

MINUTE ITEM

This Calendar Item No. 29
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
to 0 at its 2/6/89
meeting

CALENDAR ITEM

A 35
S 18

29

02/06/89
W 24238 PRC 7274
Lipphardt

GENERAL PERMIT - PROTECTIVE STRUCTURE USE

APPLICANT: Stanley Borowski
679 Kellogg Avenue
Santa Barbara, California 93111

AREA, TYPE LAND AND LOCATION:
A 0.009-acre parcel of tide and submerged
sovereign land, located in Isla Vista,
Santa Barbara County.

LAND USE: Installation and maintenance of a timber
bulkhead seawall.

TERMS OF PROPOSED PERMIT:
Initial period: 15 years beginning February 1,
1989.

CONSIDERATION: The public benefit; with the State reserving
the right at any time to set a monetary rental
if the Commission finds such action to be in
the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been
received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 05/23/89.

OTHER PERTINENT INFORMATION:

1. Applicant has applied to install one 58-foot seawall. There are three other separate and unconnected seawalls which are planned for construction in the Isla Vista bluff area. (One is the subject of Calendar Item.) This seawall and the other three were all addressed in the Environmental Impact Report done by the County of Santa Barbara. At the top of the cliff, on Del Playa Drive, are two apartment buildings which will face demolition if the seawall is not built. The County Building Department has required the Applicant to support and protect his foundations from cliff erosion or face condemnation of the buildings as unsafe for occupancy.
2. The County of Santa Barbara issued a Conditional Use Permit for the project on August 25, 1988, and the Coastal Commission approved the project on December 13, 1988.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. An EIR was prepared and adopted for this project by County of Santa Barbara.

APPROVALS OBTAINED:

County of Santa Barbara.
California Coastal Commission.

CALENDAR ITEM NO. 29 (CONT'D)

- EXHIBITS:
- A. Land Description.
 - B. Location Map.
 - C. EIR Summary.
 - D. CEQA Findings.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SANTA BARBARA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN;
2. ADOPT THE FINDINGS MADE BY SANTA BARBARA COUNTY, THE LEAD AGENCY, AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ITS GUIDELINES. SUCH FINDINGS ARE ATTACHED AS EXHIBIT "D":
3. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO STANLEY BOROWSKI OF A 15-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE USE BEGINNING FEBRUARY 1, 1989; IN CONSIDERATION OF THE PUBLIC BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR INSTALLATION AND MAINTENANCE OF A TIMBER BULKHEAD SEAWALL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24237

LAND DESCRIPTION

A parcel of tide and submerged land in Santa Barbara County, California lying immediately beneath the seawall, its foundation and backfill located along the foot of the bluff across Lots 41-45 in Block "A" of Isla Vista Tract as Recorded in book 15, Pages 81-83 of Maps in the Office of the County Recorder of said County.

END OF DESCRIPTION

PREPARED NOVEMBER 21, 1988 BY BIU 1.

