

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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(562) 590-5071

Filed: 8/12/02  
49th Day: 9/30/02  
180th Day: 2/8/08  
Staff: AM-LB AM  
Staff Report: August 21, 2002  
Hearing Date: September 10, 2002  
Commission Action:

**RECORD PACKET COPY****Item Tu 4i****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-02-227

**APPLICANT:** Los Angeles County Department of Beaches and Harbors

**PROJECT LOCATION:** Will Rogers State Beach from the Sunset Boulevard groin 2,800 feet west, Pacific Palisades, City and County of Los Angeles

**PROJECT DESCRIPTION:** Beach replenishment project that includes the placement of 19,231 cubic yards of sand at Will Rogers State Beach from the Sunset Boulevard groin 2,800 feet west. The sand will be placed between the mean high tide line and the toe of the existing bluff.

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**SUMMARY OF STAFF RECOMMENDATIONS**

Staff is recommending approval with conditions that ensure the project's consistency with the public access and water quality policies of the Coastal Act. Special Condition #1 restricts the time of beach nourishment during the summer season (between Memorial Day holiday weekend and Labor Day holiday weekend). Special Condition #1 also restricts beach nourishment on weekends from Labor Day to October 31. Special Condition #2 requires the applicant to comply with construction related best management practices to minimize impacts to water quality.

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**LOCAL APPROVALS RECEIVED:**

1. County of Los Angeles Department of Beaches and Harbors Categorical Exemption, July 9, 2002

**SUBSTANTIVE FILE DOCUMENTS:**

1. CA Department of Fish and Game approval letter, August 9, 2002.
2. Results of Chemical and Physical Testing of Sediments for 7301 Vista Del Mar – Playa Del Rey, CA, by CRG Marine Laboratories, Inc., May 11, 2001.
3. U.S Army Corps of Engineers, Regulatory Branch approval of the Chemical and Physical Sediment Testing, May 31, 2001.
4. U.S. Environmental Protection Agency approval of the chemical suitability and physical compatibility of excavated materials for beach nourishment use, May 23, 2001.
5. County of Los Angeles Department of Beaches and Harbors, Temporary Permit to Enter Upon County Owned/Operated Property – Dockweiler and Will Rogers State Beaches, May 10, 2001.
6. Coastal Development Permit No. P-4420
7. Coastal Development Permit No. 5-82-542, as amended
8. Coastal Development Permit No. 5-00-096

**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

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

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 5-02-227 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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 THE PERMIT:**

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. 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 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 term or 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 Nourishment Timing of Construction**

No deposition of beach material or construction activity shall take place on the sandy beach during the following times:

- Between Memorial Day holiday weekend through Labor Day holiday weekend inclusive.
- On any weekend between Labor Day and October 31.

**2. Removal of Debris and Mechanized Equipment**

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

- (1) All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- (2) All mechanized machinery shall be removed from the beach at the end of the working day. No storage of mechanized equipment is allowed on the beach.

- (3) No disturbance or use of areas below the mean high tide line is permitted for the placement of beach nourishment sand or construction activity.
- (4) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (5) Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the sandy beach or any beach facility. If such residues are discovered in the beach area the residues and all contaminated sand shall be properly removed and disposed of in an appropriate facility.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The proposed project is a beach replenishment project that includes the placement of 19,231 cubic yards of sand at Will Rogers State Beach, beginning at the Sunset Boulevard groin and moving west for 2,800 feet (Exhibit #1). The sand will be placed between the mean high tide line and the toe of the existing bluff (Exhibit #2).

The County of Los Angeles Department of Beaches and Harbors has obtained the 19,231 cubic yards of sand from Westport Playa Sol, Ltd who has begun the initial stages of development at 7301 Vista del Mar in Playa del Rey (Coastal Development Permit P-4420 and 5-82-542, as amended). The chemical and physical elements of the sediment were tested by CRG Marine Laboratories, Inc. These results were reviewed and approved by the United States Environmental Protection Agency and the United States Army Corps of Engineers (Exhibit #3 & #4). In addition, the California Department of Fish and Game has reviewed and approved the proposed sand replenishment project (Exhibit #5). In an August 9, 2002 review letter, the Department of Fish and Game stated, "given the timing of the project (outside of the grunion spawning and California least tern/western snowy plover nesting season), the volume of sand to be placed, and the method of placement (on the beach above MHHW), the Department believes the proposed action would not have a significant adverse effect on existing marine resources and habitats within the area. Thus we would concur with the issuance of a CDP."

