

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Staff: M.H. Capelli *mu*
 Staff Report: 4/22/99
 Hearing Date: 5/11-14/99
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.:** 4-99-080**APPLICANT:** County of Santa Barbara – Parks Department **AGENT:** Coleen Lund**PROJECT LOCATION:** 5968 Sandspit Road, Goleta Beach County Park, Santa Barbara County**PROJECT DESCRIPTION:** Miscellaneous repairs, including replacing 7 pilings, support bracing, pile caps, boat hoist pad, fishing landings, to the Goleta Beach County Park pier

Zoning:	REC (Recreation)
Plan designation:	Recreation
Project density:	NA
Ht abv fin grade:	28 ft (wharf deck) from MMWL

LOCAL APPROVALS RECEIVED: None**SUBSTANTIVE FILE DOCUMENTS:** Application 4-99-080

SUMMARY AND STAFF RECOMMENDATION: Approval with special conditions regarding, waiver of liability, issuance of U.S. Army Corps of Engineers permit, and a time limit on the use of a temporary staging and storage area.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Assumption of Risk, Waiver of Liability and Indemnity

Prior to the issuance of the Coastal Development Permit, the applicant shall submit a written document, in a form and content acceptable to the Executive Director, that shall provide that the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, and fires; (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 arising from any injury or damage due to such hazards.

2. U.S. Army Corps of Engineers 404 Permit

Within 60 days of the issuance of the Coastal Development Permit, the applicant shall provide the Executive Director of the Commission with a valid 404 Permit from the U.S. Army Corps of Engineers for the project. The Executive Director may extend this time for good cause.

3. Condition Compliance

Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

1. Background

Santa Barbara County operates a public recreational pier at Goleta Beach County Park; the pier is 1,480 feet long. In May of 1997 the County commissioned a structural inspection and report on the condition of the pier. The inspection included non-destructive testing and inspection of the 259 timber bearing and batter piles and a visual inspection of 25 fender piles and 34 timber bearing piles. Using ultrasonic and visual inspection techniques the underwater portions of the pier was also inspected for structural soundness.

The complete report identified a number of elements of the pier which were in need of repair or replacement. The County developed a two-phase plan (described below) for implementing the recommendations of the report. Phase 1 consisting of the replacement of 7 piles which were in immediate need of replacement because of structural deficiencies, was completed in March 31, 1999 before having received a Coastal Development Permit. Phase II is scheduled for March of 2000.

The entire project is located seaward of the mean high-tide line, and therefore falls within the area of the Coastal Commission's retained original permit jurisdiction.

2. Project Description

The project is divided into two phases described below.

Phase I:

* Replacement of 7 timber piles because of their lack of structural integrity. All pilings would be plastic wrapped per specifications of the California Department of Fish and Game. The work time for this phase is 10 days, and requires the complete closure of the pier during the weekdays. As noted above this work has been accomplished (with completion on March 31, 1999.) The pier remained open during the weekends during this construction period (See Exhibits 1 through 2.)

Phase II:

* Replace support bracing and strut members because of damage from termite, dry rot, and physical damage at 35 locations.

* Replace pile caps because of physical damage, dry rot, or absence, at 8 locations.

* Repair joints and blocking members because of physical damage at one location.

* Repair concrete pad for boat hoist crane because of spalling and corrosion. This repair work will involve removing the concrete, and recoating the area with some waterproof coating.

* Repair joists, decking, and pile cap members because of physical damage to two fishing landings.

* Miscellaneous repairs including replacement of broken or corroded fastening bolts, other hardware, and replacement of electrical conduit and junction boxes.

* Phase II is estimated to take 30 days, and is scheduled for March of 2000. Because of the narrowness of the pier (15 - 18 feet in width), and the need to remove the topside decking, the pier will be closed weekdays, but will remain open on weekends. (See Exhibits 2 through 5.)

3. Coastal Issues

A. Public Access/Recreation

PRC Section 30210 provides that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

PRS Section 30211 provides that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

PRC Section 30220 provides that:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

PRC Section 30221 provides that:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project consists of repairing and replacing the deteriorated portions of the Goleta Beach County Park pier, and appurtenant facilities.

