

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 SANTA BARBARA, CA 93001
 805-841-0142



Filed: 6/17/99
 49th Day: 8/5/99
 180th Day: 12/14/99
 Staff: M.H. Capelli
 Staff Report: 6/23/99
 Hearing Date: 7/13-16/99
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.:** 4-99-111**APPLICANT:** California Department of Parks and Recreation **AGENT:** Mike Lundsford**PROJECT LOCATION:** Gaviota State Beach, Santa Barbara County**PROJECT DESCRIPTION:** Miscellaneous repairs, including replacing of timber and steel piles, and installing new boarding stairs and landing, to the Gaviota State Beach State Park pier

Zoning:	REC (Recreation)
Plan designation:	Recreation
Project density:	NA
Ht abv fin grade:	42 ft (wharf deck) from MMWL

LOCAL APPROVALS RECEIVED: None**SUBSTANTIVE FILE DOCUMENTS:** Application 4-99-111

SUMMARY AND STAFF RECOMMENDATION: Approval with special conditions regarding, waiver of liability, issuance of U.S. Army Corps of Engineers permit.

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 or other authorization if required, from the U.S. Army Corps of Engineers for the project. The Executive Director may extend this time for good cause.

IV. Findings and Declarations

1. Background

Gaviota State Beach is located in Santa Barbara County, approximately 33 miles west of the City of Santa Barbara along U.S. Highway 101. The Gaviota State Beach pier was damaged in the heavy winter storms of 1997/98. The pier, which was constructed in 1950-51, sustained damage to a number of pilings, cross bracings, the boat hoist, and the access stairs and ramp system. Currently, the pier is open to fishing but closed for boat launching. The boat hoist and ramp access are inoperable and have been closed since February 1998.

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; the current application is only for phase I. (See Exhibits 1 through 9)

Phase I:

- Remove eight (8) existing damaged timber piles and replacing them with new timber piles. The new timber piles will be treated with creosote and sheathed in a protective polyethylene wrap that will extend two feet below the mud line and 10 feet below the pile cutoff elevation.

- Replace seven (7) missing timber piles. The new piles will be treated with creosote and sheathed in a protective polyethylene wrap that will extend two feet below the mud line and 10 feet below the pile cutoff elevation.
- Replace one (1) missing batter timber pile. The new pile will be treated with creosote and sheathed in protective polyethylene wrap that will extend two feet below the mud line and 10 feet below the pile cutoff elevation.
- Rehabilitate four concrete encased H-piles. The existing concrete encasement will be removed, the H-pile will be cleaned and coated with protective coating, and a new concrete encasement will be installed. This repair will also include filing of voids with concrete.
- Replace missing and damaged cross bracing, longitudinal timber struts and shaped timber blocks. These timbers will be treated with American Wood Preserve Association (WPA C2), water-borne preservative.
- Remove existing boat hoist and assembly and install a new boat hoist and assembly.
- Remove the exiting damaged stair and ramp system including installing seven (7) new steel pipe piles and associated hardware.

Phase II:

Phase II involves the installation of rock slope protection at the base (landward side) of the pier. This rock slope protection would be installed above the Mean Low Low Water line and extend to the bottom of the pier at an approximately 2:15: 1 slope. This rock slope protection is being proposed to protect the existing pier abutment at bent 0 from wave action. Currently there are approximately 200 tones of 2-3 tone rock rip-rap at the pier abutment. Phase II is not a par of the subject permit application and will require the submittal of a separate Coastal Development Permit(s).

3. Coastal Issues

A. Pubic 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 Gaviota State Park pier, and appurtenant facilities.

The Gaviota State Beach pier is a major visitor-serving destination point and recreational facility along the south coast of Santa Barbara County, and serves both local and out-of-area visitors. The pier is also a popular fishing pier. Rehabilitation of Gaviota State Beach 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 along the south coast.

The Gaviota State Beach 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 3 through 9.)

As noted above portions of the pier damaged by winter storms have been closed to the public since February 1998. The proposed rehabilitation of the pier, will require the applicant 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 of the Gaviota State Beach pier approximately ¼ mile, and is served by public parking lots at the base of the pier, thus providing ample public access to the beach area. As noted above the repair of the pier will entail the temporary use of a portion of parking lot (30 spaces out of a total of 160 spaces) to provide a staging and materials storage area. Because the repairs to the pier will be made during the fall and winter months, and the continuing availability of 130 spaces (80%) this temporary reduction in parking spaces will not significantly reduce the use of the adjacent beach. (See Exhibit 2.)

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 Gaviota State Beach pier will require the replacement of a total of 16 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 applicant'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 or a boat, the construction activities will not require the displacement of any open space area. The project site is located within several hundred yards of the mouth of Gaviota Creek

Estuary. The principal wildlife use of the adjacent sand and cobble beach area 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 intensity of human activity 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 Gaviota State Beach 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 of 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 Gaviota State Beach pier is highly visible from the Gaviota State Beach Park, which contains both day-use and over-night accommodations.