##### **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 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 32031 of the Coastal Act.

**C. Coastal Access**

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.

**D. Public Recreation**

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

**E. Habitat/Parks and Recreation Areas**

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.

**F. Local Coastal Program**

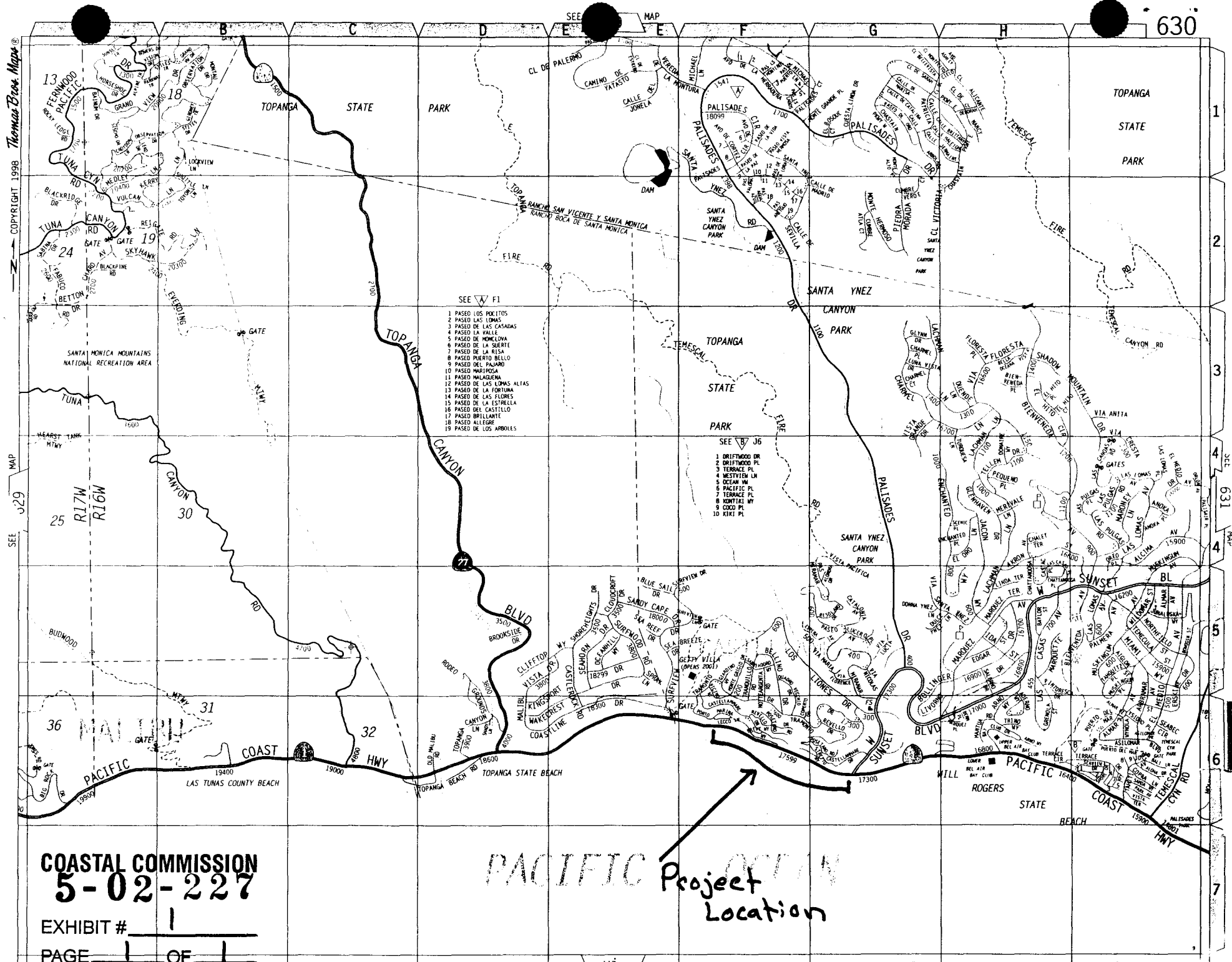
The City of Los Angeles does not have a certified LUP for the Pacific Palisades. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**G. California Environmental Quality Act**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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

