

**CALIFORNIA COASTAL COMMISSION**

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Staff: AJP-LBS  
Staff Report: 3/22/05  
Hearing Date: 4/13-15/05  
Commission Action:

**W 3a****RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-03-505**APPLICANT:** City of Santa Monica**PROJECT LOCATION:** Santa Monica Pier, City of Santa Monica

**PROJECT DESCRIPTION:** Rehabilitate pier substructure including replacement of 17 lost or damaged wooden pilings with creosote treated pilings wrapped with polyethylene, wrapping or rewrapping approximately 100 existing timber piles with polyethylene wrapping, girder replacement, repair existing catwalk, and remove asphalt/ concrete from deck.

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission grant a permit for the proposed development with conditions regarding: 1) construction responsibilities; 2) water quality measures and monitoring; 3) resource agency compliance; 4) public access; and 5) written agreement to assume all risk. As conditioned, the proposed development conforms with the marine resource protection and coastal access policies of the Coastal Act.

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**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, and will not have any significant adverse effects 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 this permit is reported to the Commission. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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. Construction Responsibilities and Debris Removal**

Applicant shall not allow discharge of silt or debris into coastal waters as a result of this project. By acceptance of this permit, the applicant agrees that the

permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- C. Any and all debris resulting from construction activities shall be removed from the beach and pier area on a daily basis and disposed of at an appropriate location.
- D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- E. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- F. Silt curtains will be utilized to control turbidity during placement of all piles.
- G. Netting, tarps and/or other forms of barriers shall be installed between the water and the pier to prevent any unpermitted material from entering the Pacific Ocean.
- H. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- I. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- J. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- K. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- L. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- M. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.

## **2. Timber Treatment**

- A. Timber pilings treated with creosote may be used only if wrapped PRIOR TO INSTALLATION in a water tight plastic (i.e. polyethylene) sleeve, and in a manner acceptable to the Executive Director as follows:
  - 1. The plastic wrapping material shall be a minimum of one-tenth of an inch thick and durable enough to maintain its integrity during pile driving and for at least ten years thereafter.
  - 2. All joints shall be sealed to prevent leakage.

3. Measures shall be taken to prevent creosote from dripping over the top of the plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
4. The plastic wrapping on piles shall extend a minimum of 18 inches below the mudline.

Unwrapped timber treated with creosote may be used for diagonal bracing below the pier deck only where it will not come into contact with marine waters.

- B. Inspection and Maintenance Program. In order to ensure the integrity of each pile and its plastic wrapping, the permittee shall inspect each pile installed under this permit, on the day of installation and on an annual basis thereafter. The pile inspections shall be undertaken at low tide by boat, SCUBA or other equally effective method. For the life of the piles, the permittee shall provide to the Executive Director an annual report with photographs containing the results of the annual pile inspection and a description of the repairs necessary to maintain the integrity of the piles and their wrappings. If the pile inspection indicates that repairs are necessary, the applicant shall immediately complete those repairs that are exempt from coastal development permit requirements, and shall apply for an amendment to this permit for those repairs requiring a permit. The Executive Director shall determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.
- C. New Information. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for pile replacement, and are feasible to implement, the permittee shall, after consultation with the Executive Director, revise procedures or use alternative materials consistent with the new information. The substitution of alternative pile materials may be authorized by the Executive Director if the Executive Director determines that substitute material has no potential for significant adverse impacts upon coastal resources. Other revisions, including but not limited to the use of other preservative-treated, wrapped or coated piles, may require an amendment to this permit.

### 3. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**4. Public Access To and Along the Shoreline**

The applicant and the development shall not interfere with public access along the shoreline in the project area (except for the temporary disruptions that may occur during the completion of the permitted development).

**5. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant**

**A.** By acceptance of this permit, the applicant, City of Santa Monica, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicant, City of Santa Monica, 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; (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; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of subsection A of the prior condition.

