

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY


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 Staff: PE-LB *pc*
 Staff Report: 4/20/00
 Hearing Date: 5/ 9-12/00
 Commission Action:

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: 5-96-176-A-1

APPLICANT: City of Los Angeles Department of Recreation and Parks

AGENT: Kathleen Chan

PROJECT LOCATION: Venice Beach, Ocean Front Walk: Marine Street to Washington Blvd. Venice (Los Angeles County)

DESCRIPTION OF PREVIOUSLY APPROVED PROJECT: Venice Beach Ocean Front Walk Refurbishment Plan proposes to resurface Ocean Front Walk, improve street lighting, construct a new bicycle path, convert the existing bicycle path for skating, improve handicap access to the beach, restore pagodas, new restrooms and a Recreation and Parks office/first aid station/police substation, create gateway features at the ends of the walkway and at Windward Plaza, construct sand/seating walls, make other recreational improvements to the basketball grandstand, skate dance area, handball, volleyball and children's play areas.

DESCRIPTION OF PROPOSED AMENDMENT: Amend special condition No 2 in order to continue demolition and construction of the walkway during summer months, based on a revised construction plan. The revised plan maintains continuous pedestrian access along entire length of Ocean Front Walk during all phases of construction.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the amendment subject to a condition to stabilize and open the entire width of the Ocean Front Walk over Memorial Day, weekend May 26-29, 2000, and if the project is not then finished, the Fourth of July holiday, (specifically Saturday, July 1 though July 4, 2000). As conditioned, the amended project is consistent with the access and recreation policies of the Coastal Act.

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,
3. Or, the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this proposed amendment to a conditionally approved permit, the proposed revision is a material change that affects a condition required for the purposes of protecting natural resources and coastal access. Therefore the Executive Director has determined that the change must be reported to the Commission and noticed to the public.

Section 13166 of the California Code of Regulations requires that an application for amendment shall be rejected if, in the opinion of the Executive Director, the proposed amendment would lessen the intended effect of a partially approved or conditioned permit, unless the applicant presents newly discovered material information, which he or she could not with reasonable diligence have discovered and produced before the permit was granted.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-96-176, pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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 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. 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) Delete the present condition 2 (Protection of Ocean Front Walk during the summer) and substitute the following:

2) PROTECTION OF OCEAN FRONT WALK DURING THE SUMMER.

The City shall permit and encourage continuous public access along the entire length of Ocean Front walk throughout the duration of the construction project. The City shall close no more than approximately half of the width of any segment of the walk at any one time. The applicant shall stabilize and open the entire width of all of Ocean Front Walk to the public during Memorial Day weekend, May 26-29, 2000, and if the walk is not complete, the Fourth of July holiday, July 1-4, 2000. Pursuant to this condition, **PRIOR TO ISSUANCE OF THE AMENDMENT TO THIS PERMIT** the applicant shall agree in writing to fill or cover all trenches and otherwise stabilize the demolished parts of Ocean Front Walk during the Memorial Day weekend, May 26 through May 29, 2000, and if the walk is not then re-paved the Fourth of July holiday, July 1 through July 4, 2000, and allow public access over the entire walk on those periods.

No other original special conditions of Coastal Development Permit 5-96-176 are changed by this amendment. The other previously adopted special conditions of Coastal Development Permit 5-96-176 as approved by the Commission on May 13, 1997 remain in force and effect.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

Ocean Front Walk is an improved 20 feet wide public walkway that extends along Venice Beach from the Santa Monica City line to Washington Boulevard. A similar,

mostly unimproved dedication exists to the south. Ocean Front Walk north of Washington Boulevard has been paved for many years and is very heavily used. In 1996 the City received approval for an ambitious project to refurbish the walk and replace the street furniture, restrooms, benches and amenities. Originally the City planned to improve Ocean Front Walk in segments: demolishing the entire width of a segment of the walk, re-paving it, and moving on to the next segment. After discussions with merchants and residents, the City has revised its plan. The new plan is to demolish only half of a width of a segment at a time, re-pave it, and then demolish the other half. This will allow access to be maintained over the entire length of the walk throughout construction. While this plan will improve public access and accelerate the completion of construction, it will require that some segments of Ocean Front Walk be demolished after the Commission's previous deadline, which was May 15.