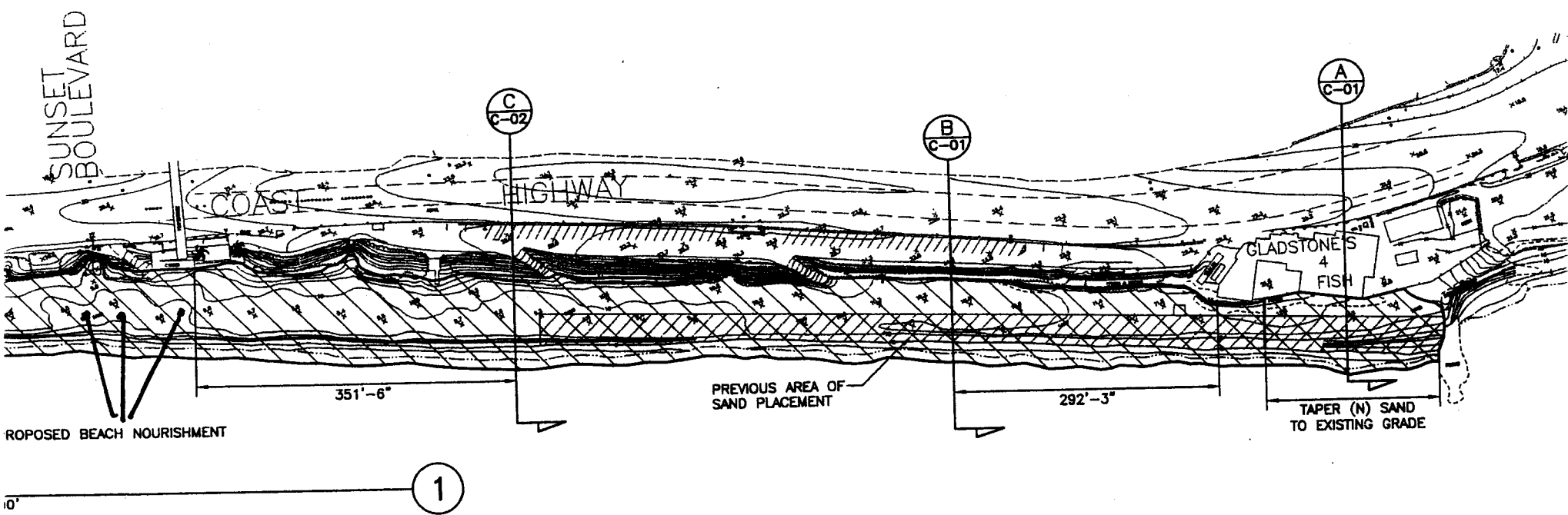
feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/Am