The project consists of replacing existing elements of the pier (piles, bracing, appurtenant facilities) in the same location and at the same scale, with only minor changes to the materials used for the pedestrian ramp. The applicant proposed no additions or expansions of the previously permitted and built structures. (See Exhibits 3 through 9.)

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

E. 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 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.

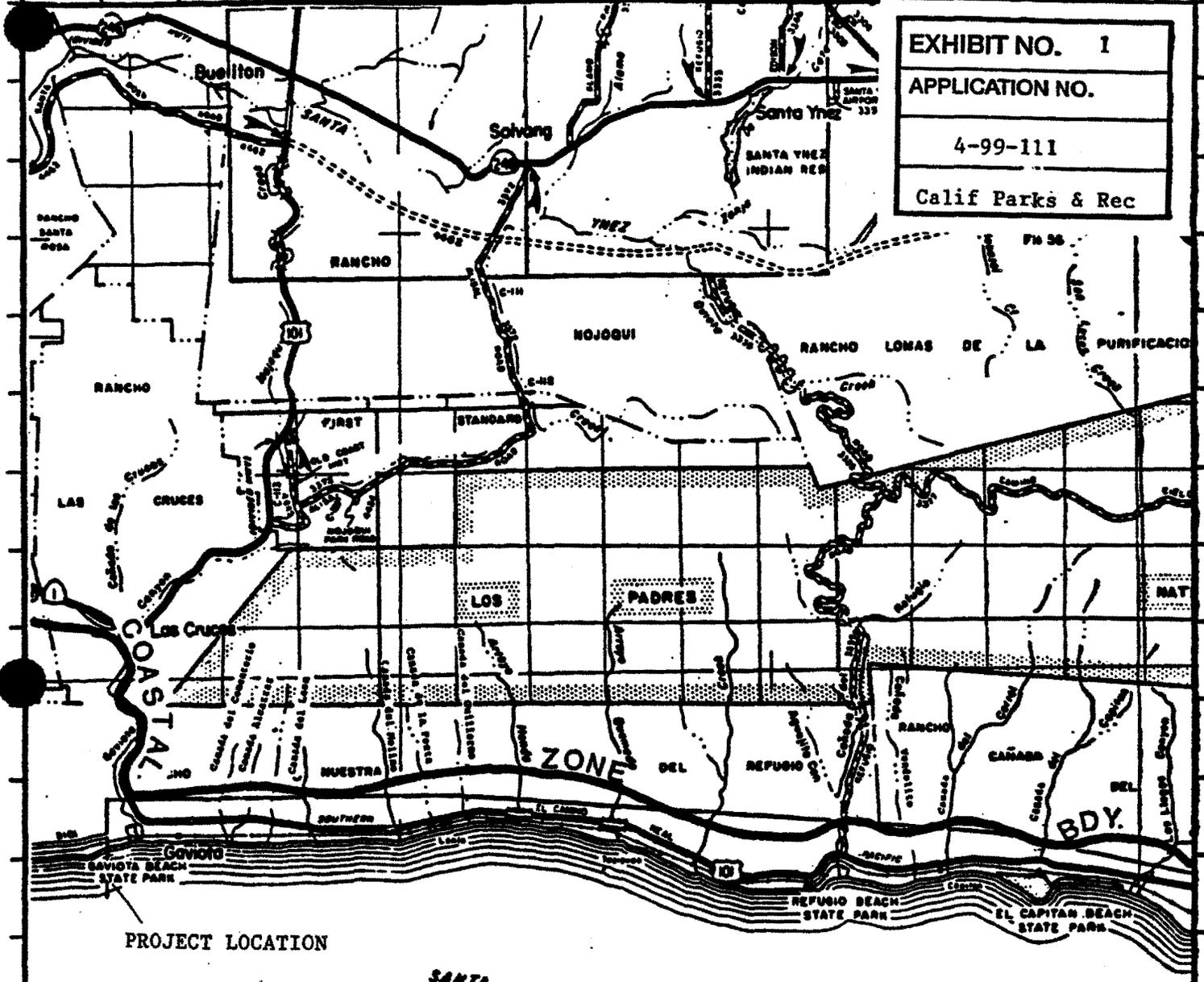
The proposed project has been conditioned in order to be found consistent with the resource protection and hazard policies of the Coastal Act. The mitigation measures incorporated into the project by the applicant will minimize all adverse effects of the project, and there are no others measures available,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

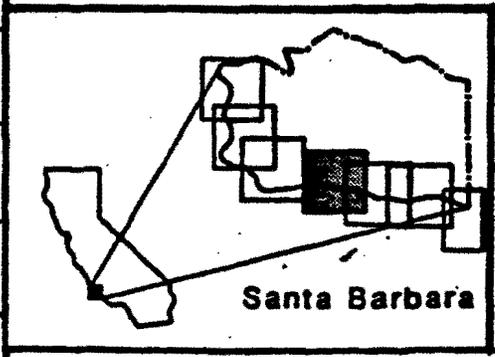
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EXHIBIT NO. 1
APPLICATION NO.
4-99-111
Calif Parks & Rec

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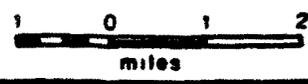


PROJECT LOCATION



Santa Barbara

LOCATION MAP



California Coastal Commission

County of Santa Barbara

A B C D E F G H I J K L M N O

EXHIBIT NO. 2
APPLICATION NO.
4-99-111
Calif Parks & Rec

First Public Rd

First Public Rd

Approximate Location of Pier



Permit Jurisdiction

This area includes only lands below the mean high tide line and lands where the public trust may exist.



