, 2005, is a ten year Coastal Development Permit for the maintenance dredging of the non Federal Channel portions of the harbor area, pumping sand over the breakwater and to East Beach, and grading and grooming the sand to achieve predetermined contours on the beach and harbor from Santa Barbara Point to the Clark Estate. The project includes an enlarged berm at the mouth of Mission Creek designed to preclude Mission Creek from flowing into the

Wharf. Beach grooming would be conducted to remove debris above the wrack line from the beach, includes grading on the beach to achieve predetermined contours. The detailed project description is included in Planning Commission Staff Report Exhibit B Project Plans stamped by the Chair of the Planning Commission and Exhibit I Project Description.

- B. **Mitigation Monitoring and Reporting Requirement.** The Waterfront and Parks and Recreation Departments shall identify and retain a Project Environmental Coordinator (PEC) and, if necessary, a replacement PEC, to ensure that there is a PEC for Waterfront and Parks and Recreation Departments for the duration of the permit. Mitigation monitors responsible for permit compliance monitoring must be hired and paid for by the applicant. The PECs for the Waterfront and Parks and Recreation Departments shall utilize the Mitigation Monitoring Program matrix table, attached to the Addendum to the Mitigated Negative Declaration, as the basis for monitoring of activities approved as a part of the project. As long as no compliance with mitigation measure issues is identified on the completed matrix table, the matrix table shall be kept on file at the Waterfront and Parks and Recreation Departments. If the PEC identifies non-compliance or other problems with mitigation measure issues, the completed forms shall be forwarded to the Planning Division, together with an explanation. In addition, monthly summary reports and annual summary reports based upon the matrix table on the mitigation monitoring program shall be submitted to the Planning Division by the PECs.
- C. **Mitigation Monitoring Conference.** Prior to commencement of operations, a conference shall be scheduled by the PECs from the Waterfront and Parks and Recreation Departments. The conference shall include representatives from the Waterfront Department, Parks and Recreation Department, and the Planning Division. The PECs will be required to review the Mitigation Monitoring Program matrix table, attached to the Addendum to the Mitigated Negative Declaration, and provide an explanation of how the mitigation measures would be monitored and how the reporting process would be accomplished.
- D. **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.

- E. **Air Quality Regulations:** Project activities shall be subject to applicable laws, regulations and permitting requirements of the Air Pollution Control District and State Air Resources Board. (MM: AQ-1)
- F. **Air Quality Maintenance:** All heavy equipment shall be well-maintained in accordance with Santa Barbara County Air Pollution Control District Best Management Practices to minimize equipment emissions. Contracts for sediment management work shall include this requirement. Designated Project Environmental Coordinator shall monitor for compliance. (MM: AQ-2)
- G. **Air Quality Covered Trucks:** Trucks transporting sediment and refuse shall be covered. (MM: AQ-3)
- H. **California Least Tern:** Dredging and disposal of dredged materials shall not occur at the sandspit (primarily east end), West Beach, or any other location where least terns forage during July and August, if least terns are present. Prior to any sediment management activities proposed during that time period, the applicant shall submit a survey conducted by a qualified biologist for City Environmental Analyst review and approval. The study shall determine whether least terns are present and if so, where they are foraging. Any disposal of dredged material shall be on beaches at least 200 feet down current from any identified foraging habitat. (MM: B-1)
- I. **Western Snowy Plover:** The sandspit area used by wintering snowy plovers during August 1 through March 15, and potentially for nesting (March 15 to September 15) shall not be dredged (made smaller), used for disposal of dredged sand, or subject to beach grooming while they are present. Prior to any sediment management activity during that time period in that area, the applicant shall submit a survey conducted by a qualified biologist for City Environmental Analyst review and approval. The survey shall determine whether snowy plovers are present and where they are resting or foraging prior to such work. (MM: B-2)
- J. **Western Snowy Plover (Alternative Mitigation):** A qualified biologist shall conduct a survey of the project site each day prior to commencement of any dredging that would affect beaches, discharge to the beach, beach grooming, or drain maintenance activities throughout the year to determine if the Western snowy plover is present. If any individuals are present, work shall stop until a resource avoidance program is implemented that includes an adequate buffer to avoid adverse impacts to the species. An adaptive management plan for avoiding impacts to the western snowy plover from beach grooming may be developed and implemented with approval of the permitting agencies. Such a plan could include changes in the time of day for beach grooming and a reduced frequency of pre-work monitoring during some months and/or at some locations if monitoring data from at least one year show no snowy plovers to be present on the beach. (MM: B-2A)
- K. **Steelhead Trout:** Dredging and disposal of dredged materials within 200 feet from the centerline of the mouth of Mission Creek shall only occur when the creek mouth is naturally closed and migrating steelhead are unlikely to be present. Disposal of dredged

material or beach grooming activities on the beach shall be conducted such that no sediment or sediment laden water from those activities enters the lagoon of Mission Creek. (MM: B-3)