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Project Location	Project Description	Project Status	Project Manager	Project Budget	Project Timeline	Project Risks	Project Deliverables	Project Metrics	Project Notes
Project A	Project A Description	Project A Status	Project A Manager	Project A Budget	Project A Timeline	Project A Risks	Project A Deliverables	Project A Metrics	Project A Notes
Project B	Project B Description	Project B Status	Project B Manager	Project B Budget	Project B Timeline	Project B Risks	Project B Deliverables	Project B Metrics	Project B Notes
Project C	Project C Description	Project C Status	Project C Manager	Project C Budget	Project C Timeline	Project C Risks	Project C Deliverables	Project C Metrics	Project C Notes
Project D	Project D Description	Project D Status	Project D Manager	Project D Budget	Project D Timeline	Project D Risks	Project D Deliverables	Project D Metrics	Project D Notes
Project E	Project E Description	Project E Status	Project E Manager	Project E Budget	Project E Timeline	Project E Risks	Project E Deliverables	Project E Metrics	Project E Notes
Project F	Project F Description	Project F Status	Project F Manager	Project F Budget	Project F Timeline	Project F Risks	Project F Deliverables	Project F Metrics	Project F Notes
Project G	Project G Description	Project G Status	Project G Manager	Project G Budget	Project G Timeline	Project G Risks	Project G Deliverables	Project G Metrics	Project G Notes
Project H	Project H Description	Project H Status	Project H Manager	Project H Budget	Project H Timeline	Project H Risks	Project H Deliverables	Project H Metrics	Project H Notes
Project I	Project I Description	Project I Status	Project I Manager	Project I Budget	Project I Timeline	Project I Risks	Project I Deliverables	Project I Metrics	Project I Notes
Project J	Project J Description	Project J Status	Project J Manager	Project J Budget	Project J Timeline	Project J Risks	Project J Deliverables	Project J Metrics	Project J Notes

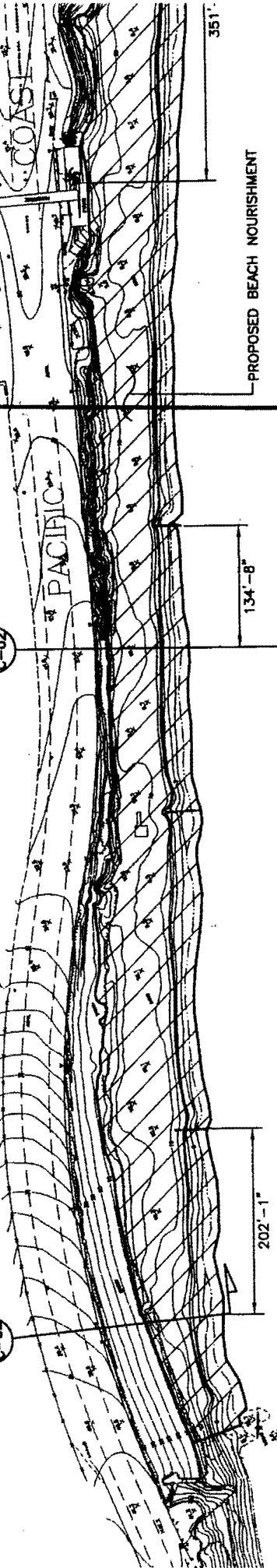


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EXHIBIT # 2  
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SUNSET  
BOULEVARD



PLAN  
SCALE: 1" = 100'

PROPOSED BEACH NOURISHMENT

Match line

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EXHIBIT #

2

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Dean Smith

From: Michael Lyons [MLYONS@rb4.swrcb.ca.gov]  
 Sent: Wednesday, May 23, 2001 8:47 AM  
 To: John.Steven@epamail.epa.gov; aallen@spl.usace.army.mil  
 Cc: dsmith@dbh.co.la.ca.us; ann@gfarchitects.com  
 Subject: Re: Vista del Mar sediment evaluation

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 South Coast Region

JUL 11 2002

I received the package as well. I concur with Steven.

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\*\*\*The energy challenge facing California is real. Every Californian  
 needs to take immediate action to reduce energy consumption\*\*\*  
 \*\*\*For a list of simple ways to reduce demand and cut your energy costs,  
 see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html> \*\*\*

>>> <John.Steven@epamail.epa.gov> 05/23/01 08:20AM >>>

Aaron -- EPA has reviewed the sediment quality data submitted by  
 Goldman-Firth Architects (reported dated May 11, 2001; transmittal  
 letter  
 dated May 18, 2001) for materials to excavated at 7301 Vista del Mar  
 Playa

El Rey, California. In conjunction with the Los Angeles County  
 Department  
 of Beaches and Harbors, these materials have been evaluated for  
 suitability  
 for beneficial reuse as beach nourishment materials at Will Rogers State  
 Beach, Los Angeles County, California.

