

**CALENDAR ITEM
C21**

A	35	12/03/08
		G15-01.3
S	18	G. Kato

**CONSIDERATION OF APPROVAL OF A PROPOSED EXPENDITURE OF \$800,000
OF TIDELANDS TRUST FUNDS BY THE CITY OF SANTA BARBARA, PURSUANT
TO CHAPTER 193, STATUTES OF 1975**

GRANTEE:

City of Santa Barbara
Waterfront Department
PO Box 1990
Santa Barbara, CA 93102-1990

BACKGROUND:

The city of Santa Barbara (City), as trustee of the State, is requesting approval for the expenditure of \$800,000 from the tidelands trust fund to implement Phase III of the Breakwater Cap Repair Project. The Commission has the authority to review the proposed expenditures of tidelands trust funds pursuant to Chapter 193, Statutes of 1975, which requires Commission review of capital expenditures of trust funds by the city in excess of \$250,000.

The existing breakwater cap, consisting of a walkway and wall, was constructed in the mid 1970's and has since deteriorated. Due to the high cost of repairing the breakwater cap, the City has had to perform the repairs over a period of time. The expenditure of tidelands trust funds needed for each phase of the repair work completed to date (Phase I was completed in December 2004 and Phase II completed in June 2007) was reviewed and approved by the Commission.

Phase III of the repair project is scheduled for spring of 2009 and involves demolition and replacement of approximately 416 lineal feet of concrete wall and sidewalk. All construction access will take place on top of the breakwater and access to the breakwater will be from Harbor Way. In addition to the concrete wall and sidewalk, existing lighting, which is no longer functional, will be removed. All material removed during the demolition will be taken to an appropriate facility for recycling (if feasible) or will otherwise be properly disposed of. Once the wall and sidewalk have been removed, concrete forms and reinforcing steel will be placed and concrete will be poured.

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As a protective measure to control dust and debris commonly associated with demolition work, the contractor will be required to place a containment boom and thick plastic sheeting around each section while work is being performed. The containment boom will be placed in the water on the harbor side and on the ocean side, a plywood barrier will be attached to the breakwater rock structure to prevent debris from falling into the ocean.

All construction materials will be stored at a storage area designated west of the Waterfront Department maintenance yard, at the east end of the harbor West parking lot. No hazardous materials will be used for the breakwater repair project.

The Waterfront Department has allocated \$800,000 in its capital reserve/Harbor Preservation Fund for the project for fiscal year 2009. Commission staff has reviewed the proposed project and the City's financial status. Commission staff believes the proposed project is consistent with the public trust and statutory trust under which the lands are held, and recommends that the Commission approve the proposed expenditure.

OTHER PERTINENT INFORMATION:

1. The Commission, in its consideration of the proposed expenditure of Tidelands Trust Funds, will be acting under its authority pursuant to Chapter 193, Statutes of 1975.
2. The city of Santa Barbara, the CEQA lead agency, filed a Notice of Exemption dated May 1, 2006, that states that the project is exempt from the requirements of the CEQA pursuant to State CEQA Guidelines sections 15301 (d), repair of damage structures, and 15302 (c), reconstruction of existing structure's. Staff concurs in the City's determination.
3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all state school lands and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

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EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CONCUR WITH THE CITY OF SANTA BARBARA'S DETERMINATION THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURUANT TO 14, CALIFORNIA CODE OF REGULATIONS SECTIONS 15301 (d), RESTORATION OR REHABILITATION OF DETERIORATED OR DAMAGED STRUCTURES, AND 15302 (c), REPLACEMENT OF RECONSTRUCTION OF EXISTING FACILITIES.

AUTHORIZATION:

1. FIND THAT THE CITY OF SANTA BARBARA HAS SUFFICIENT TIDELANDS TRUST FUNDS FOR THE PROPOSED BREAKWATER CAP REPAIR PROJECT.
2. FIND THAT PHASE III OF THE BREAKWATER CAP REPAIR PROJECT IS CONSISTENT WITH THE PUBLIC TRUST AND IS IN THE BEST INTEREST OF THE PEOPLE OF THE STATE.
3. APPROVE THE PROPOSED EXPENDITURE OF \$800,000 OF TIDELANDS TRUST FUNDS BY THE CITY OF SANTA BARBARA FOR PHASE III OF THE BREAKWATER CAP REPAIR PROJECT WITHIN THE SANTA BARBARA HARBOR, CITY OF SANTA BARBARA, SANTA BARBARA COUNTY.