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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

RECORD PACKET COPY

Filed: 10/4/96
49th Day: 11/22/96
180th Day: 4/2/97
Staff: CP-LB
Staff Report: 10/17/96
Hearing Date: Nov. 12-15, 1996
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-95-293-A
APPLICANT: City of Los Angeles
AGENT: Kathleen Chan, Department of Recreation & Parks
PROJECT LOCATION: Venice Pier, Venice, City of Los Angeles, Los Angeles County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Restoration of the Venice public fishing pier including installation of new concrete decking, guardrails, fish cutting boards, lighting, and utility lines. All existing piles will remain. No new piles.

DESCRIPTION OF AMENDMENT REQUEST:

Amend previously approved Venice Pier restoration project to include the construction and removal of a 600 foot long temporary steel work trestle on the north side of the existing pier.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed amendment, subject to the conditions below, is consistent with the Chapter 3 policies of the Coastal Act. The special conditions require the removal of the proposed construction trestle and restoration of the site after completion of the pier restoration project. The special conditions are necessary to protect sensitive habitat areas and water quality. The City agrees with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-95-293 (Venice Pier Restoration).
2. City of Los Angeles Bureau of Engineering Approval in Concept, 9/17/96.
3. City of Los Angeles Bureau of Engineering Local Coastal Development Permit No. 95-04 (Venice Pier Restoration).
4. U.S. Army Corps of Engineers Permit No. 96-00112-FT, 3/11/96.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change in the project description. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development and the amendment, as conditioned, 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 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. Special Conditions

Note: All previous conditions of Coastal Development Permit 5-95-293 remain in full force and effect and are unchanged by this amendment. The Commission adds the following conditions to this amendment 5-95-293-A.

1. Removal of Temporary Construction Trestle

The temporary construction trestle shall be removed in its entirety from the site within one year of commencement of its construction. Pursuant to this requirement, the City shall notify the Executive Director in writing within 72 hours of the commencement of construction of the temporary construction trestle. No portion of the temporary construction trestle shall be disposed of in the coastal zone without an approved Coastal Development Permit.

2. Restoration of Temporary Construction Trestle Site

Prior to the issuance of the amendment to the Coastal Development Permit, the City shall submit photographic documentation, in a form and content acceptable to the Executive Director, which shows the current condition of the beach on which the temporary construction trestle will be located. Concurrent with the removal of the temporary construction trestle, and in no case later than one year from the commencement of construction of the temporary construction trestle, the site shall be restored to its original condition as documented in the submitted photographs.

3. Wood Treatment

The use of creosote-treated wood products is prohibited.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Project History

On January 26, 1996, the Commission approved Coastal Development Permit 5-95-293 (City of Los Angeles) for the restoration of the 1,200 foot long Venice public fishing pier (Exhibit #2). The City has now requested to amend the previously approved Venice Pier restoration project to include the construction and removal of a 600 foot long temporary steel work trestle on the north side of the existing pier (Exhibit #3). The area affected by the proposed amendment lies seaward of the historic high tide line in the Commission's area of original jurisdiction.

The Venice public fishing pier is located at the terminus of Washington Boulevard on Venice Beach (Exhibit #1). The pier was constructed in 1963 under an agreement between the City of Los Angeles and the California

Department of Fish and Game. In 1986, the pier was closed to the public because of its deteriorated and unsafe condition. With strong support from the community, the City of Los Angeles has dedicated nearly four million dollars of Los Angeles County Proposition "A" recreation funds to the restoration and reopening of the Venice public fishing pier.

The Venice Pier restoration project involves the installation of new concrete decking, guardrails and fish cutting boards along the length of the pier. The existing piles and girders will be repaired as needed. No new permanent piles are needed. All utility lines including power, water and sewer lines are proposed to be replaced, and new security fencing and lighting poles will be installed. The existing concession stand at the end of the pier and the existing pier restrooms are proposed to be renovated and upgraded to meet the requirements of the Americans with Disabilities Act.

As originally approved by Coastal Development Permit 5-95-293, the pier restoration project would be undertaken with the use of a crane stationed on the beach at the foot of the pier. The crane would be used to transport new sections of the pier deck off of trucks and onto the existing pier piles. No work was approved in the water.

The proposed amendment would alter the approved method of pier restoration by allowing the construction of the proposed 600 foot long temporary construction trestle next to the existing pier (Exhibit #3). According to the applicants, the proposed construction trestle would replace the stationary crane platform previously approved at the foot of the pier. Instead, a crawler crane would move along the top of the proposed construction trestle replacing pier decking as it moved along.

The proposed construction trestle will be supported by 24" hollow steel piles driven into the sandy bottom with a vibratory hammer. Steel caps and stringers will be welded onto the piles, then a wooden deck would be placed on top (Exhibit #3). After the pier restoration project is completed, the entire construction trestle will be removed with no foreseeable impacts to the ocean environment. Similar temporary construction trestle have been used in several instances during the construction of public recreational piers.

B. Marine Resources

The proposed project is located in coastal waters. The Coastal Act contains policies which address development in or near coastal waters. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230, 30231 and 30233 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. 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.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes 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 discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states, in part:

- (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.