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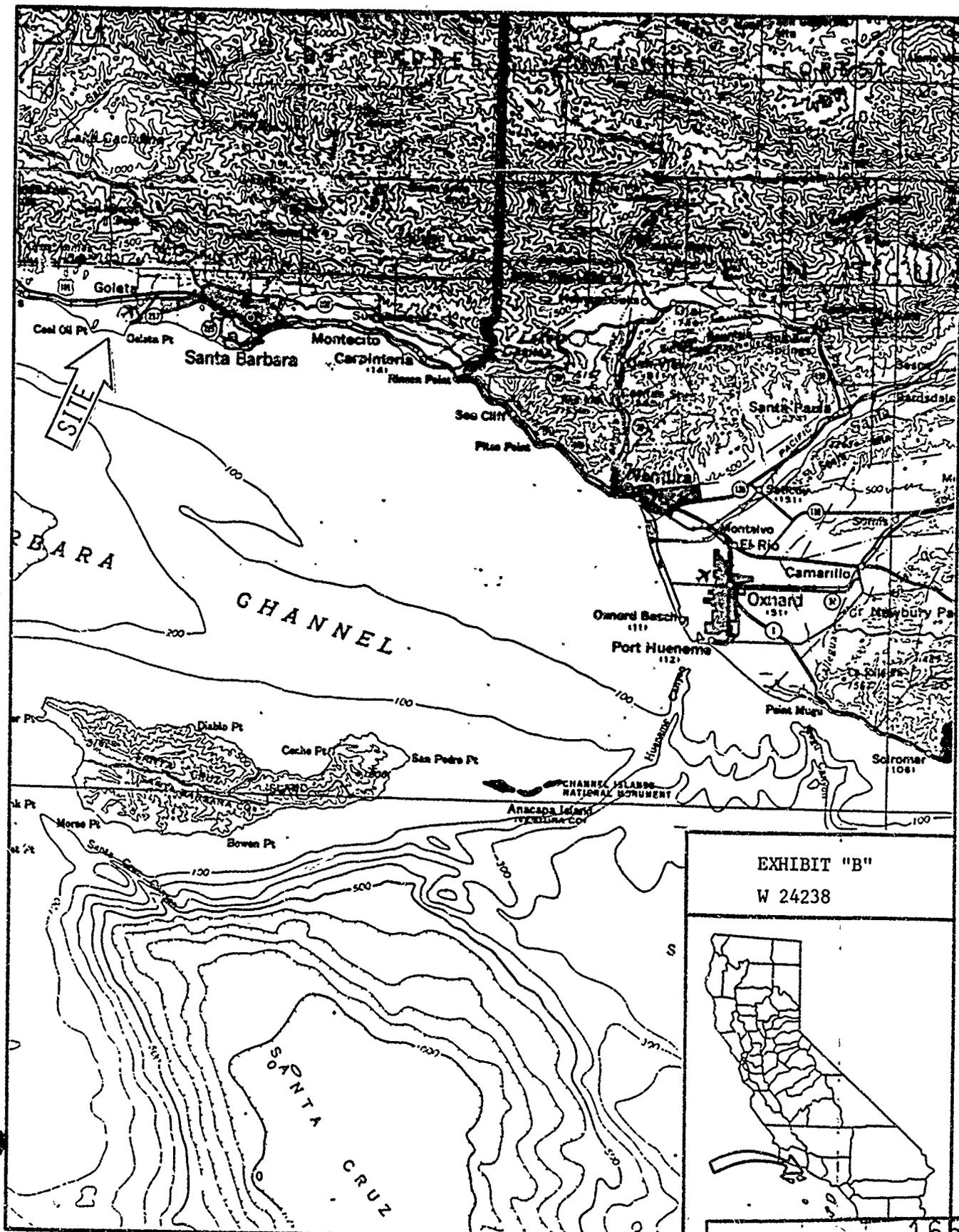


EXHIBIT "B"

W 24238



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EXHIBIT "C"

EIR SUMMARY

The proposed project involves the construction of four separate seawalls totalling 1,230 feet in length at the base of the cliff fronting the coastal properties situated between 6565 to 6767 Del Playa Drive in Isla Vista. The purpose of the seawall is to reduce erosion caused by wave attack at the toe of the bluff. The structure would be constructed from 12-inch diameter timber pilings and would be approximately 7 feet in height above bedrock. It would be placed approximately 3.5 to 4 feet from the face of the seacliff. It is also intended to modify the landscaping and drainage systems to slow surface erosion of the cliff face and bluff top.

The potential environmental impacts associated with this project are outlined in the attached Table 1. Class I impacts are significant and unavoidable, Class II impacts are those significant impacts that can be mitigated to insignificant levels, and Class III impacts are all impacts found to be adverse but not significant.