The Goleta Beach County Park pier is a major visitor-serving destination point and recreational facility within the Goleta Valley and serves both local and out-of-area visitors. The pier is also a popular fishing pier. Rehabilitation of Goleta Beach County Park pier will ensure the continued functioning of an important visitor-serving facility along the California coast, as well as an important point of access to near shore waters within the Goleta Valley.

The Goleta Beach County Park pier facilities will be replaced or repaired in the same location, and built to the same size and configuration as the original pier facilities (See Exhibits 2 through 5.)

As part of the proposed rehabilitation of the pier, the applicant proposes to close the pier on weekdays for approximately 30 days. This is necessitated because of the narrowness of the pier (15 to 18 feet) and the need to remove the pier decking. Access will not be impaired to the adjoining beach areas during construction. The beach extends east and west of the Goleta Beach County Park Pier approximately ¼ mile, and is served by public parking lots on either side of the pier, thus providing ample public access to the beach area. (See Exhibit 1.)

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry the provisions of PRC Sections 30210, 30211, 30220, and 30221.

B. Environmentally Sensitive Habitats

PRC Section 30230 provides, in part, that:

Marine resources shall be maintained, enhanced, and where feasible, restored. . . . 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.

PRC Section 30231 provides, in relevant part, that:

The biological productivity and the quality of coastal waters . . . 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

PRC Section 30233 provides that:

- (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:
- (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.

PRC Section 30240 provides, in part, that:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values . . .

Rehabilitation of the Goleta Beach County Park pier will require the replacement of 7 wooden pilings. The applicant proposes to use wooden pilings which have been treated with creosote, and wrapped and collared with plastic to prevent the escape of the creosote into the ocean waters. The California Department of Fish and Game has reviewed the applicants proposal to use creosote treated and wrapped pilings and has indicated that the City's proposal is consistent with the Department's position on the use of creosote treated wood pilings for the repair of existing structures in marine waters.

Because all work on the pier will be conducted from the existing decking, the construction activities will not require the displacement of any open space area. The project site is located immediately to the south of the mouth of the Goleta Slough. The principal wildlife use is by migratory shore-birds, including plovers, sandpipers, sanderlings, and gulls. There are no bird nesting or rearing activities on this section of beach, largely because of the proximity of development and the lack of any dune topography.

Special Condition #2 requires that the applicant provide evidence of having received a 404 permit from the U.S. Army Corps of Engineers. This requirement will ensure that any federally listed threatened or endangered species which may periodically utilize the area will be considered through the Section 7 consultation process of the Endangered Species Act.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry the provisions of PRC Sections 30230, 30231, 30233, and 30240.

C. Hazards

PRC Section 30253 provides, in part, that:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.
- (2) Assure the stability and structural stability, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. .

The Goleta Beach County Park pier, like all wood piers along the California coast, is subject to a variety of hazardous conditions, including high waves and periodic fires. Because the project site is located in an area which is periodically subject to waves as well as fires, which has the potential to cause damage to structures or injury to those frequenting the area, it is necessary to indemnify the Commission or any or its agents or representatives against any claims of liability arising from the permitted development. Special Condition #1 requires that the applicant submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction operation, maintenance, existence, or failure of the permitted project.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30253.

D. Scenic and Visual

PRC Section 30251 provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Goleta Beach County Park pier is centrally located in a highly visible and scenic section of the Goleta shoreline, immediately adjacent to the mouth of the Goleta Slough.

The project consists of replacing existing elements of the pier (piles, bracing, appurtenant facilities) in the same location and at the same scale. The applicant proposed no additions or expansions of the previously permitted and built structures. (See Exhibits 2 through 5.)

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30251.

E. Violations

Various developments have been carried out on the subject site without the required coastal development permits including replacement of 7 timber piles. The applicant proposes to retain the above-mentioned development.

