

CALIFORNIA COASTAL COMMISSION

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**W4a**

Filed: May 26, 2011
49th Day: July 14, 2011
180th Day: November 22, 2011
Staff: John Del Arroz - LB
Staff Report: July 21, 2011
Hearing Date: August 10-12, 2011
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-10-052

APPLICANT: Los Angeles County Dept. of Public Works

PROJECT LOCATION: Concrete bike trail along the beach, from 850 feet south of Culver Boulevard in Playa Del Rey to 38 feet north of Grand Avenue in El Segundo.

PROJECT DESCRIPTION: Repavement and realignment of sections of the Marvin Braude Bike Trail, totaling 1.71 miles of improvements

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the proposed project with five (5) special conditions regarding: 1) staging areas and beach access; 2) construction responsibilities and debris removal; and 3) avoidance of impacts to native vegetation; 4) assumption of risk/waiver of liability; and 5) permit compliance. As conditioned, the proposed development does not adversely affect visual resources or public access and recreation. **See Page Two for the motion to carry out the staff recommendation.** The applicant agrees with the staff recommendation. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

LIST OF EXHIBITS:

1. Vicinity Map
2. Site Plan

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit with special conditions:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. 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. Beach and Recreation Area Closures, Maintenance of Public Access, and Project Staging Areas**

A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval detailed plans which identify the specific location of staging and equipment storage areas, areas where any debris and excavated soils are proposed to be temporarily stockpiled, and the access corridors to the project site. Said plans shall include the following criteria and limitations specified via written notes on the plan:

- a. In order to reduce adverse impacts on public access and recreation, the construction phase of the beach improvements project at Dockweiler State Beach shall be limited during peak summer time months (between Memorial Day weekend and Labor Day of each year). During the peak summer time months the following restrictions shall apply:
 - No construction of any kind shall take place during weekends or holidays
 - Staging areas or construction activities shall not result in impacts to the public parking supply
- b. During non-peak winter months (from the day after Labor Day through the Thursday before Memorial Day weekend), staging areas are allowed to occupy public parking areas, so long as the footprint of such staging areas are reduced to the minimum footprint feasible.
- c. During all times of the improvement project the beach shall remain open to the public. Closures of the bike path shall not obstruct vertical access to the water by pedestrians. Detours around active construction areas for pedestrian vertical access shall be minimized to the greatest extent feasible, and shall not exceed a distance of 300 feet.
- d. Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line. To the maximum extent practicable, the storage stockpile areas shall be located on existing paved surfaces. These areas shall be fenced-off to prevent any encroachments of equipment or debris within 100 feet of the mean high tide line
- e. Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and existing public parking areas.

B) The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported 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.

2. Construction Responsibilities and Debris Removal

By acceptance of this permit, the permittee 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 demolition debris, construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wind or rain erosion or dispersion.
- B. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. 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.

- C. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- D. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
- E. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.
- F. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- G. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- H. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition.

3. Impacts to Native Vegetation

Prior to issuance of the Coastal Development Permit, the applicant shall submit a set of revised plans which clearly indicates that the proposed project will avoid all impacts to native vegetation. If, during construction, areas of native vegetation are impacted, the applicant shall submit an application for an amendment to this permit to restore the affected area.

4. Assumption of Risk, Waiver of Liability and Indemnity Agreement

Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, flooding, and erosion; (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.

5. Permit Compliance

Coastal Development Permit 5-10-052 permits only the development expressly described and conditioned herein. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project would result in alterations and repairs to a portion of the Marvin Braude Bike Trail, from 850 ft south of the intersection of Culver Boulevard and Pacific Avenue in Playa Del Rey, to 38 feet north of Grand Avenue in El Segundo, an area located within Dockweiler State Beach. The Marvin Braude Bike Trail is a paved bike path located on the sandy portion of the beach, and extends from Torrance to Pacific Palisades in the City of Los Angeles. The proposed project only includes improvements to the path in Playa Del Rey, and would result in removal of damaged sections of the existing path, slurry and crack sealing of existing pavement, and realignment of curved segments of the path to reduce the severity of curvature. The length of improvements to the path totals 1.71 miles.