Appeal Jurisdiction

This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff

BD 11-99
Gaviota Pier

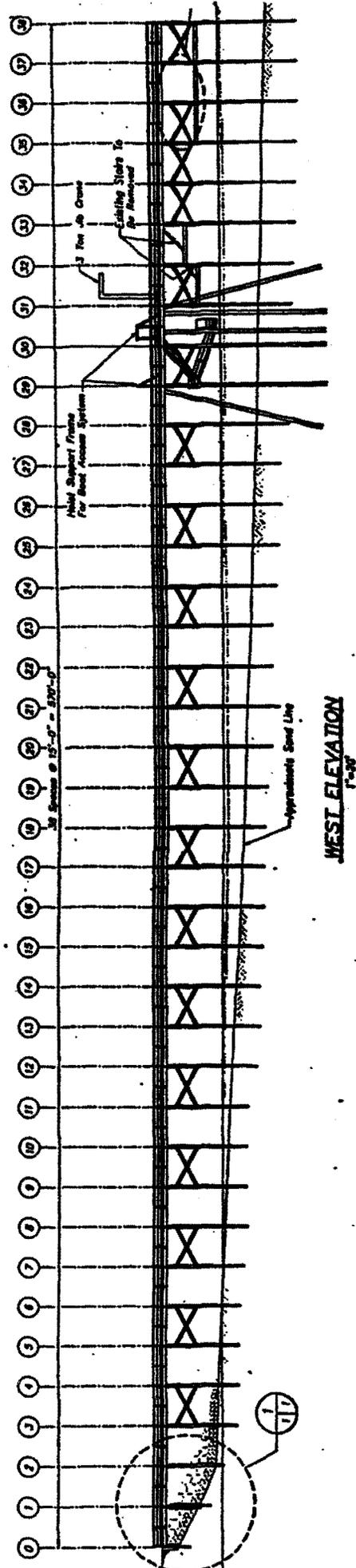


Portion of adopted post-LCP certification map number 121



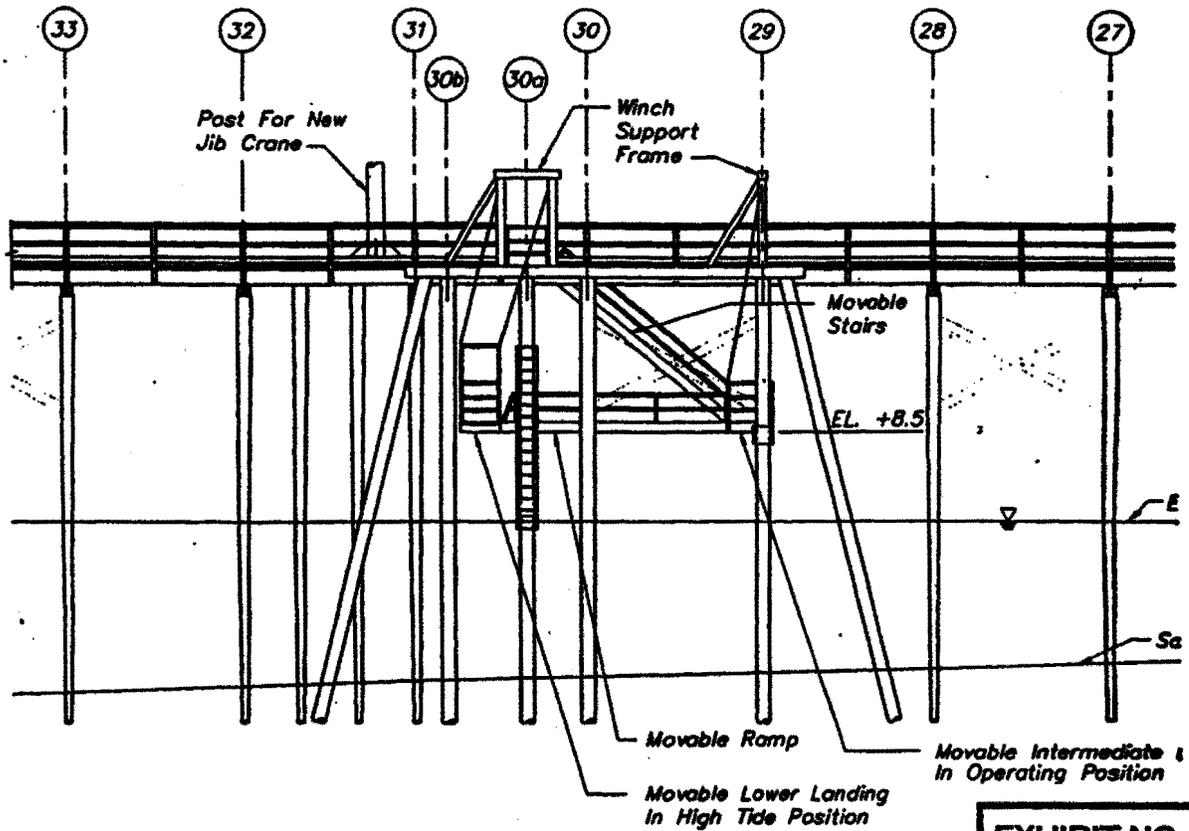
County of Santa Barbara

EXHIBIT NO. 3
APPLICATION NO.
4-99-111
Calif Parks & Rec



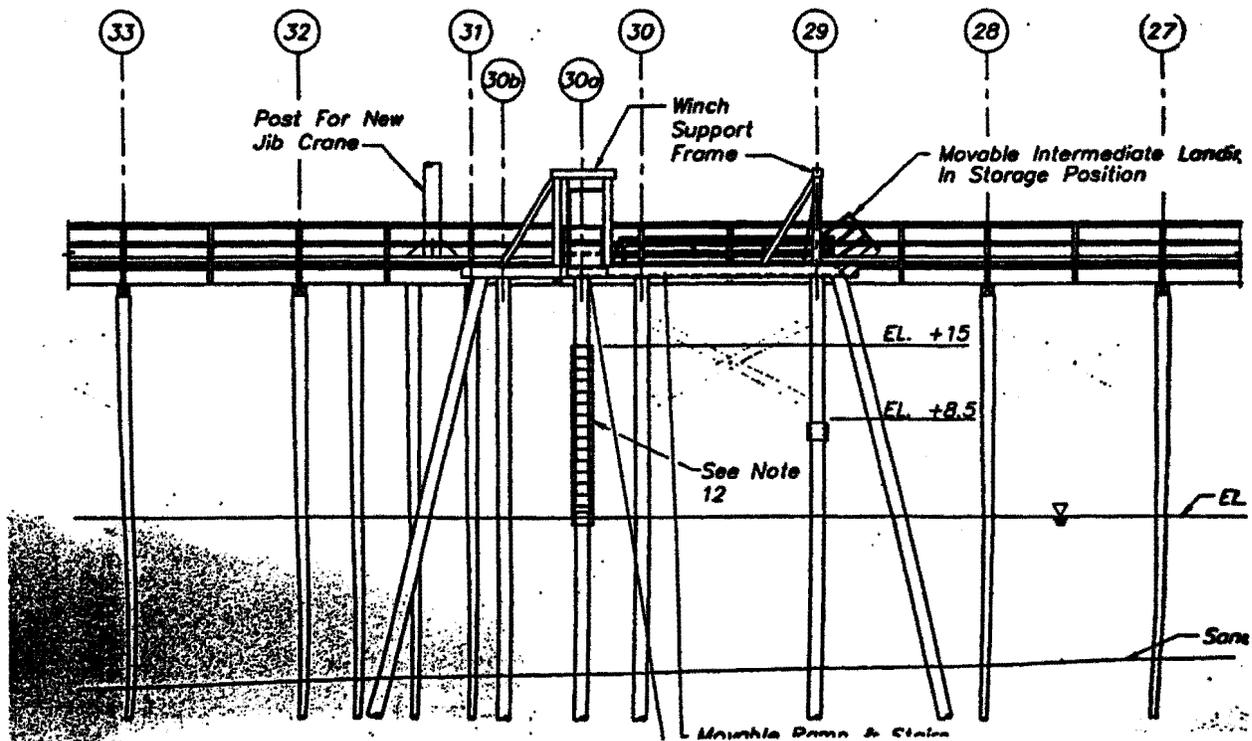
WEST ELEVATION
1'-0"

