

CALIFORNIA COASTAL COMMISSION**RECORD PACKET COPY**

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: 2/13/01
49th Day: 4/03/01
180th Day: 8/12/01
Staff: AJP-LB
Staff Report: 3/19/01
Hearing Date: 4/10-13/01

TU 4.a.**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-047**APPLICANT:** Los Angeles County Department o Public Works**AGENT:** John Boyd**PROJECT LOCATION:** Mother's Beach Park, Admiralty Way, Marina del Rey**PROJECT DESCRIPTION:** Repair approximately 150 feet of a 7.5 foot wide concrete wheelchair ramp located on the beach within the marina. Repair work will involve removing approximately four foot wide sections at each segment joint and refilling with new concrete.**LOCAL APPROVALS RECEIVED:** Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** Marina del Rey certified LCP

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions to ensure that water quality impacts, due to construction activity, are adequately mitigated.

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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition No. 2.

2. Location of Debris Disposal Site

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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to repair approximately 150 feet of a 7.5 foot wide concrete wheelchair ramp located on the beach within the marina. Repair work will involve removing approximately four foot wide sections at each segment joint and refilling with new concrete. Each section will be saw cut approximately half inch deep and then broken into pieces and removed from the site and disposed of.

Cement will be transported to the site by wheelbarrow from the adjacent parking lot and poured in place. Work will be conducted a section at a time, during low tide in order to access the ramp. Sandbags will be used in the event the water level rises before the segment they are working on is completed and dried.

The existing ramp is located in the northwest portion of the marina, on a county made crescent shaped sandy beach between the mole roads of Palawan Way to the north, Panay Way to the south, Admiralty Way to the west, and Basin D to the east

The existing ramp extends 300 feet from an existing walkway located along the perimeter of the sandy beach area, to approximate elevation – 0.5.

According to the applicant, the repair work is necessary to repair damage from the 1994 Northridge earthquake, which caused differential settlement and cracks at the joints between the precast concrete panels.

The proposed project is located between the Mean high tide line and the sea, therefore, it is within the Commission's original permit jurisdiction. Coastal permit authority within this area is solely with the Commission.

B. Marine Resources

Sections 30230, 30231 and 30235 of the Coastal Act address the protection and management of marine resources. These policies are incorporated into the Treasure Island certified LCP.

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(a) of the Coastal Act states:

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:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities shall not exceed 25 percent of the degraded wetland.*
- (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.*
- (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) Restoration purposes.*
- (8) Nature study, aquaculture, or similar resource-dependent activities.*

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

The proposed project involves removing 4 foot cement sections and repouring cement to fill those sections. The work area is located between Mean Higher High Water (approximately + 5.5 feet and elevation -0.5 feet. The proposed repair work is necessary to continue to provide safe public wheelchair access to the water. People with limited mobility use the ramp to access the water for swimming, snorkeling, scuba diving classes, and other water recreational activities. These activities allow people with limited mobility the opportunity to

explore the water. Therefore, the proposed fill is a permitted use consistent under Section 30233(a)(8) of the Coastal Act which allows fill for nature study. Furthermore, the ramp functions as an equivalent to a recreational pier by providing a means for people with limited mobility an opportunity to go out onto the sand and water area for access and recreational purposes. Therefore, the proposed fill can be considered a permitted use consistent under Section 30233(a)(4) of the Coastal Act which allows fill for recreational piers.

In addition to the question of allowable use, the proposed project must be the least environmentally damaging alternative. The applicant has designed the proposed project so that the impact to the marine habitat is minimized. The proposed work will be within the existing footprint of the existing ramp. Construction work will be done during low tide and access will be via the existing ramp. The applicant reviewed other alternative designs to determine the least environmentally damaging alternative. An alternative to the project was to reconstruct a new ramp and remove the existing damaged ramp. This alternative would have resulted in approximately 1,125 square feet of intertidal area filled. Because of impact concerns the applicant proposed repairing the existing ramp by removing the small sections of the ramp.

Finally, in addition to the question of allowable use and alternatives, the proposed project must provide adequate mitigation to offset the loss of open coastal water habitat. The proposed project will have a nominal impact to intertidal habitat because the project is a repair of an existing structure and the project will not extend beyond the existing footprint. Furthermore, because the beach is an artificially created beach, maintained by periodic sand replenishment, and is a heavily used swimming beach, there is very little marine life in the area of the ramp.