For this project, there are no Class I impacts. Class II impacts include loss of beach sand, beach sand fauna, lateral access, site safety and traffic, aesthetics and accelerated cliff retreat in gaps, treatment of bedrock buttresses. Class III impacts include beach sand replenishment from the seacliff and housing.

EXHIBIT "D"

IX FINDINGS

- A. Pursuant to CEQA Guidelines Section 15091(a), the decision makers must adopt findings that the project's adverse environmental impacts have been mitigated to avoid or significantly lessen the significance of the impact, are under another jurisdiction's responsibility, and/or there are specific social, economic or other considerations which make the mitigation measures or project alternatives infeasible. All identified mitigation measures are included in the project conditions, except as discussed in the report.

Project alternatives available either do not protect existing structures (no project) or have questionable feasibility or advantages based on obtainable information. Therefore, in order to allow protection of existing residential development consistent with the L.C.P., staff recommends that the Commission find that adverse impacts have been mitigated to the maximum extent feasible, and that project

alternatives have been reviewed and determined to be infeasible based upon economic and housing needs of the community.

- B. Coastal Zoning Ordinance Section 35-172.8 requires that the following findings be made in order to approve the project:

1. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

The seawall project is uniquely suited for areas prone to erosion and bluff retreat. The wall will only project roughly 7 feet above grade, and will help protect existing development in Isla Vista.

2. That adverse environmental impacts are mitigated to the maximum extent feasible.

All feasible mitigation measures identified and recommended in 81-EIR-9 and 88-SD-3 and discussed in this report have been incorporated as conditions for the Conditional Use Permit, and mitigate impacts to less than significance. Thus, all adverse impacts have been reviewed and analyzed in this report, and are determined to be consistent with this finding.

3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

No long term traffic trips will be generated as a result of the proposed project. Construction trips will be required to be conducted outside peak hour periods.

4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

Adequate and existing services exist in the site area to serve existing development. No new services will be required as a result of this project.

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

The seawall has been designed and conditioned to protect to the extent feasible adjacent and area sites that are not included in this application. No evidence is available which indicates that the project will have an adverse or significant effect neighboring sites. The project will help to maintain needed residential units in the Isla Vista area.

6. That the project is in conformance with the applicable provisions and policies of the Coastal Zoning Ordinance, and the Local Coastal Plan.

The project has been reviewed and analyzed pursuant to the policies of the L.C.P., and determined to be consistent with all applicable policies. The seawall is the only apparent feasible alternative available to protect existing structures, and has been conditioned to minimize environmental impacts to the maximum extent feasible. The project does respect natural landforms where possible, but shall require the removal of bedrock buttresses where necessary to provide additional lateral access and avoid unsafe conditions.

7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The proposed project is located within an urban area. The design of the seawall has included the scenic qualities of the beach area, and is determined not to result in significant aesthetic impacts.

8. That the project will not conflict with any easements required for public access through, or public use of the property.

Since the seawall will restrict public lateral access a portion of the time, and consistent with L.C.P. policy 7-3, the applicants will be required to offer to dedicate lateral access easements to the County along the sandy beach area from the toe of the seawall seaward to the mean high tide line.

9. That the proposed use is not inconsistent with the intent of the zone district.

Seawalls are permitted in all zone districts with a major conditional use permit.

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XI PROCEDURE

- A. For any motion of approval, pursuant to Section 15091 of CEQA, "Findings" must be adopted that the measures proposed to mitigate any Class II impacts:
1. Are feasible; and,
 2. Will mitigate the impacts to an acceptable level.
- B. Pursuant to Section 35-172.8 of Article II, find that the project will not be in conflict with the prescribed findings to be made.
- C. Prior to land use permits, the applicants must obtain approval by the California Coastal Commission who maintains final permit authority over the Isle Vista area until final certification of the Local Coastal Plan has been secured.

XII APPEALS PROCEDURE

- A. A conditional Use Permit may be appealed to the Board of Supervisors within ten (10) days of the Commission's action.