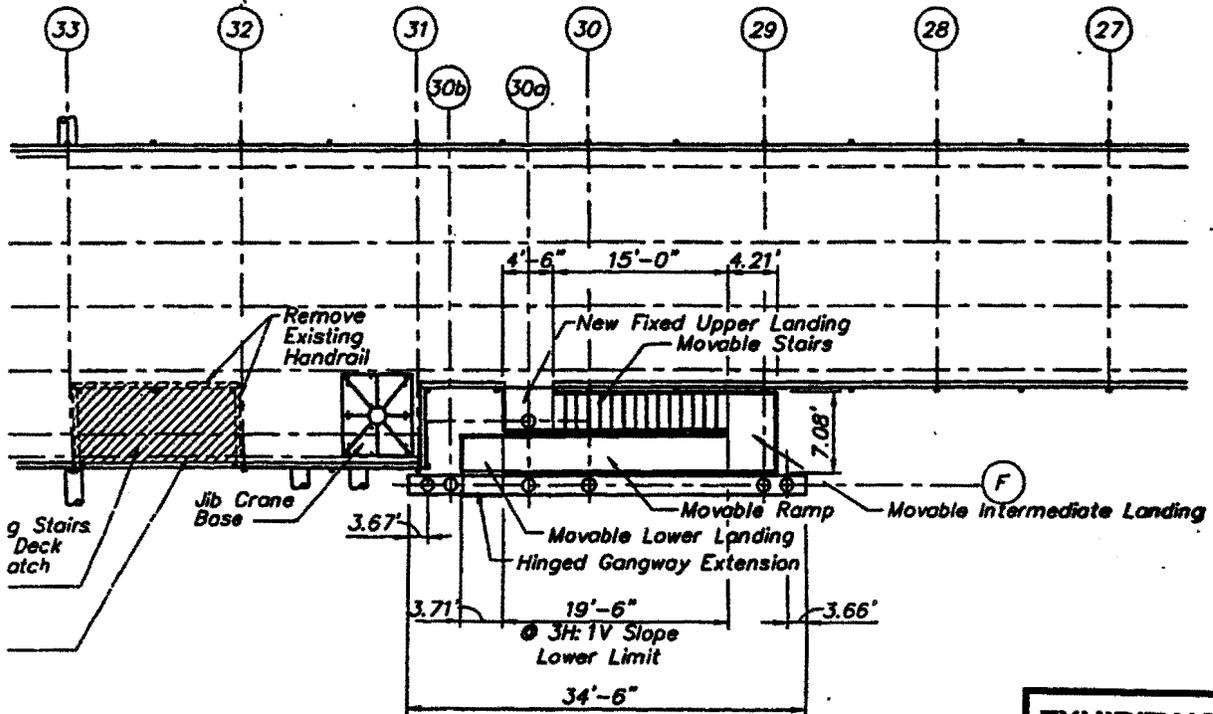
5 Of Deck
+22.0



ELEVATION @ HIGH TIDE POSITION
1"=10'

EXHIBIT NO. 4
APPLICATION NO.
4-99-111
Calif Parks & Rec





PLAN
1"=10'