As originally approved, Special Condition 2 states that "no removal of the surface of Ocean Front Walk shall take place between May 15 and September 15 of any year." The purpose of the condition was to assure that the public access would not be reduced during the summer time. The City now proposes to change its construction plan. The City originally planned to demolish and reconstruct the walk in two block segments. The entire width of each segment would be demolished and reconstructed. Now, instead of demolishing the entire width of each segment of the walk and then reconstructing it, the City proposes to demolish only half the width of a segment, and demolish the other half only after the first half is repaired. As a result, only half the width of each segment under construction would be impassible at any time. As a result of the new plan, continuous access along the entire length of the walk would continue during the entire construction period. The City contends that the proposed revised construction plan improves access for pedestrians and reduces the time that any business on Ocean Front Walk is closed to fewer than 10 days. This change in method would result in the resurfacing project extending to July 1, when the walk would be completely repaved. The City now requests that the Commission concur with its revised construction plan, and allow the City to extend demolition into June.

B. PUBLIC SHORELINE ACCESS, PUBLIC RECREATION

Ocean Front Walk in Venice is one of the most popular tourist attractions in southern California. Managing the repair of the walk without shutting it down has been challenging. The City contends that its present plan of shutting down only half a segment at any one time will protect access better than its original plan. Moreover, the new process will allow the City to complete re-surfacing of the walk by early July. Given that the new plan improves access, the City requests that its project be allowed to continue demolition after May 15.

The Commission imposed the condition to assure that access remained during the summer. The City contends that its alternative will provide better access during the summer. The City anticipates its attendance at the beach will rise during July, and even more in August when the Democratic Convention will take place. Part of the reason for the repair was that parts of the walk were cracked. In the view of the City accelerating the repair will actually increase and improve public access.

However, partial demolition may diminish the capacity of the walk and increase crowding. The most crowded beach holidays are Memorial Day, Labor Day and the Fourth of July. The Commission finds that it can approve the change in plan as long as the City stabilizes the parts of the walk under construction on Memorial Day weekend and allows public access on that weekend, when excess crowding on the narrower portion of the walk would be an issue. The Commission finds that there is a possibility that the construction schedule will not be met. However, if the City has not completed re-paving the walk by July 1, the Commission can approve the amendment if the City similarly stabilizes and re-opens the walk for the Fourth of July and the weekend preceding it (the Fourth of July holiday.) As conditioned to open the entire walk on Memorial Day weekend and the Fourth of July holiday, the Commission finds that the proposed project as amended is consistent with the access and recreation policies of the Coastal Act.

C. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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)(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.

As originally approved, Condition 2 states that "no removal of the surface of Ocean Front Walk shall take place between May 15 and September 15 of any year." However, the condition did not require the City to complete the improvements before summer. As a result of the new plan, continuous access along the entire length of the walk would continue during the entire construction period. This change in method would result in the resurfacing project extending to July 1, when the City anticipates the walk will be completely repaved. The alternatives are either to demolish a greater area before May 15, which the approved project would allow, and then continue paving operations, or to suspend construction in mid May and resume in the fall. The first alternative would actually impede public access more than the City's proposal.

The second alternative would result in a portion of the walk way remaining in a hazardous condition during July, August and September when visitor attendance is typically high, also impeding access. The revised construction plan would allow the City to complete the resurfacing of the walk by the early summer. The Commission finds that the revised plan provides better public access to the beach, because the access will be continuous at all times.

There are no other feasible alternatives or mitigation measures available, which will lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