In order to ensure that the violation aspect of this project is resolved in a timely manner, Special Condition three (3) requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. CEQA

The proposed site lies within the County of Santa Barbara, but falls within the Commission's area of retained permit jurisdiction because it is located on potential state tide lands or is below the mean high tide line. The County's Local Coastal Program (Land Use Plan and Implementation Ordinances) was certified in 1982 and contains policies regarding recreational and visitor serving uses, public access, and the protection of scenic and visual qualities.

Section 13096 of the Commission's Code of Regulations requires the Commission approval of the Coastal Development Permits to be supported by findings showing the permit, as conditioned, 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 which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection and hazard policies of the Coastal Act. The mitigation measures incorporated into the project by the applicant will minimize all adverse effects of the project, and there are no others measures available, which would substantially lessen any significant adverse effects, which the project may have on the environment.

Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified adverse effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and with the CEQA.

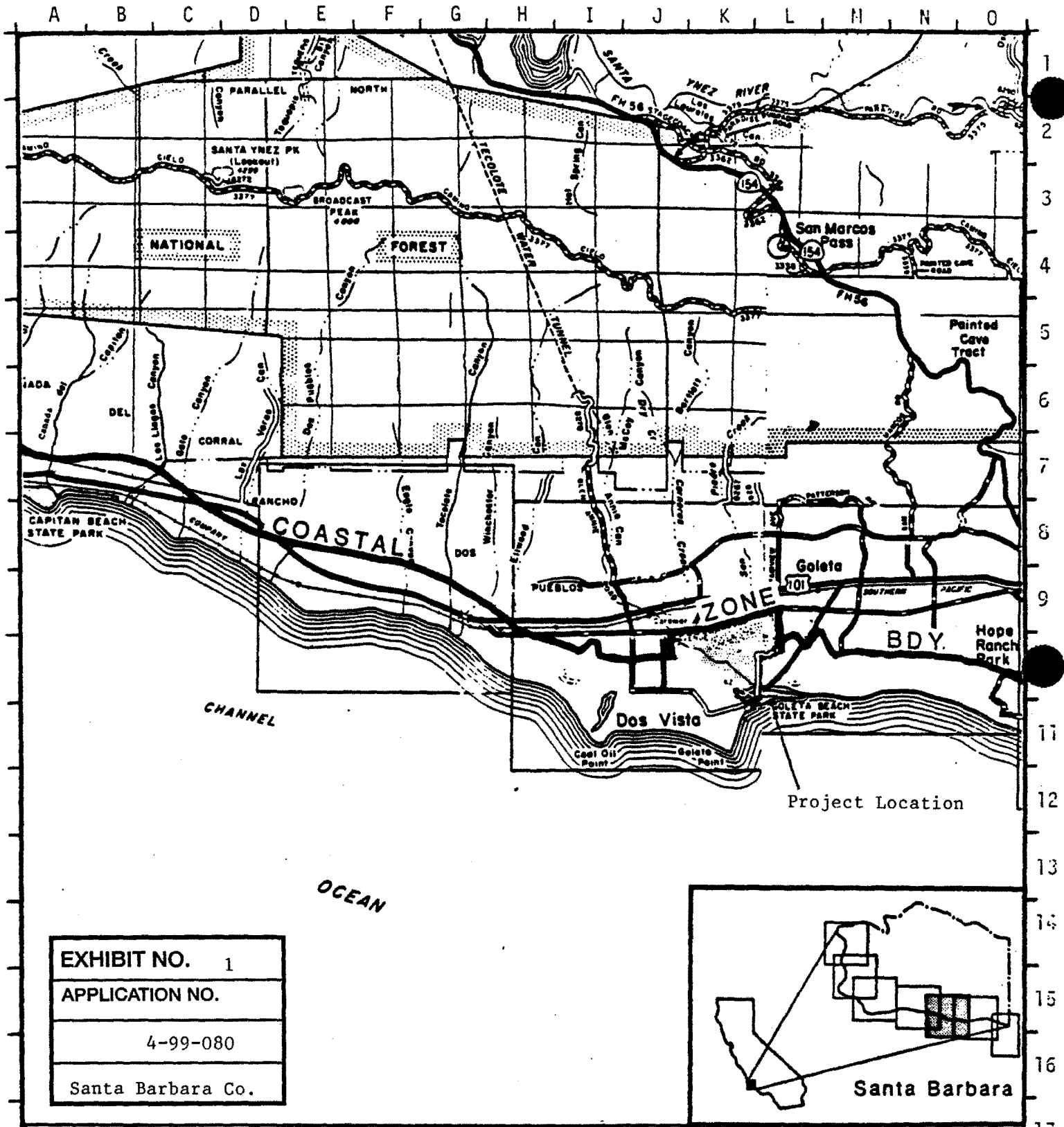
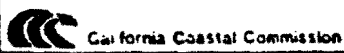
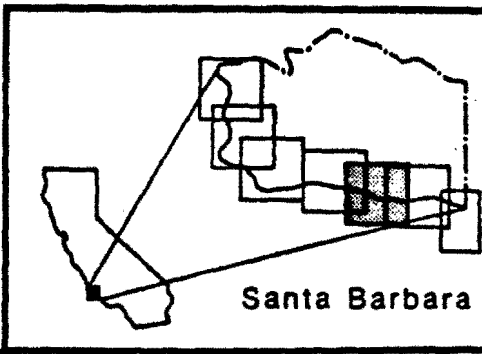