Section 30233 of the Coastal Act allows filling of coastal waters and wetlands only under very limited circumstances. Under this section, any approved filling of open coastal waters must be for an allowable use, mitigation measures must be provided to minimize adverse environmental effects, and it must be found to be the least environmentally damaging alternative.

The City has requested to amend the previously approved Venice Pier restoration project to include the construction and removal of a 600 foot long temporary steel work trestle on the north side of the existing pier (Exhibit #3). The construction of the proposed temporary construction trestle below the MHTL constitutes fill in open coastal waters. According to Section 30233 of the Coastal Act, the placement of structural pilings for public recreational piers that provide public access and recreational opportunities is an allowable use. The proposed construction trestle is a temporary structure which will be used for the restoration of the Venice public fishing pier. Upon restoration, the Venice public fishing pier will provide public access and recreational opportunities to the public. Therefore, the proposed construction trestle is an allowable use pursuant to Section 30233(a)(4) of the Coastal Act.

Besides limiting the filling of coastal waters to specific uses, Section 30233 of the Coastal Act also requires that mitigation measures be provided to

minimize any adverse environmental effects. The Department of Fish and Game routinely provides the Commission with technical expertise for reviewing the environmental impacts of shoreline projects. Mitigation measures can be developed based on direction taken from the Department of Fish and Game.

In this case, the Department of Fish and Game has reviewed the proposed project and submitted comments in a review letter dated September 24, 1996 (Exhibit #5). In its review, the Department of Fish and Game stated that the proposed project would result in minor non-significant impacts to marine resources. No mitigation measures were recommended.

Although the proposed project will only have minimal impacts on the marine environment, Section 30233 of the Coastal Act requires that mitigation measures be provided to minimize any adverse environmental effects. Therefore, the amendment is conditioned to require the complete removal of the construction trestle and the restoration of the site within one year of its construction. The conditions require the City to submit photographs which show the current condition of the beach on which the temporary construction trestle will be located so that it can be restored to its original condition when it is removed. No portion of the temporary construction trestle shall be disposed of in the coastal zone without an approved Coastal Development Permit. In addition, a condition enforces the Department of Fish and Game's routine prohibition on the use of creosote-treated wood products in the project. Finally, the original special conditions of Coastal Development Permit 5-95-293 remain in full force and effect and are unaltered by this amendment.

Section 30233 also requires that the proposed project be the least environmentally damaging alternative. The above stated conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. There is no feasible less environmentally damaging alternative that would provide the equivalent recreational and environmental benefits. Therefore, as conditioned, the proposed project is the least environmentally damaging alternative.

As stated above, the impacts of the project on marine resources are minor and short-term. Regardless of their significance, all impacts on marine resources have been adequately mitigated, and no less environmentally damaging feasible alternative has been identified. Therefore, the proposed amendment, as conditioned, is consistent with the marine resource policies of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in

conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development 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 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed development and amendment, as conditioned, is consistent with the habitat, access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development and amendment, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

D. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The Commission's conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project as amended. All adverse impacts have been minimized and there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project and amendment, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

E. ORIGINAL SPECIAL CONDITIONS OF COASTAL DEVELOPMENT PERMIT 5-95-293

1. Beach Bike Path

Public use of the beach bike path shall not be disrupted by the proposed project. In order to avoid the closure of the beach bike path, the City shall construct and open the new beach bike path route prior to closing the existing beach bike path. No construction equipment shall be parked or stored on the beach bike path route.

2. Conformance with the Requirements of the Resource Agencies

The City shall, through the acceptance of this permit, agree to comply with all permit requirements and mitigation measures of 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. In addition, the applicant shall not discard or dump construction materials, toxics, debris or refuse into any waterway.