- L. **California Grunion:** Sediment management shall not occur on beaches below the high water line during April through August if live grunion eggs are present. Prior to any sediment management activities during that period and location, the applicant shall submit a survey conducted by a qualified biologist. The study shall determine whether live grunion eggs are present in the proposed deposition area. (MM: B-4)
- M. **Tidewater Goby:** Disposal of dredged material or beach grooming activities on the beach shall be conducted to avoid sediment or sediment laden water from those activities entering the lagoons of Mission Creek, Laguna Channel, Sycamore Creek, or the Andre Clark Bird Refuge outlet. A buffer of 200 feet from the creek centerline shall be used to protect their habitat for beach grooming activities. Laying of pipelines for discharge of the dredged material across these lagoons shall be conducted to avoid impacts to tidewater gobies. (MM: B-5)
- N. **Archaeological Site:** Onshore earth-disturbance activities on East Beach shall avoid recorded archaeological site Sba-27. (MM: CR-1)
- O. **Archaeological High Sensitivity Areas:** For onshore project activities within the identified high sensitivity zone for archaeological resources: Prior to earth disturbance of three foot or greater depth, subsurface testing shall be conducted by a qualified archaeologist at applicant's expense in accordance with City procedures for Phase 2 evaluations, and evaluation report(s) submitted for approval by City Historic Landmarks Commission. If significant resources are found, recommendations of the Phase 2 report shall be followed, including Phase 3 recovery and evaluation as needed. (MM: CR-2)
- P. **Archaeological Moderate Sensitivity Areas:** For onshore project activities within the identified moderate sensitivity zone for archaeological resources: Prior to earth disturbance of three-foot or greater depth, the applicant shall contract with a City-approved archaeologist for monitoring of ground disturbance. The contract shall be submitted for approval by City Environmental Analyst, and shall specify monitoring schedule and provide for submittal of a report to City Environmental Analyst on monitoring findings within 30 days of the completion of monitoring. (MM: CR-3)
- Q. **Archaeological Monitoring:** Project personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the project area. If any archaeological or historical artifacts (e.g., Native American objects or remains, anchors, shipwrecks, exotic non-native rock or unusual amounts of shell or bone) are uncovered during dredging, grading or deposition activities, all work must stop immediately in the area, the City of Santa Barbara Environmental Analyst contacted, and a City-approved archaeologist retained by the applicant to evaluate the deposit and identify management recommendations for resources. If the findings are potentially significant, a Phase 3 recovery program shall

be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. The portion of the Phase 3 program that requires work on-site shall be completed prior to continuing project activities in the affected area. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.

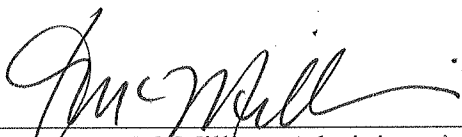
If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Environmental Analyst. (MM: CR-4)

- R. **Construction Hours:** Noise generating construction activity shall be prohibited Saturdays, Sundays, and holidays and between the hours of 5 p.m. to 7 a.m., unless determined necessary for public safety purposes by the Waterfront Director. Holidays are defined as those days that are observed by the City of Santa Barbara as official holidays by City employees. (MM: N-1)
- S. **Construction Equipment Maintenance:** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Contracts for sediment management work shall include this requirement. Designated Project Environmental Coordinator shall monitor for compliance. (MM: N-2)
- T. **Construction Routes:** The route of equipment- related traffic and location of worker and equipment parking shall be coordinated between Waterfront Department and Transportation and Parking Manager to minimize disruption to public access. (MM: TC-1)

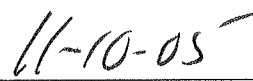
This motion was passed and adopted on the 25 day of August, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson & White)

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 McMillon, Administrative/Clerical Supervisor



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.