EXHIBIT NO.	1
APPLICATION NO.	
	4-99-080
	Santa Barbara Co.



LOCATION MAP



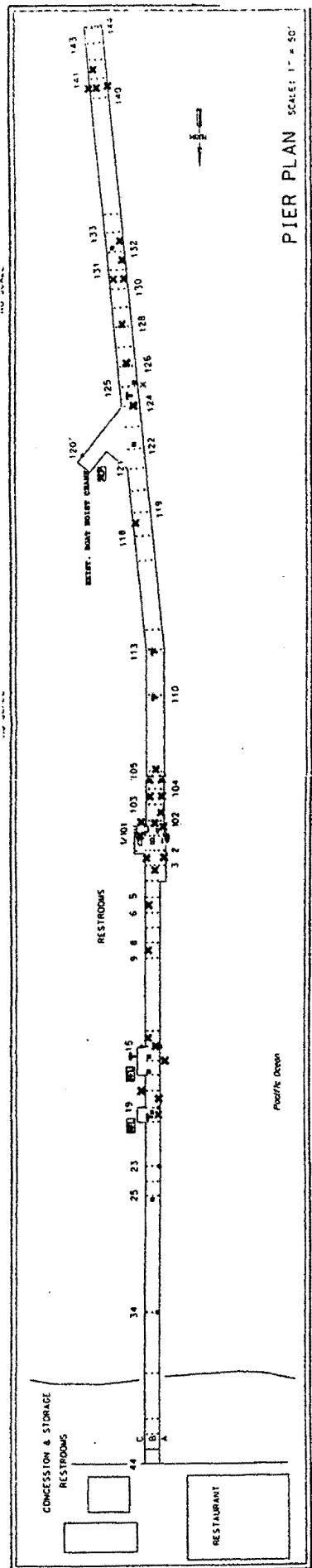


EXHIBIT NO. 2
APPLICATION NO.
4-99-080
Santa Barbara Co.

EXHIBIT NO. 3
APPLICATION NO.
4-99-080
Santa Barbara Co.