**B.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City of Santa Monica, as applicant, shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. Project Description and Location**

The City of Santa Monica proposes to rehabilitate the existing pier substructure including replacement of 17 lost or damaged wooden pilings with creosote treated wooden piles wrapped with polyethylene; wrapping approximately 100 existing timber piles with polyethylene; girder replacement; repair existing catwalk; and remove asphalt/ concrete located along the western portion of the deck.

Piles to be replaced or wrapped are located seaward of the mean high tide line. The girder replacement, catwalk repair, and asphalt removal is atop or underneath the pier platform and not in the water.

In December 2003, the Commission issued an emergency permit (no. 5-03-505G) for the immediate replacement of approximately 17 deteriorated or missing wooden pier pilings supporting the Santa Monica municipal pier, including timber caps and beams atop each pile. The 17 replacement piles were creosote treated pilings wrapped in polyethylene. All 17 wooden piles have been replaced under the emergency permit and the applicant is applying for a Coastal Development Permit to permit the permanent placement of the 17 piles, as well as additional work described above to strengthen the pier structure. No additional pile replacement is being proposed.

Although creosote and other chemically treated wooden piles are normally prohibited on pier piles in state waters, the California Department of Fish and Game does allow creosote treated piles for piling replacement projects if the piles are wrapped to prevent seepage of any of the chemicals into the marine environment.

The pier is approximately 1,600 feet long and a maximum of 270 feet wide. The existing pier platform consists of 413,056 square feet of area. The existing pier consists of a wood deck supported by approximately 2,000 wood and concrete piles.

The pier is located at the terminus of Colorado Boulevard in the City of Santa Monica. The Municipal Pier was built at the present Pier location in 1908. The Pleasure Pier (also known as the Newcomb Pier) was built adjacent to the Municipal Pier in 1916. The Pier's current uses include a number of restaurants, fast food establishments, small retail shops, an arcade, amusement ride area, and public parking. The western end of the pier is used for fishing and is improved with the Harbor Guard office and a display area for pier history and marine related issues, bait shop, and a restaurant.

## **B. Water Quality**

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters, or any release of sewage, would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction; and requires monitoring and maintenance of the system. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