Furthermore, impacts due to construction activity will be minimized by limiting construction within the intertidal area to periods when the tide is below the footprint of the ramp. However, a special condition is necessary to ensure that no construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion; and that runoff from construction related materials, sediment or contaminants associated with construction activity is properly mitigated. The condition also requires that all construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters and that all debris shall be disposed at a debris disposal site outside the coastal zone. Therefore, as conditioned, the Commission finds the proposed project consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

LAND USE PLAN

MAP 9

	RESIDENTIAL III		MARINE COMMERCIAL		WATER
	RESIDENTIAL IV		PARKING		WATERFRONT OVERLAY
	RESIDENTIAL V		OPEN SPACE		MIXED USE OVERLAY
	HOTEL		PUBLIC FACILITIES		
	OFFICE		VISITOR-SERVING/CONVENIENCE COMMERCIAL		

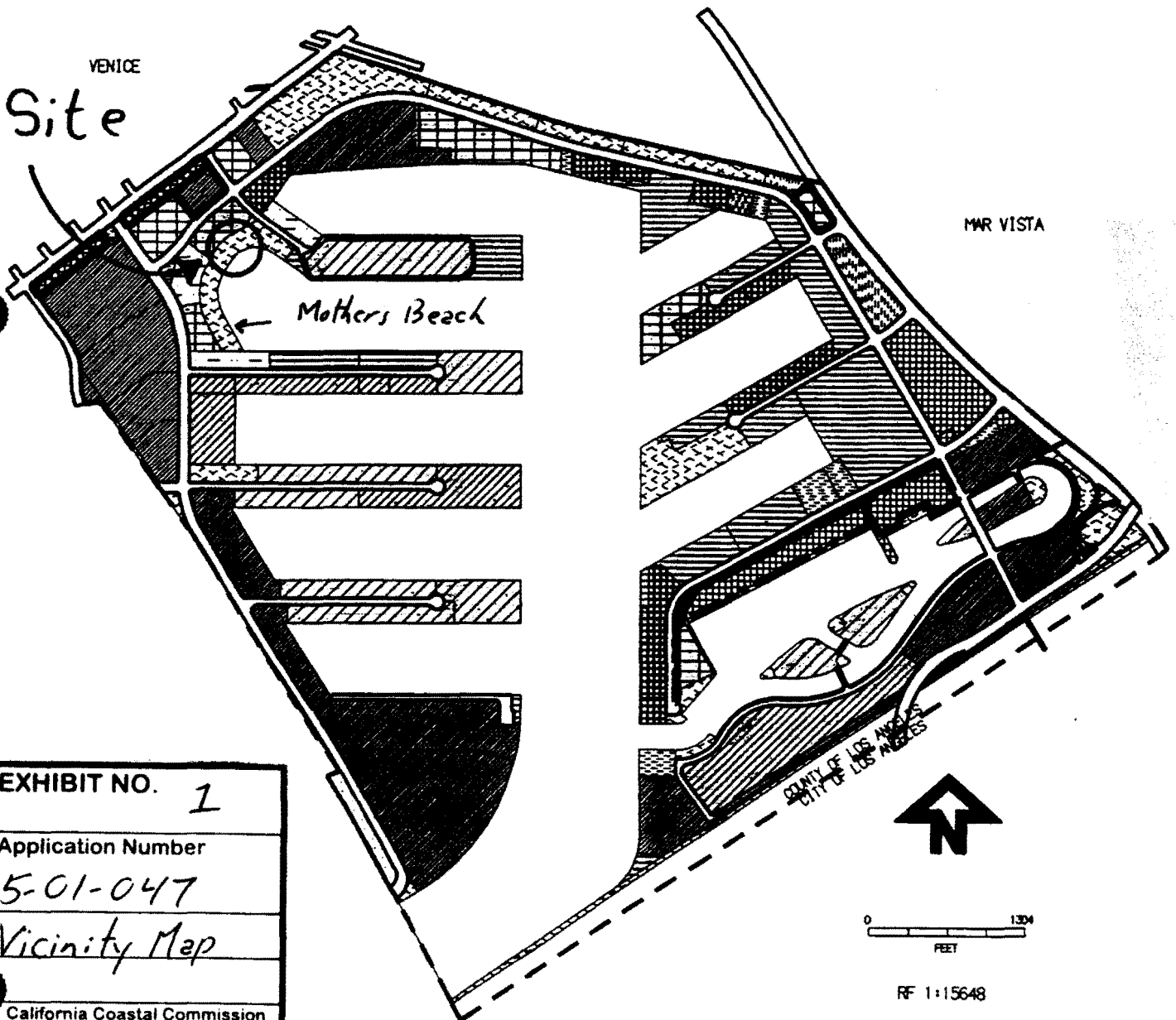


EXHIBIT NO. *1*

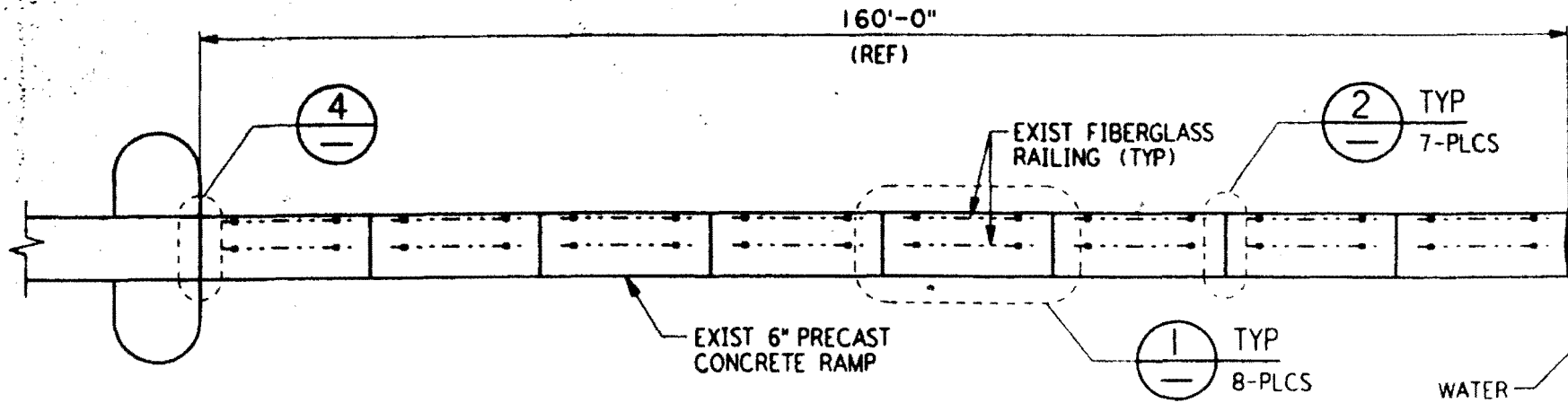
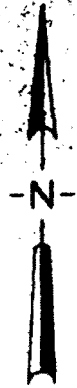
Application Number
5-01-047

Vicinity Map

California Coastal Commission

MARINA DEL REY

LOCAL COASTAL PROGRAM



EXIST WHEELCHAIR RAMP PLAN
 SCALE: 1/16"=1'-0"

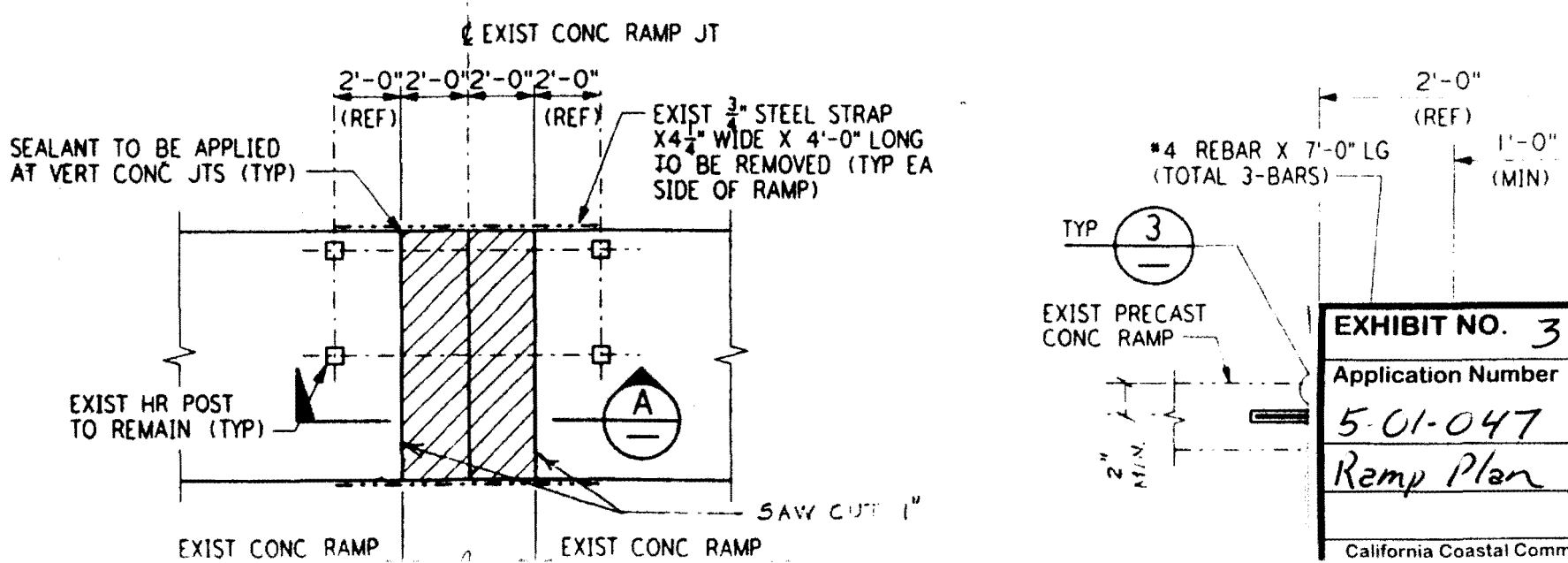


EXHIBIT NO. 3
Application Number
5-01-047
Ramp Plan
California Coastal Commission

1



1



1