Bents 43 Through 1/101

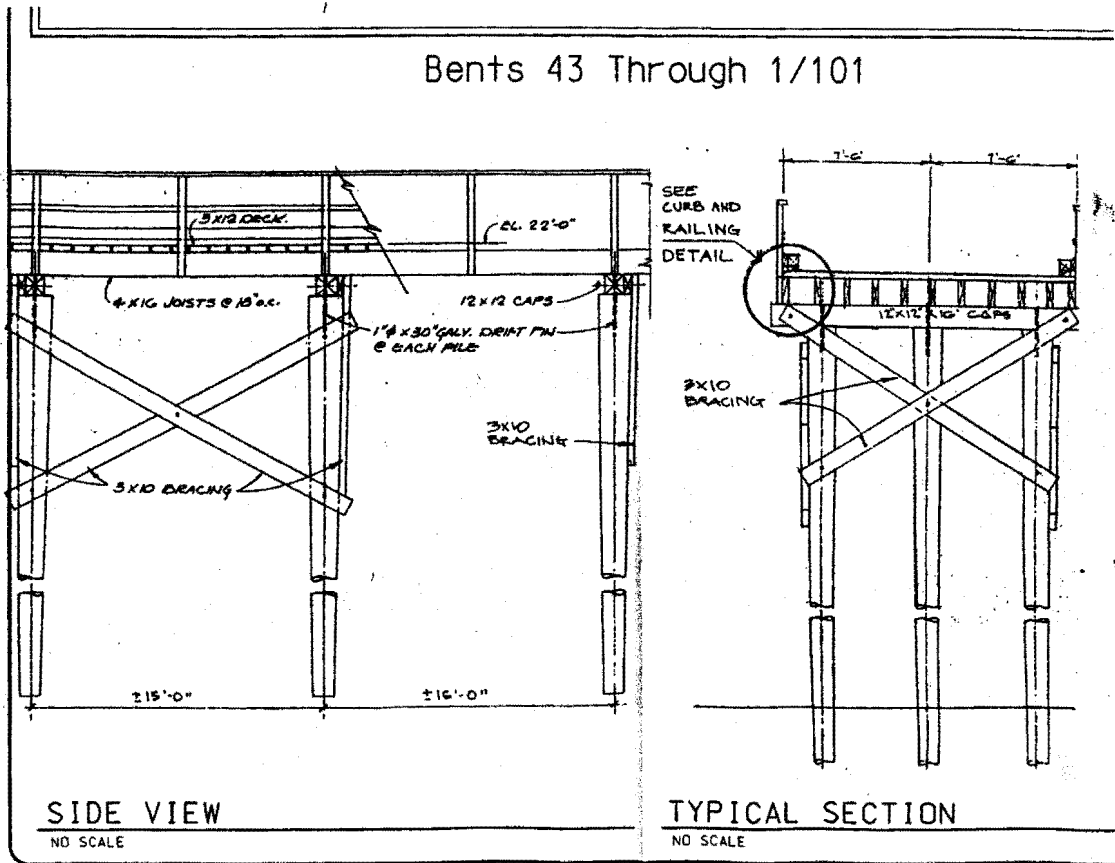
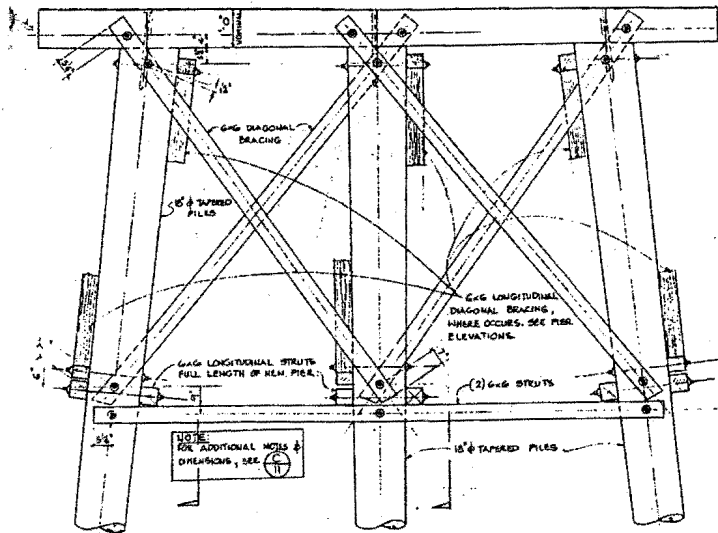


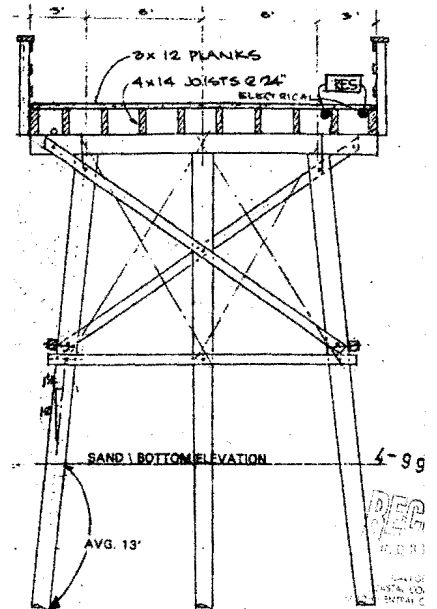
EXHIBIT NO. 4
APPLICATION NO.
4-99-080
Santa Barbara Co.