**C. Access**

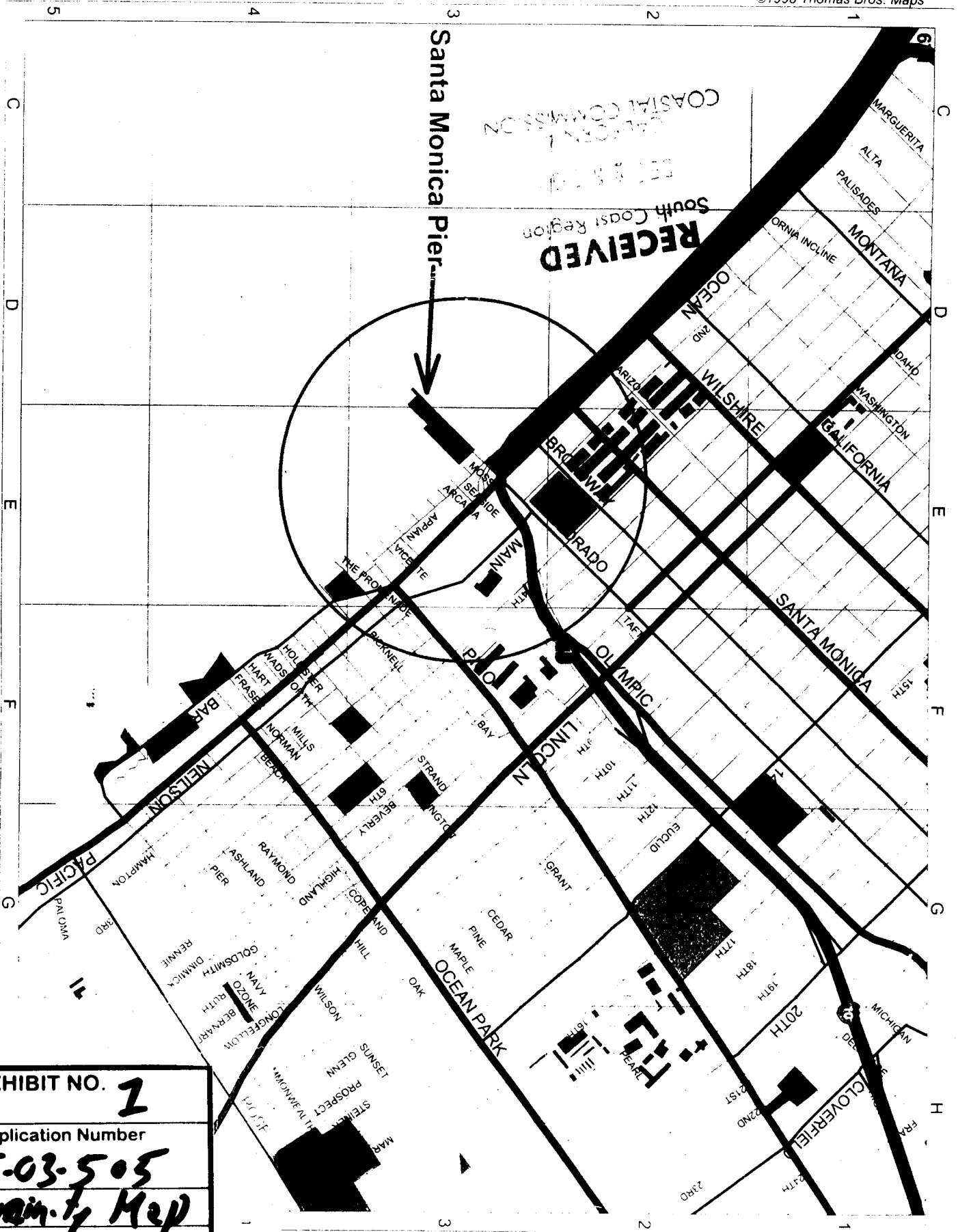
Construction activity on the pier could affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. Local Coastal Program**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**E. California Environmental Quality Act**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Santa Monica Pier

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 11/18/98

EXHIBIT NO. <b>2</b>
Application Number <b>5-03-505</b>
<b>Viewing Map</b>
California Coastal Commission

5-03-505





DATE: 10/1/81  
PROJECT: Pier  
SHEET: 1 OF 1

NO.	DESCRIPTION	DATE
1	Asphalt Removal	
2	Pile replacement and Pile wrapping	

NO.	DESCRIPTION	DATE
1	Asphalt Removal	
2	Pile replacement and Pile wrapping	

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1	Asphalt Removal	
2	Pile replacement and Pile wrapping	