B. Public Access and Recreation

The proposed project, as conditioned, would not result in adverse impacts to public access. The proposed repairs and replacement of the existing pavement would allow for the continued use of a valuable lateral public accessway. The bike trail provides a convenient way for residents and visitors to travel along the beach, and helps the public to reach areas of the

beach that are farther from public access points. Additionally, it serves as a continuous linkage to beaches in the region, and as a valuable low cost visitor serving facility.

Due to the construction activities occurring on the bike path, lateral access along the bike path will need to be closed during construction. However, construction will not result in a major impact to public access, as the County has provided a detour plan which minimizes the impacts of construction on public access. In the northern to middle portion of the project area, the public will be redirected from the bike path to a service road located just inland of the bike path. At the southern portion of the project area, one lane of the bike trail will be closed at a time, to allow the public to walk their bikes through the construction area. As proposed, the detour plan would allow bicyclists to pass through the project area without significant disruption.

Vertical pedestrian access will also be affected by construction activities. In order to reduce impacts to the public's right to access the water, the Commission imposes Special Condition 1, requiring the applicant, prior to issuance of the permit, to submit a staging plan, and vertical access detour plan, requiring detours to pedestrian vertical access to not exceed a 300 foot distance. If the applicant proposes to work within the peak summer period (Memorial Day to Labor Day), Special Condition 3 further requires that construction shall not take place on weekends or holidays.

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Coastal Resources

The proposed project includes construction on the sandy portion of the beach. In order to protect the marine and beach environment from construction debris, the Commission imposes special condition 2, requiring the applicant to conform to best management practices regarding debris removal, and prevention of polluted runoff.

The applicant has submitted a vegetation survey of the project area which indicates that native vegetation is located adjacent to sections of the proposed bike path reconstruction, including areas which have been identified by the applicant's consultants as Disturbed Southern Dune Scrub. The applicant does not propose to realign any segments of the bike path adjacent to native vegetation, and is limiting work in these areas to crack-sealing or removal and replacement in-kind of the existing bike path. Therefore, no impacts to native vegetation are expected to occur as a result of the proposed project. However, to ensure that incidental impacts to native vegetation do not occur, the Commission imposes Special Condition 3 which requires that the applicant avoid all impacts to native vegetation. If impacts to native vegetation do occur, the applicant will be required to apply for an amendment to this permit to restore the affected area.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

D. 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 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. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. 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.

F. California Environmental Quality Act (CEQA)

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.