PIER PLAN SCALE: 1" = 5'

Bents 1/101 Through 144

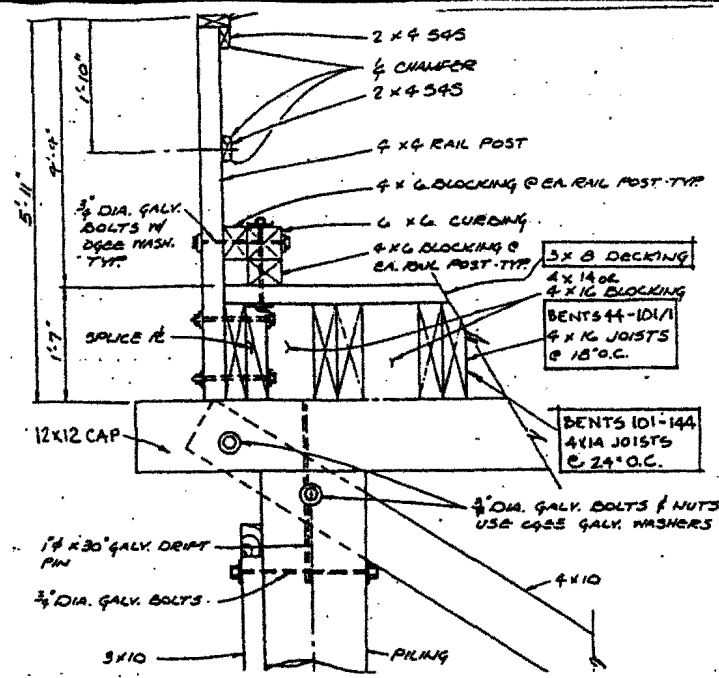


TRANSVERSE SECTION BRACING & STRUTS
NO SCALE



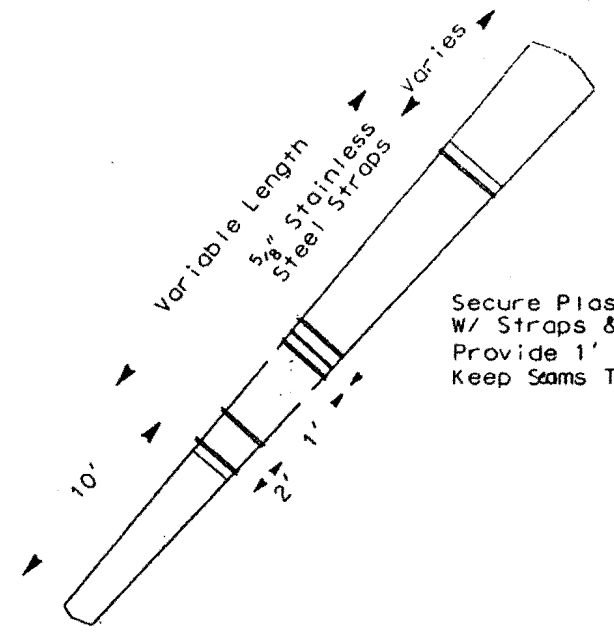
TYPICAL SECTION JOISTS & DECK
NO SCALE

EXHIBIT NO. 5
APPLICATION NO.
4-99-080
Santa Barbara Co.



CURB & RAILING DETAIL

NO SCALE



PILE WRAP DETAIL

NO SCALE

Secure Plastic Wrap W/ Straps & Nails
 Provide 1' Overlap
 Keep Seams Tight