PACIFIC

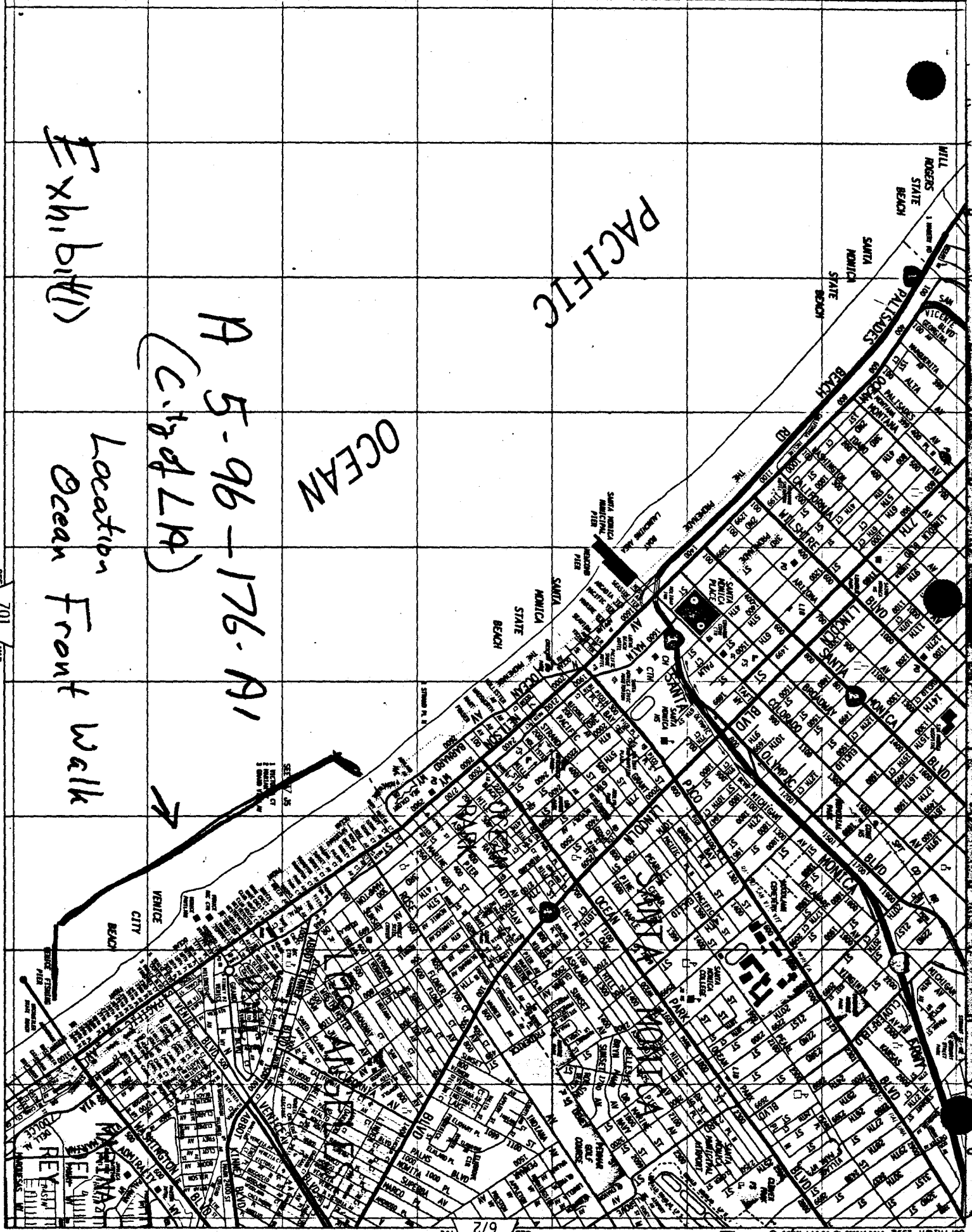
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Exhibit