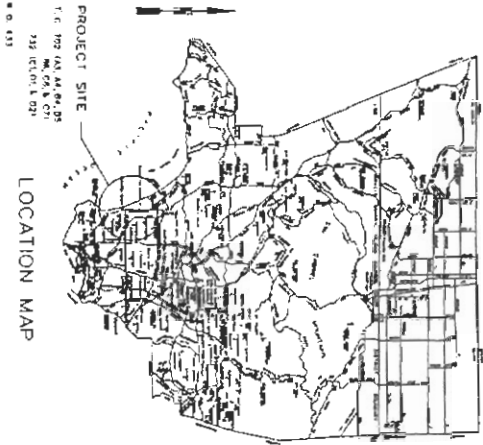


COASTAL COMMISSION

5-12-052

EXHIBIT # _____

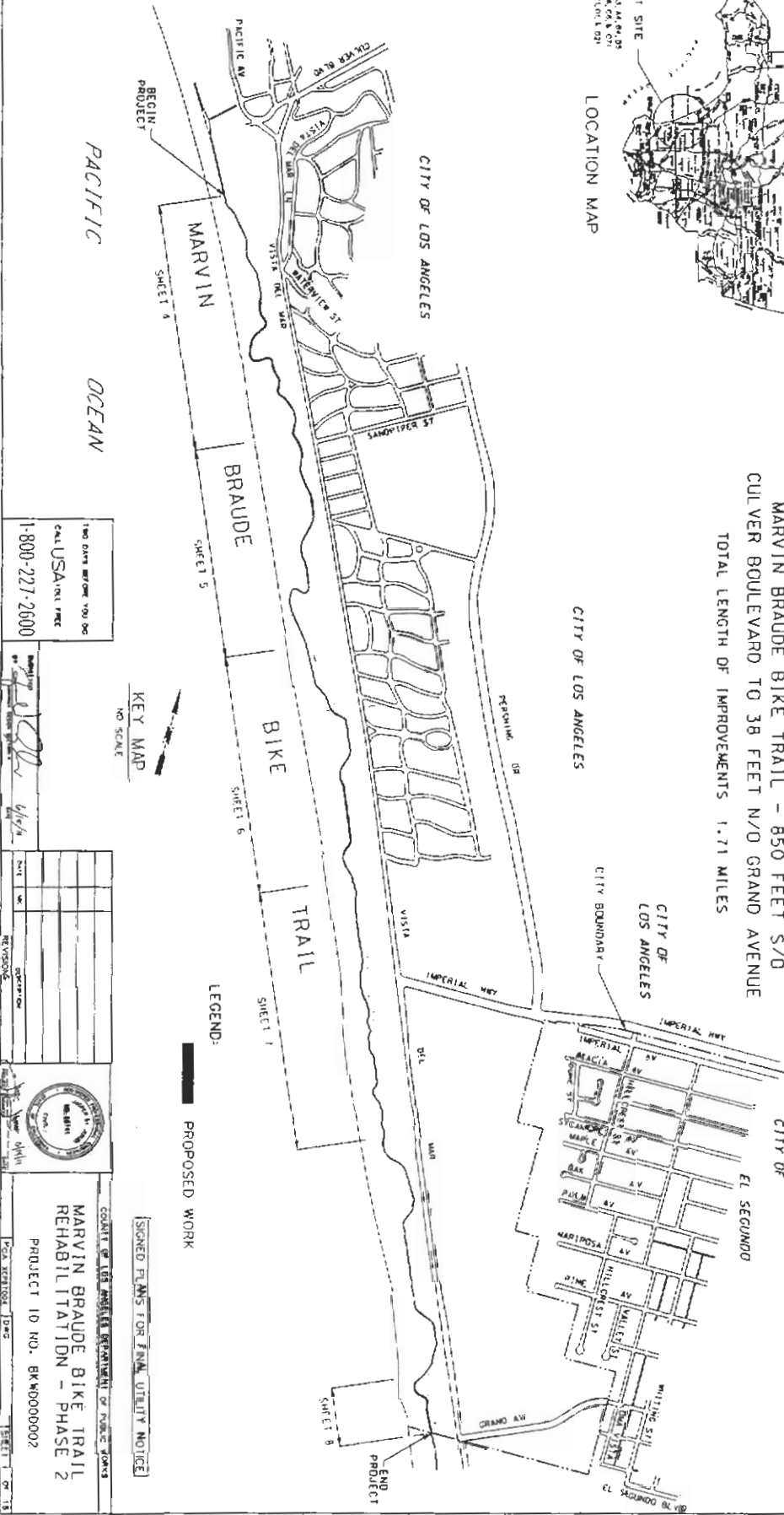
PAGE _____ OF _____



COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

MARVIN BRAUDE BIKE TRAIL REHABILITATION - PHASE 2

MARVIN BRAUDE BIKE TRAIL - 850 FEET S/O
 CULVER BOULEVARD TO 38 FEET N/O GRAND AVENUE
 TOTAL LENGTH OF IMPROVEMENTS 1.71 MILES



INDEX

SHEET 1	MALE SHEET
SHEET 2	FEMALE SHEET
SHEET 3	SECTION 1
SHEET 4 TO 8	SECTION 2
SHEET 9 TO 18	SECTION 3
PLAN 10	SECTION 4
PLAN 11	SECTION 5

COASTAL COMMISSION

EXHIBIT 2
 PAGE 1 OF 1

5-10-052

TWO DAYS BEFORE YOU GO
 CALL USA 1-800-221-2600

KEY MAP
 NO SCALE

DATE	TIME	REVISION

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
 MARVIN BRAUDE BIKE TRAIL
 REHABILITATION - PHASE 2
 PROJECT ID NO. BKMD000002