EXHIBIT NO. 5
APPLICATION NO.
4-99-111
Calif Parks & Rec

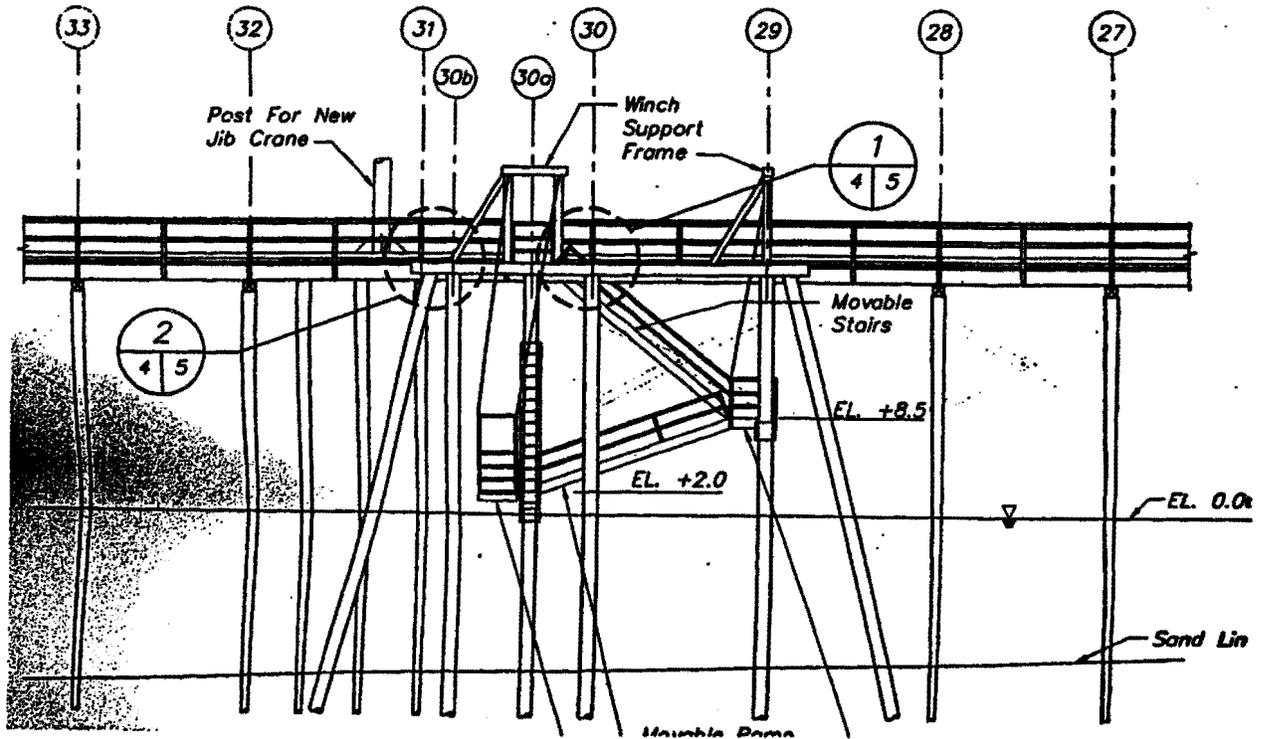


EXHIBIT NO. 6
APPLICATION NO.
4-99-111
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