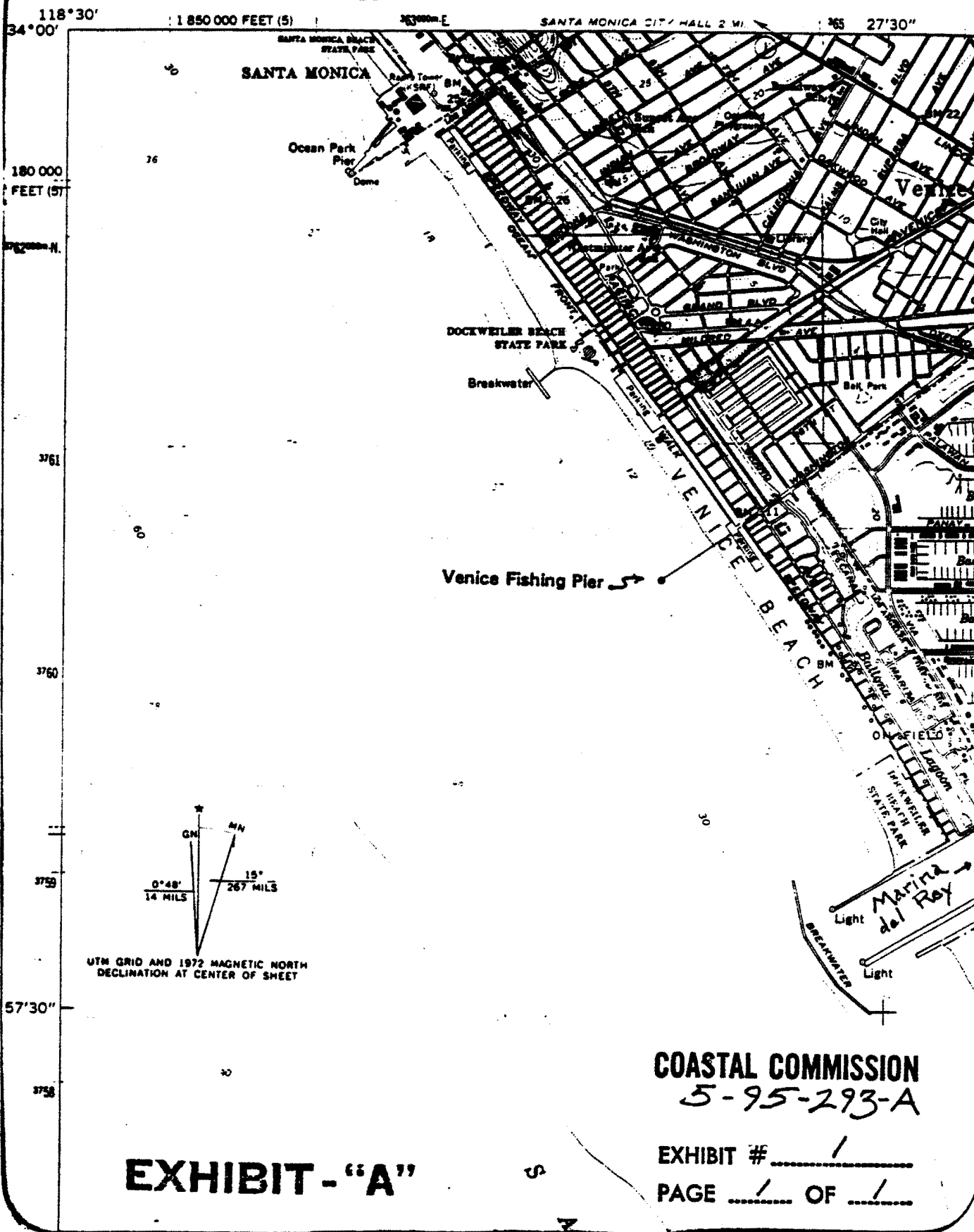
3. Public Access to Pier

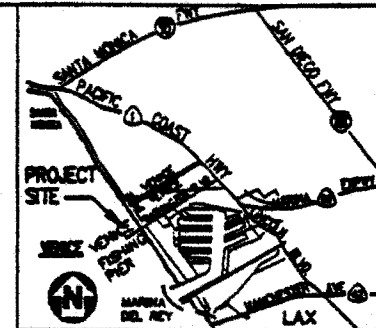
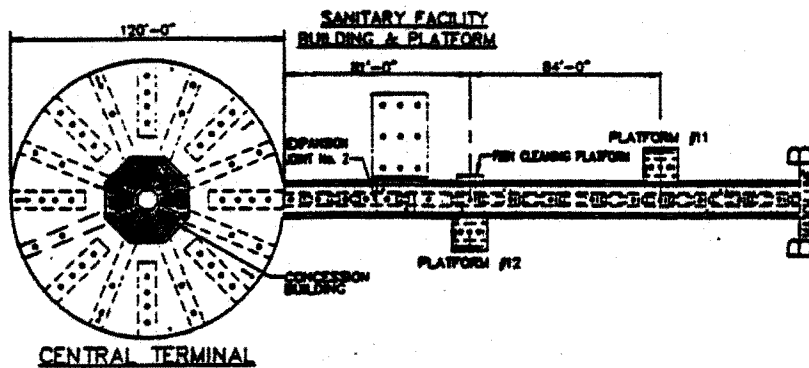
Subsequent to restoration, free unobstructed public access and recreational fishing access to and upon the Venice public fishing pier shall be provided and maintained by the City, subject to only those temporary safety limitations necessitated by unsafe conditions resulting from waves, weather or required maintenance activities.