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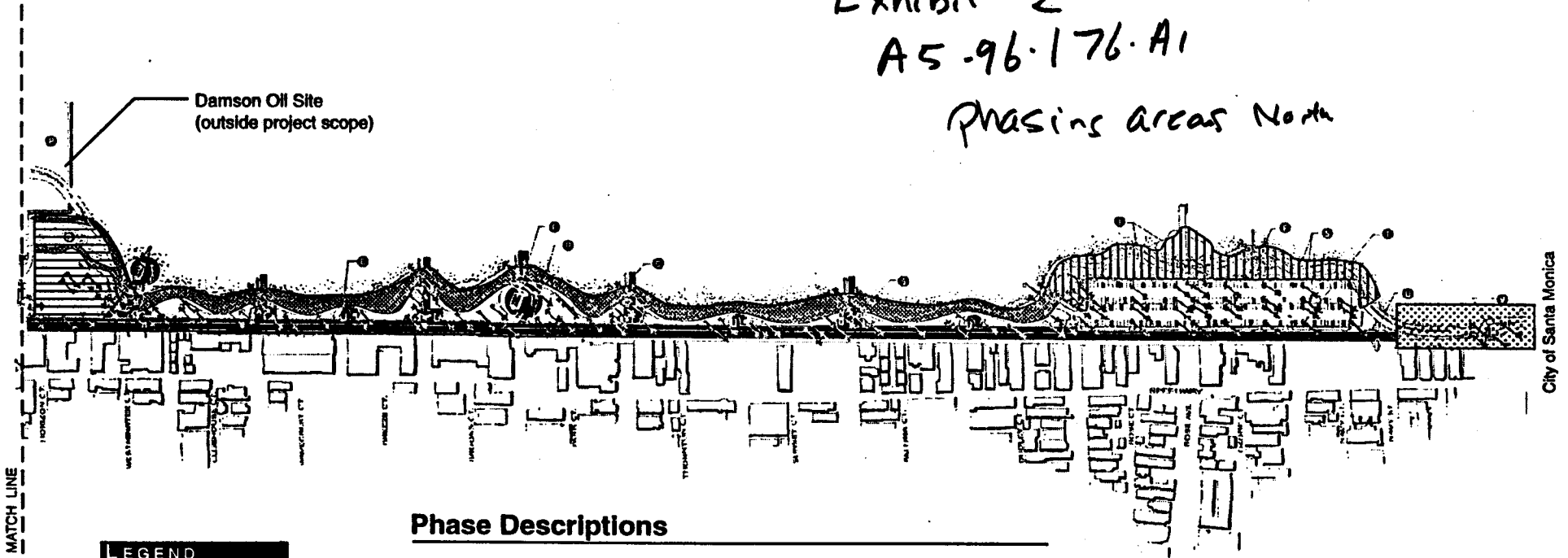
Location
Ocean Front Walk



Venice Beach Refurbishment Phasing Plan

Exhibit 2
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Phasing Areas North



Phase Descriptions

LEGEND

	Phase I
	Phase II
	Phase III
	Phase IV
	Phase V
	Phase VI
	Phase VII

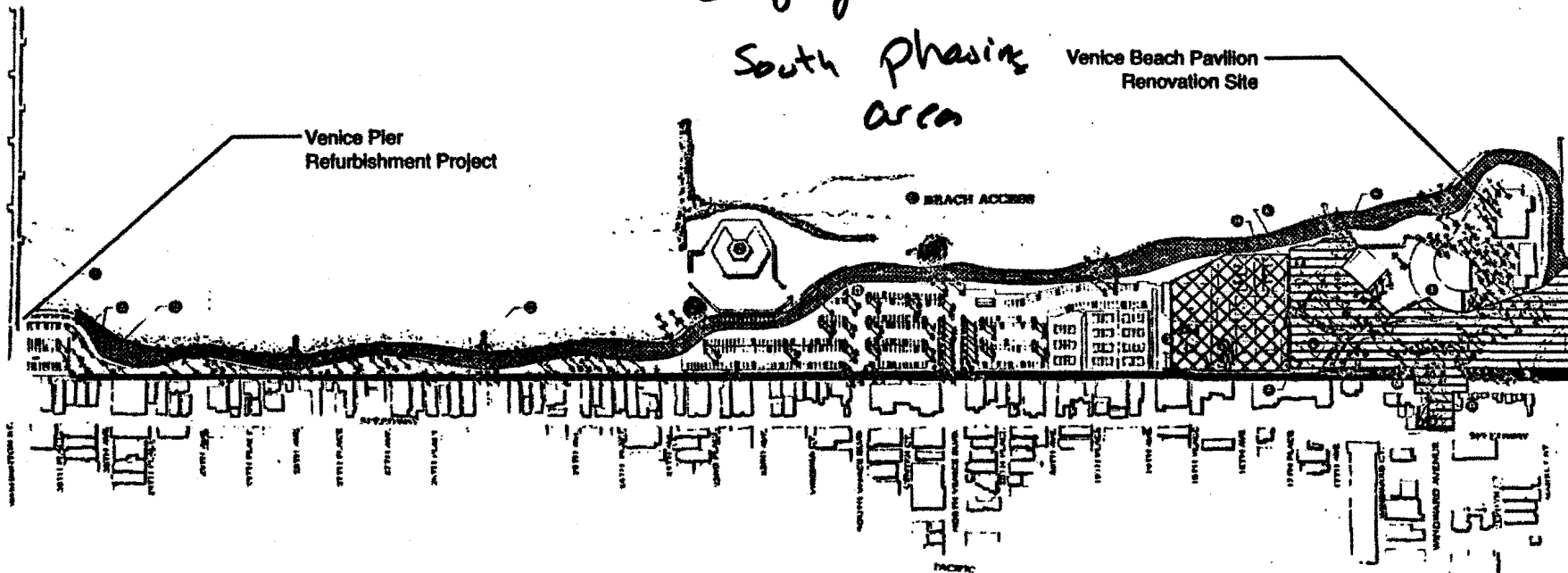
Phase I	Rose Play Area, restroom and bike path improvements
Phase II	Ocean Front Walk repaving
Phase III	Navy Improvements
Phase IV	Restroom and Pagoda reconstruction
Phase V	New and realigned existing bike path and handicap access ramps
Phase VI	Basketball court resurfacing and new Recreation and Parks/First Aid office
Phase VII	Windward Plaza and Recreation improvements