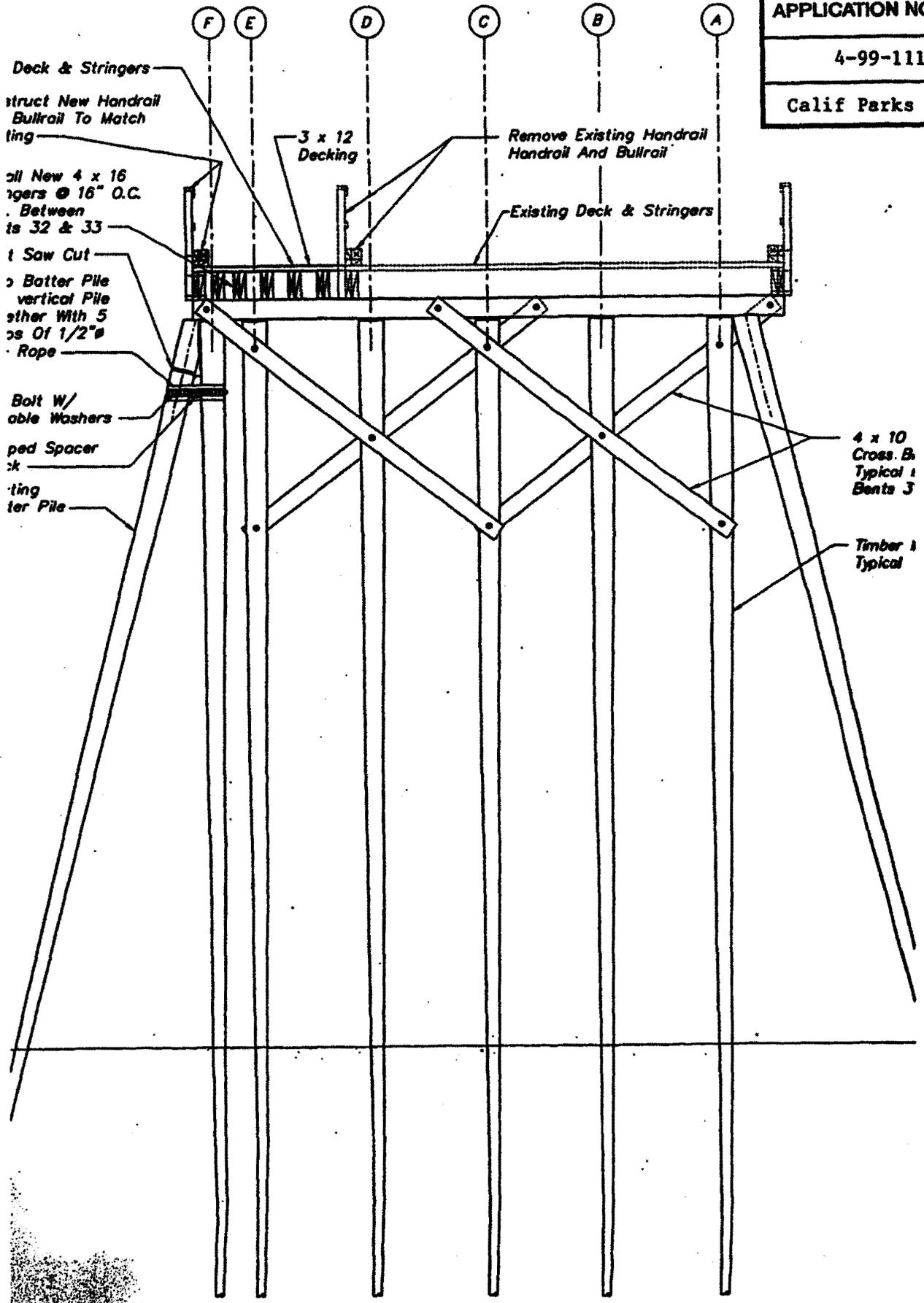
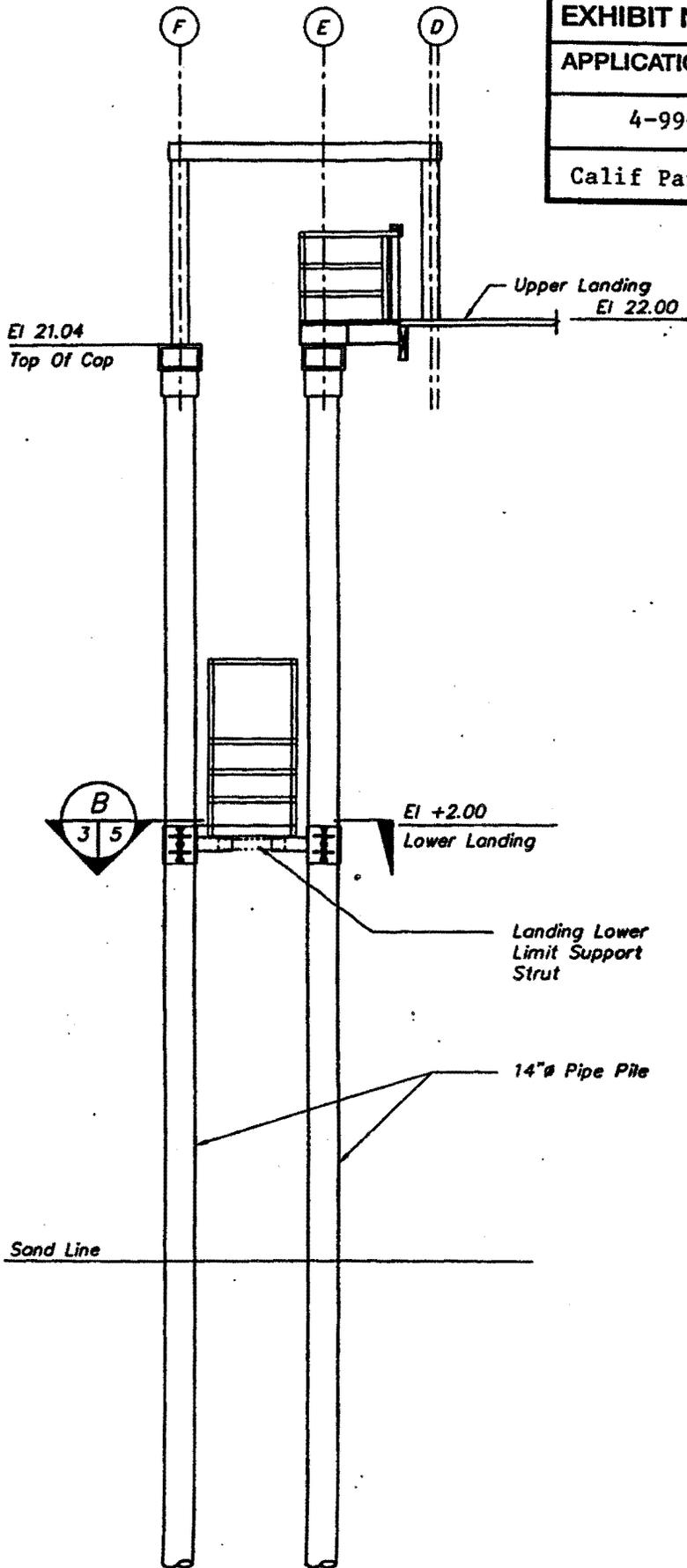
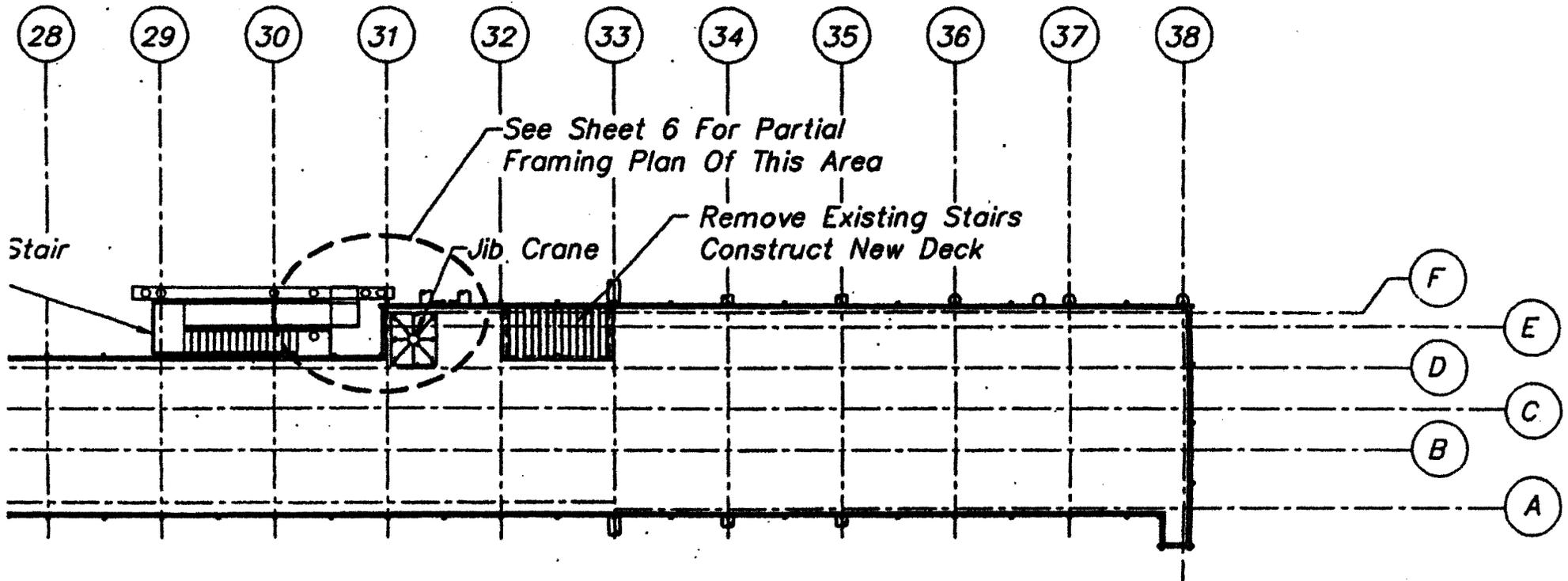


EXHIBIT NO. 7
APPLICATION NO.
4-99-111
Calif Parks & Rec



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FINAL



NOTE:

Relocate Existing Fish Cleaning Sink Near
New Boat Access Stair To Location Directed
By State Representative.