4. Assumption of Risk

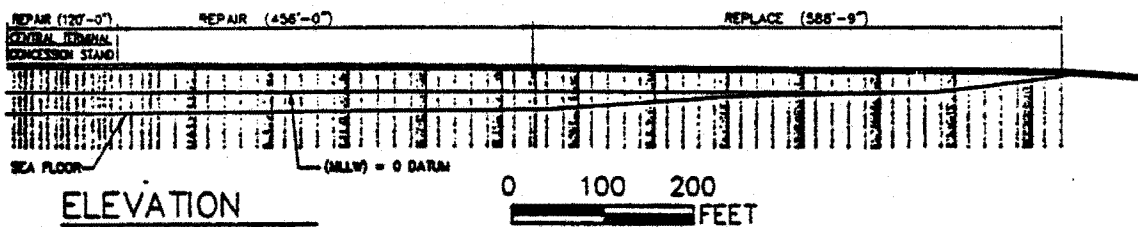
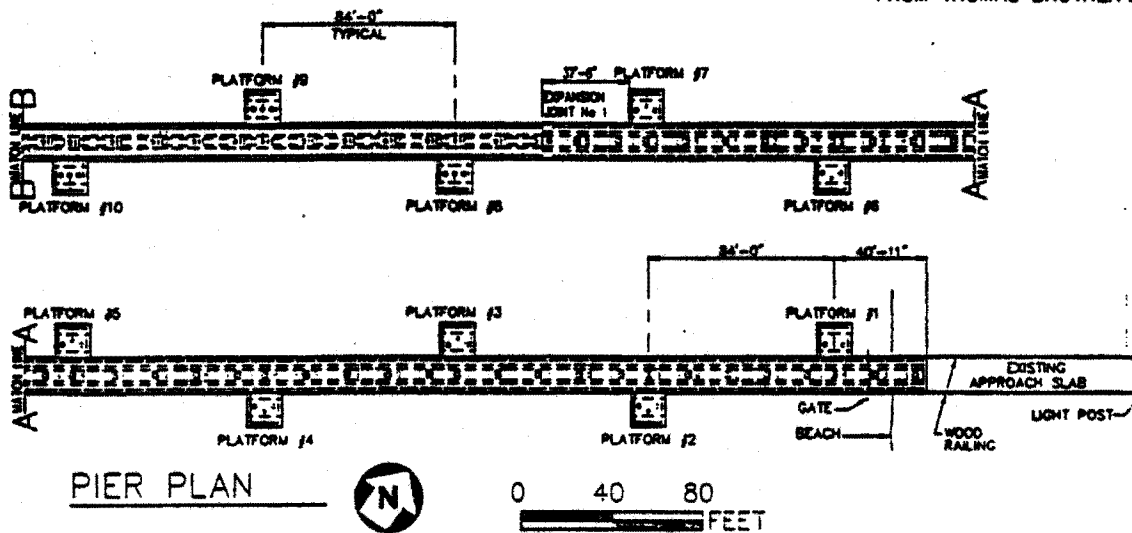
By acceptance of this Coastal Development Permit, the City agrees that: (a) the site may be subject to extraordinary hazard from storms, waves and erosion; and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards.

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





VICINITY MAP
0 1 2 3
MILES
FROM THOMAS BROTHER'S MAP



PURPOSE: Repair & Replacement
For Public Use

Datum: MLLW = 0
Adj. Property Owners:
1.
2.
3.

PLAN & ELEVATION VIEW

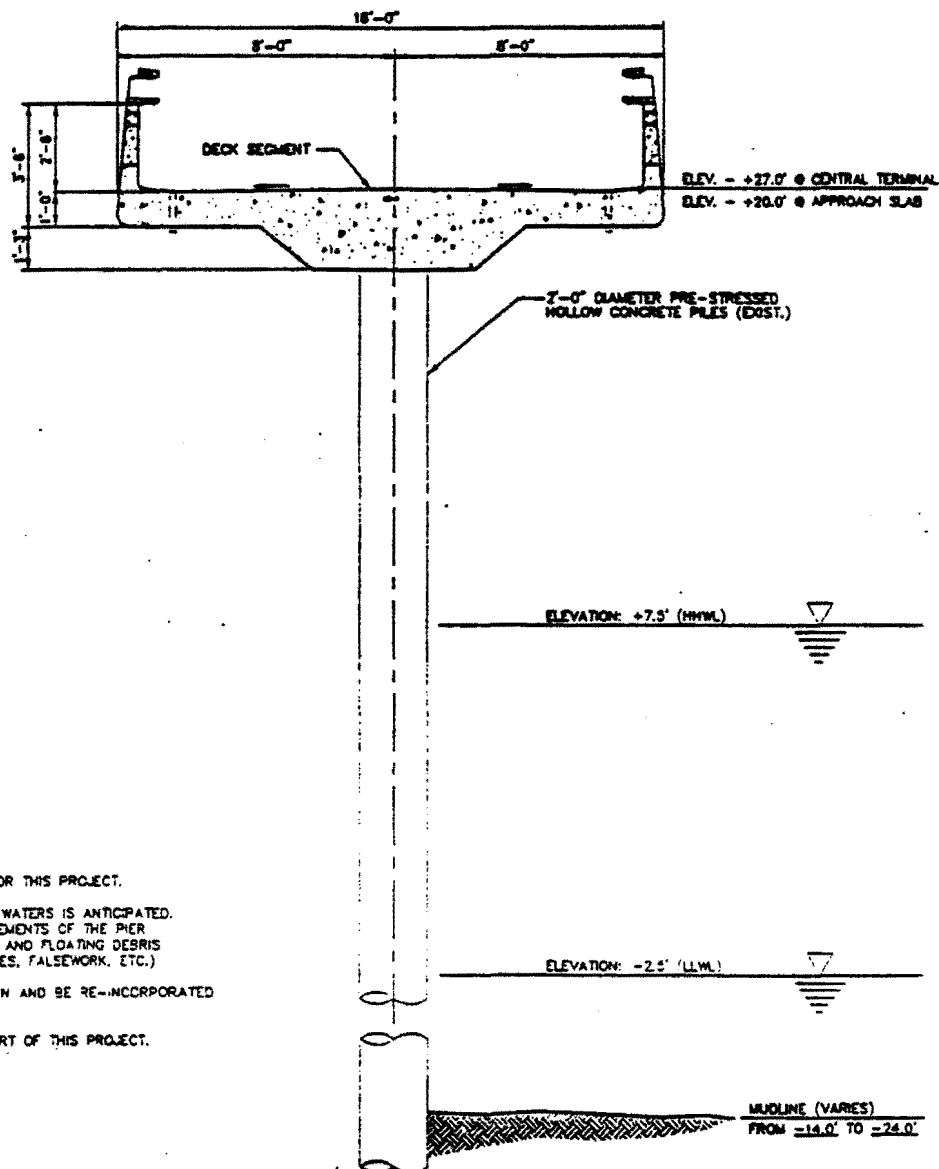
CITY OF LOS ANGELES
Dept. of Parks & Recreation
200 n. MAIN St. 13th. Floor
LOS ANGELES, CA. 90012