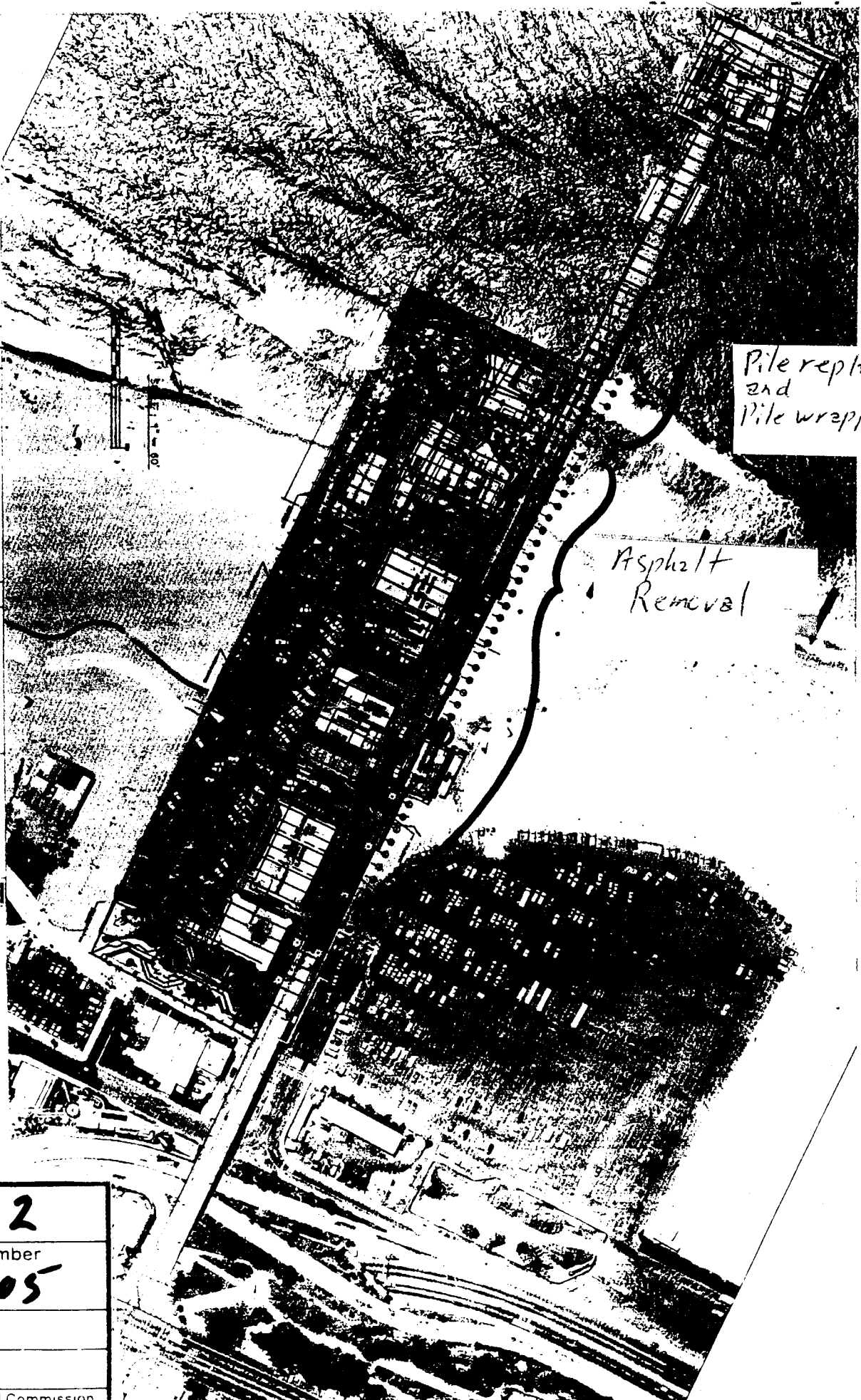


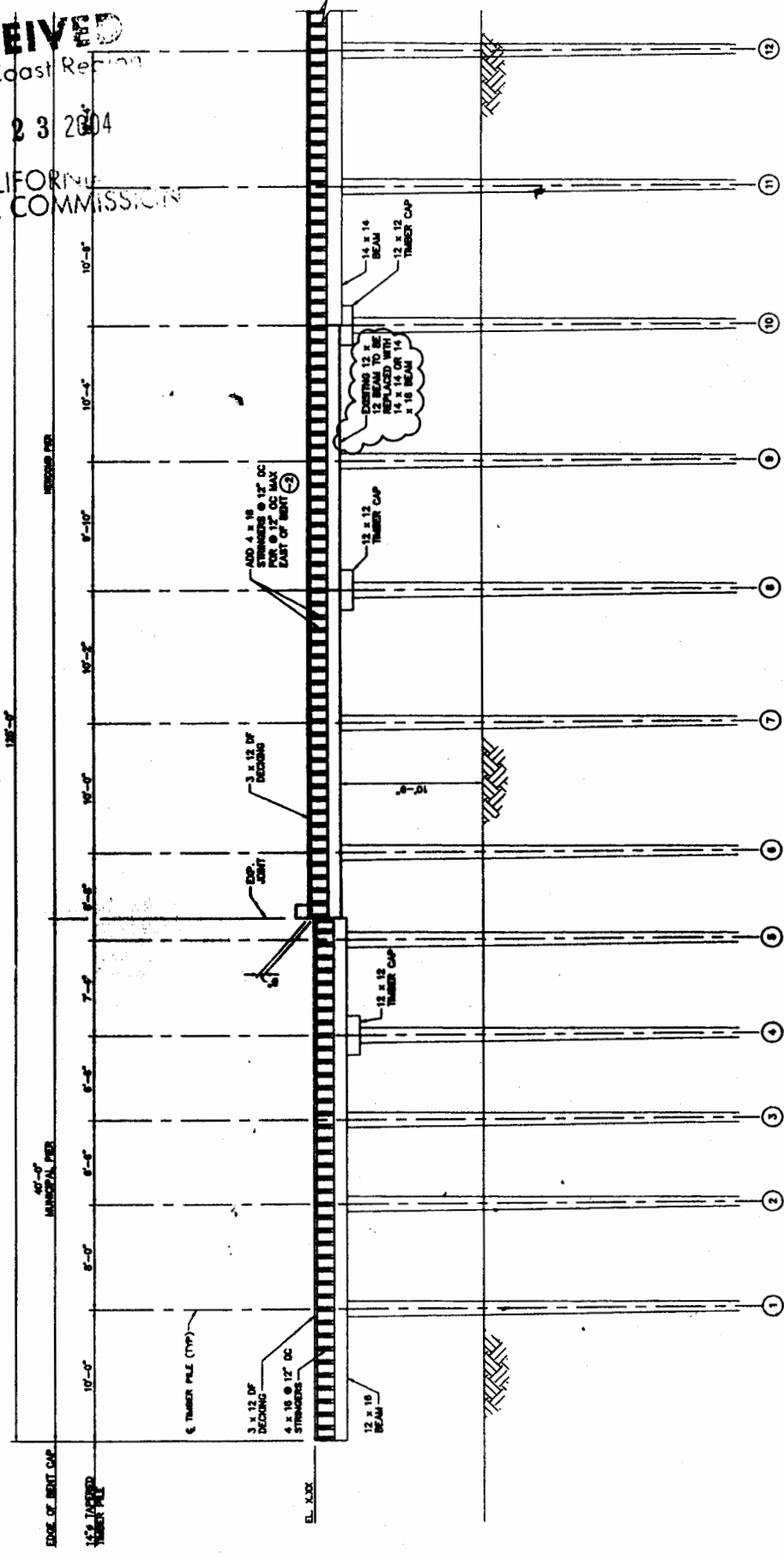
EXHIBIT NO. <b>2</b>
Application Number <b>5-03-505</b>
<b>Pier</b>
California Coastal Commission

5-03-505

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TYPICAL SECTION BENT NO. 2  
1/4" = 1'-0"

NOTE:  
ALL DIMENSIONS ARE ±

**BY SUBMITTAL**

**EXHIBIT NO. 3**

Application Number  
**5-03-505**

*Typical*  
**Cross-Section**

California Coastal Commission

DATE: _____	PROJECT: _____
SCALE: _____	DESIGNER: _____
APPROVED: _____	CHECKED: _____
<b>MORRATT &amp; MORRIS</b> CIVIL ENGINEERS AND ARCHITECTS 1000 S. GARDEN ST., SUITE 200 ANAHEIM, CALIF. 92805	
CITY OF SANTA MONICA Civil Engineering & Architecture 1200 S. SANTA MONICA BLVD., SUITE 200 SANTA MONICA, CALIF. 90401	