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MAY 17 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

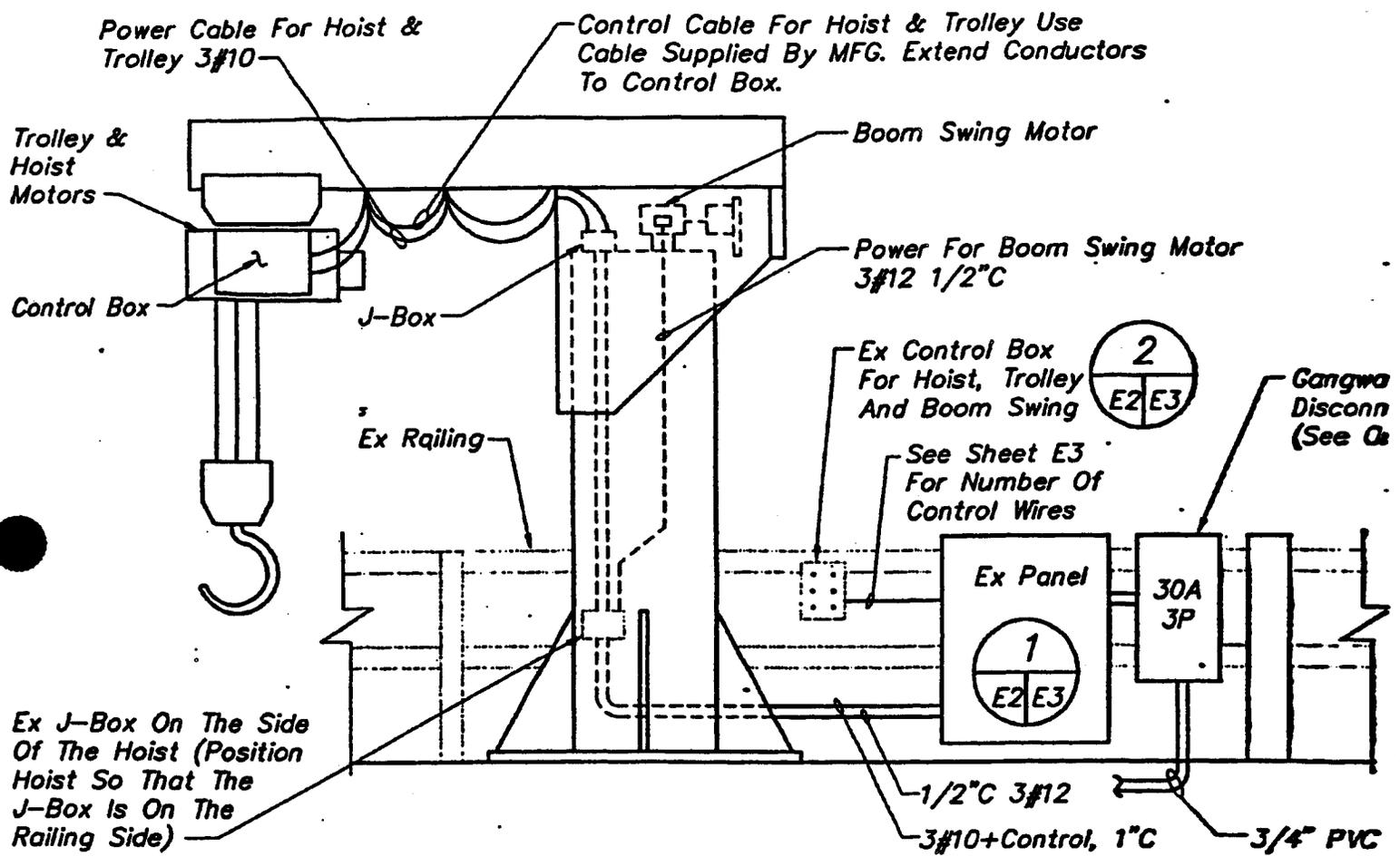
DRAWING LIST

SHEET NO.

DESCRIPTION

EXHIBIT NO. 8
APPLICATION NO.
4-99-111
Calif Parks & Rec

EXHIBIT NO. 9
APPLICATION NO.
4-99-111
Calif Parks & Rec



HOIST ELEVATION
NTS



MOFFATT & NICHOL
ENGINEERS

CHECKED BY WJM

**CALIFORNIA DEPARTMENT OF PARKS & RE
GAVIOTA STATE PARK PL
1999 REPAIR**