Proposed Repair & Replacement
Of Existing Concrete Pier Deck,
Concession Stand & Restrooms
IN:
AT:
County of L.A. State: CA.
Application By: City of L.A.
Sheet 1 of 2 Date: 6/2/95

Approved by Commission Feb. 8, 1996.

COASTAL COMMISSION
5-95-293-A

EXHIBIT # 2
PAGE 1 OF 2



NOTES:

1. NO DREDGING IS REQUIRED FOR THIS PROJECT.
2. NO DISCHARGES IN COASTAL WATERS IS ANTICIPATED. DEMOLITION OF CONCRETE ELEMENTS OF THE PIER WILL BE CONTAINED BY NETS AND FLOATING DEBRIS CONTAINMENT DEVICES (BARGES, FALSEWORK, ETC.)
3. ALL EXISTING PILES TO REMAIN AND BE RE-INCORPORATED INTO THE STRUCTURE.
4. NO NEW PILES ARE MADE PART OF THIS PROJECT.

TYPICAL 16'-0" WIDE SECTION

SCALE: 3/16"=1'-0"

PURPOSE: Repair & Replacement
For Public Use

Datum: MLLW = 0

Adj. Property Owners:

- 1.
- 2.
- 3.

TYPICAL SECTION

0 1 2 3 4 5 6
FEET

CITY OF LOS ANGELES
Dept. of Parks & Recreation
200 n. MAIN St. 13th. Floor
LOS ANGELES, CA. 90012

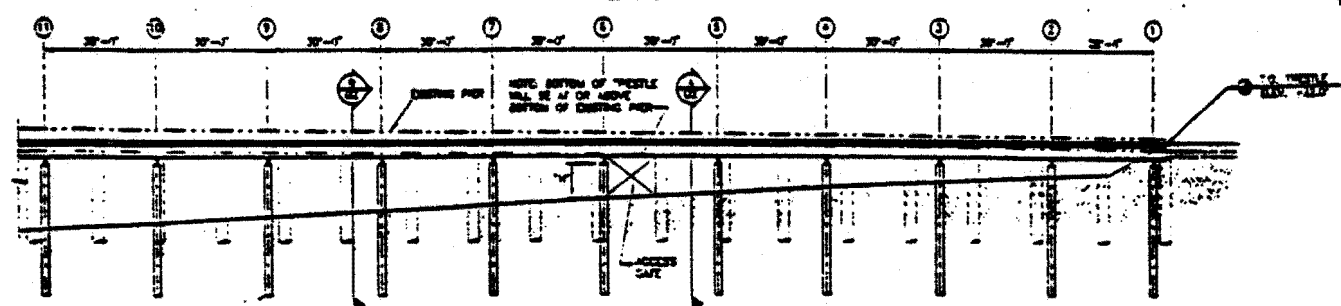
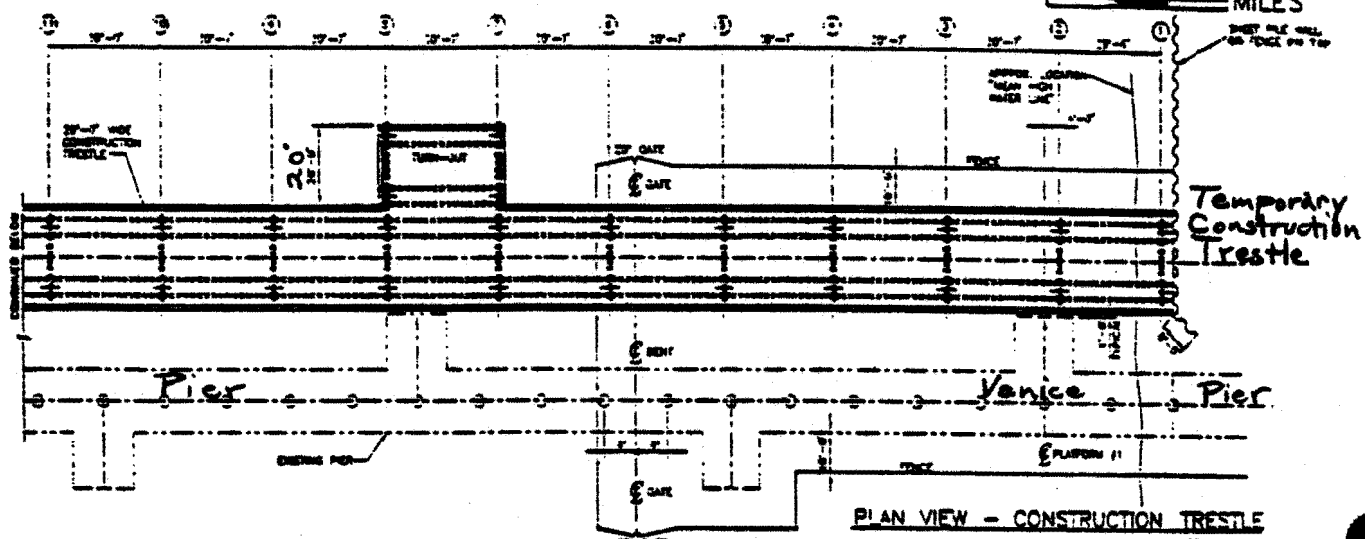
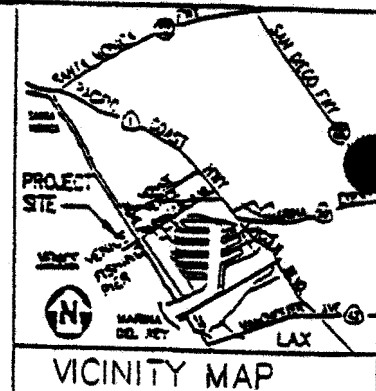
Proposed Repair & Replacement
Of Existing Concrete Pier Deck,
Concession Stand & Restrooms
IN:

AT:
County of L.A. State: CA.
Application By: City of L.A.
Sheet 2 of 2 Date: 6/2/95

COASTAL COMMISSION
5-95-293-A

EXHIBIT # 2

PAGE 2 OF 2



SCALE: 1" = 50'

PURPOSE: Addition of temporary steel work trestle.

Datum: MLLW = 0

PLAN & ELEVATION VIEW

CITY OF LOS ANGELES
Dept. of Rec. & Parks
200 N. Main St, 13th Floor
Los Angeles, CA 90012

Proposed addition of temporary work trestle to Venice Pier Restoration Project.

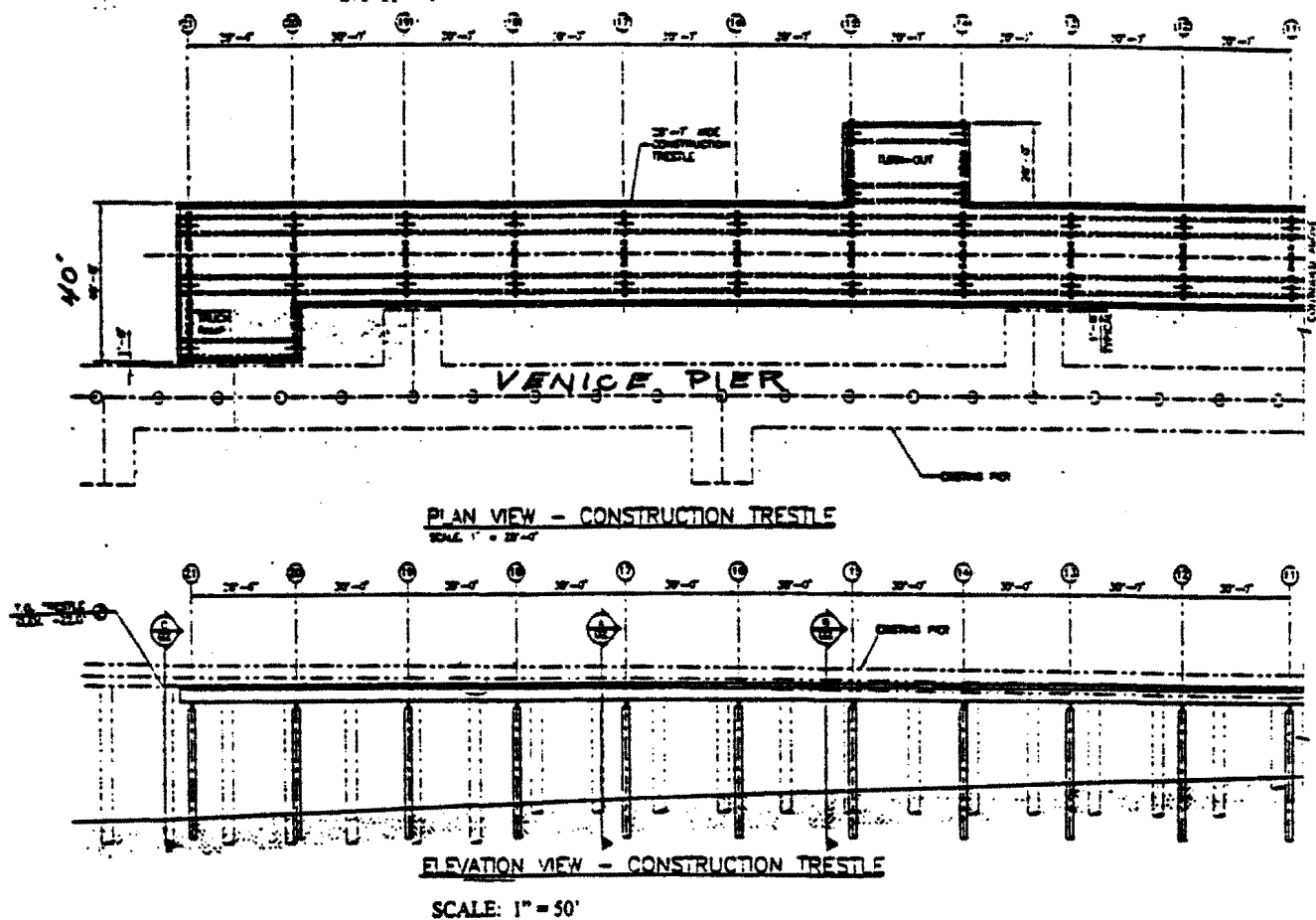
AT:
County of L.A. State: CA
Application by: City of L.A.
Sheet 1 of 3 Date: 9/12/96