Venice Beach Refurbishment
Phasing Plan

Exhibit 3








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City of LA

South Phasing
Area



Phase Descriptions

LEGEND

-  Phase I
-  Phase II
-  Phase III
-  Phase IV
-  Phase V
-  Phase VI
-  Phase VII

- Phase I Rose Play Area, restroom and bike path improvements
- Phase II Ocean Front Walk repaving
- Phase III Navy Street improvements
- Phase IV Restroom and Pagoda reconstruction
- Phase V New and realigned existing bike path and handicap access ramps
- Phase VI Basketball court resurfacing and new Recreation and Parks/ First Aid office
- Phase VII Windward Plaza and Recreation improvements

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*Special
Conditions
on
Existing Permit***SPECIAL CONDITIONS:****1. Maintaining public access on Ocean Front Walk**

Phasing The construction approved in this project shall generally take place in phases as described in the Ocean Front Walk Refurbishment Plan. Some of the project phases may be constructed concurrently. However, the general order of the individual phases shall closely conform with the phasing program set forth in the Supplementary Project Description. The project manager shall inform the Executive Director of any substantial changes in the phasing program at the time of the submittal of final plans for his or her review and approval.

2. Protection of Ocean Front Walk in the Summer

No removal of the surface of Ocean Front Walk shall take place between May 15 and September 15 of any year.

3. Alternate Routes for Beach Access

During construction, the City shall provide and identify alternate routes to the beach along Ocean Front Walk. No fewer than fifteen days prior to the commencement of construction of any phase of the project, the City shall provide, for review and approval of the Executive Director, a detour map for that phase or evidence that no detours will be required. The City shall carry out the construction of the project consistent with the approved detour map.

4. Conformance of each phase to the approved Ocean Front Walk Refurbishment Plan

No fewer than fifteen days prior to the commencement of construction of each phase, the permittee shall:

- 1) Notify the Executive Director that construction of the next phase will soon commence.
- 2) In such cases where an individual phase is constructed sequentially, instead of concurrently, evidence that substantial progress has been made on the earlier phase shall be provided to the Executive Director.
- 3) Submit final working drawings of each phase to the Executive Director for review and approval. No construction for the phase may begin without the Executive Director's written approval of the final working drawings. The Executive Director may review and approve multiple

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Exhibit 4 p2
Special conditions
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phases at one time to allow for economy in construction, labor and permitting. The submitted final working drawings shall have been subjected to review and comment of all state and local agencies having authority concerning that phase, including the Risk Management Agency of the City of Los Angeles.

The final working drawings shall be in substantial conformance with the "Ocean Front Walk Refurbishment Plan" of November 1995, as modified by the "Refurbishment Plan Supplement" of August 19, 1996 ("The Plan"). Any final working drawing that does not substantially conform with the Plan will not be approved by the Executive Director, and cannot be implemented, unless the permittee obtains an amendment to this coastal development permit.

The permittee shall undertake and complete the development in conformance with the approved final working drawings. No changes to the approved final working drawings shall be made without a Commission approved amendment to this coastal development permit, unless the Executive Director determines that an amendment is unnecessary.

5) Disposal of Debris

No asphalt or other demolition debris shall be disposed of in the Coastal Zone without a coastal development permit authorizing such disposal.

6) Conformance of Drainage Devices with Standards of Santa Monica Bay Restoration Plan

The final working drawings for each phase shall include a drainage plan that has been approved in writing by the Regional Water Quality Control Board as consistent with the Best Management Practices noted in the Santa Monica Bay Restoration Plan. The Executive Director shall verify that an approved drainage plan is included before approving the final working drawings for each phase of construction.

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