COASTAL COMMISSION

5-95-293-A

EXHIBIT # 3

PAGE 1 OF 3



PURPOSE: Addition of temporary steel work trestle.

Datum: MLLW = 0

PLAN & ELEVATION VIEW

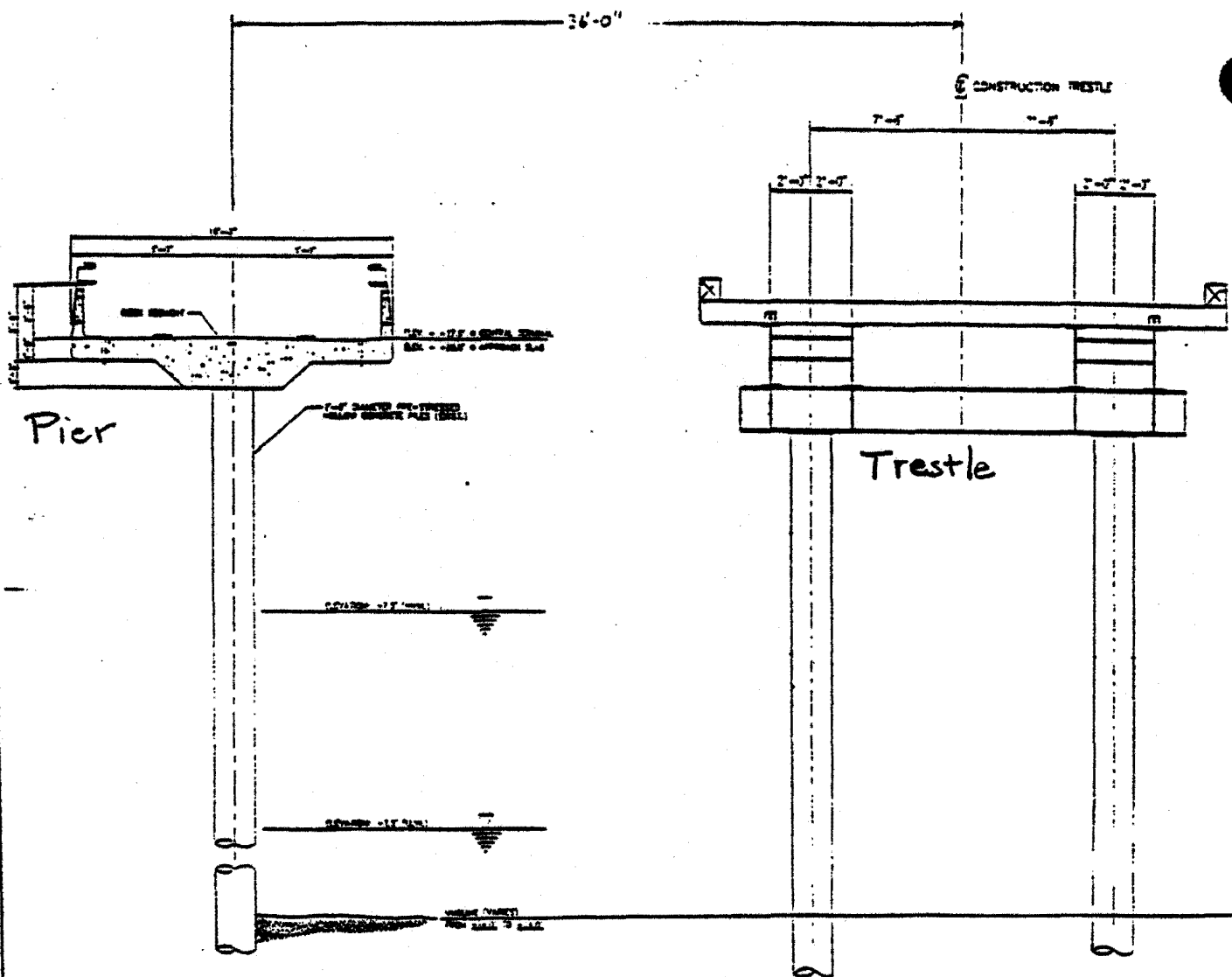
CITY OF LOS ANGELES
Dept. of Rec. & Parks
200 N. Main St, 13th Floor
Los Angeles, CA 90012

Proposed addition of temporary work trestle to Venice Pier Restoration Project.

AT:
County of L.A. State: CA
Application by: City of L.A.
Sheet 2 of 3 Date: 9/12/96

COASTAL COMMISSION
5-95-293-A

EXHIBIT # 3
PAGE 2 OF 3



PURPOSE: Addition of temporary steel work trestle.

Datum: MLLW = 0

TYPICAL SECTION

CITY OF LOS ANGELES
Dept. of Rec. & Parks
200 N. Main St, 13th Floor
Los Angeles, CA 90012

Proposed addition of temporary work trestle to Venice Pier Restoration Project.

AT:
County of L.A. State: CA
Application by: City of L.A.
Sheet 3 of 3 Date: 9/12/96

COASTAL COMMISSION

5-95-293-A

EXHIBIT # 3

PAGE 3 OF 3



FLETCHER GENERAL CONSTRUCTION

FLETCHER GENERAL, INC.

SOUTHERN CALIFORNIA REGIONAL OFFICE

34 EXECUTIVE PARK, SUITE 100 • IRVINE, CA 92714

(714) 553-8800 • FAX (714) 553-1928

September 30, 1996

California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, CA 90802

Attn: Chuck Posner

Subject: Venice Pier Permit Amendment

RECEIVED
OCT 3 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Per our telephone conversation of 9/26/96, this letter is to clarify and further explain our Permit Amendment Application of 9/18/96 for the Venice Pier Restoration project.

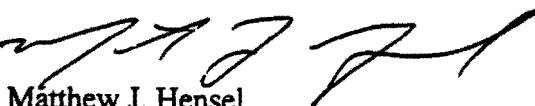
The subject of the amendment application is a temporary steel work trestle to be installed parallel to the existing pier on the North side. The trestle will begin at the beach and extend out 600'. There will be no crane on mats on the beach as shown on the original drawings. Construction of the temporary trestle will begin at the beach by driving the 24" diameter hollow steel pilings for the first 30' section (bent) utilizing a crawler crane and vibratory hammer. Steel caps and stringers are then welded to the pilings, and timber mats set on top for the deck. The crawler crane then moves on top of the trestle and the sequence repeats itself until complete. The crawler crane works from the top of the trestle during construction. Removal is the exact opposite of installation. The crane begins at the end and works toward the beach until the trestle is completely removed.

The temporary trestle will be in place for less than one year. There are no permanent impacts to the seabed floor or to the ocean water. Temporary trestles have been utilized on many Southern California Municipal pier projects. Several projects include the Redondo Beach Pier, Huntington Beach Pier, Santa Monica Pier, Scripps Pier as well as the original construction of the Venice Pier.

If you have any further questions or concerns, please contact me at (310)832-7071.

Sincerely,

FLETCHER GENERAL CONSTRUCTION


Matthew J. Hensel
Project Superintendent

COASTAL COMMISSION
5-95-293-A

EXHIBIT # 4

PAGE 1 OF 1

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090
(916) 633-4875



September 24, 1996

RECEIVED

OCT 3 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

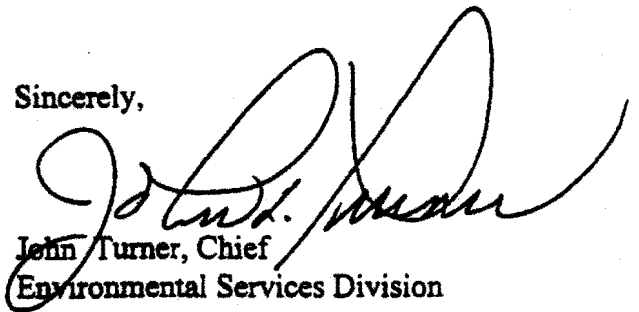
Mr. Matthew J. Hensel
Project Superintendent
Fletcher General Construction
34 Executive Park, Suite 100
Irvine, California 92714

Dear Mr. Hensel:

Department of Fish and Game personnel have reviewed your proposal for the construction of a 600-foot long by 24-foot wide temporary trestle to be used for the demolition and replacement of the existing deck of the Venice Fishing Pier. Construction and subsequent removal of the temporary trestle would result in minor non-significant impacts to marine resources and we would not object to the issuance of Coastal Commission and Corps of Engineers Permits for the proposed project.

Should you have any questions, please contact Mr. Richard Nitsos, Environmental Specialist, Environmental Services Division, Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, California 90802, (310) 590-5174.

Sincerely,



John Turner, Chief
Environmental Services Division

cc: Mr. Richard Nitsos
Department of Fish and Game
Long Beach

COASTAL COMMISSION

5-95-293-A

EXHIBIT # 5

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