Based on these data, EPA would concur that the proposed excavation  
 materials are chemically suitable and physically compatible for beach  
 nourishment use.

If you have any questions about EPA's review of these sediment quality  
 data, please contact me at 213.452.3806 or by e-mail at  
 john.steven@epa.gov

Steven

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EXHIBIT # 3


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CESPL-CO-R

May 23, 2001

MEMORANDUM FOR THE RECORD  
SUBJECT: CHEMICAL AND PHYSICAL SEDIMENT TESTING -  
7301 VISTA DEL MAR (WILL ROGERS STATE BEACH)

1. The U.S. Army Corps of Engineers (USACE), Regulatory Branch has reviewed the above sediment evaluation and hereby concurs with the U.S. Environmental Protection Agency and the California Regional Water Quality Control Board that these materials are suitable for beach nourishment. As long as the proposed project does not include the discharge of dredged or fill material in waters of the United States, a Section 404 permit pursuant to the Clean Water Act and a Section 10 permit pursuant to the Rivers and Harbors Act is not required from the USACE (e.g. no substrate disturbance below the mean high tide line (MHHW)). If you have any questions concerning the above information, please contact me at (213) 452-3413.

  
Aaron O. Allen, Ph.D.  
Senior Project Manager

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EXHIBIT # 4

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**DEPARTMENT OF FISH AND GAME**

Marine Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201



**Flex  
your  
POWER**

August 9, 2002

Mr. Aaron McLendon  
California Coastal Commission  
South Coast Area  
200 Oceangate Ave., 10<sup>th</sup> Floor  
Long Beach, California 90802-4325

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South Coast Region

AUG 12 2002

CALIFORNIA  
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Dear Mr. McLendon:

This letter is in response to a request from Mr. Greg Reid, of Concept Marine Associates Inc., concerning Coastal Development Permit (CDP) Application No. 5-02-227 for sand nourishment at Will Rogers State Beach. Mr. Reid has requested the Department of Fish and Game (Department) review the project description and accompanying documentation and provide review to the Coastal Commission.

The proposed project consists of placing 19,231 cubic yards of sand along 2,800 feet of beach west of the Sunset Boulevard groin, Los Angeles, California. The project applicant would like to place the sand above the Mean Higher High Water (MHHW) level, as opposed to the above the extreme high tide line, in order to maximize the width of the beach. The source of the sand is a construction site at 7301 Vista del Mar in Playa del Rey, near Dockweiler State Beach. The federal Environmental Protection Agency and U.S. Army Corps of Engineers have concurred that the sand is chemically and physically compatible for beach nourishment at Will Rogers Beach. The project is anticipated to take approximately 20 to 30 days to complete and will not commence until mid September 2002, at the earliest.

The Department recognizes that beach erosion is a valid concern and that replenishment efforts may be beneficial to certain marine organisms, such as shorebirds, California grunion, and sand dwelling invertebrates. But replenishment activities can also have negative impacts on marine organisms and habitats such as burial of non-mobile invertebrates and grunion eggs, persistent burial of rocky habitat, and increases in turbidity and the potential adverse impacts to marine plants, invertebrates, fish, and birds. However, given the timing of the project (outside of the grunion spawning and California least tern/western snowy plover nesting season), the volume of sand to be placed, and the method of placement (on the beach above MHHW), the Department believes the proposed action would not have a significant adverse effect on existing marine resources and habitats within the area. Thus, we would

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EXHIBIT # 5

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concur with the issuance of a CDP. If you have any further questions please call me at (858) 467-4231 or e-mail at [mfluharty@dfg.ca.gov](mailto:mfluharty@dfg.ca.gov).

Sincerely,



Marilyn J. Fluharty  
Environmental Scientist  
Marine Region

cc: Mr. Greg Reid  
Concept Marine Associates, Inc.  
Oakland, CA

Mr. Bryant Chesney  
National Marine Fisheries Service  
Long Beach CA

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EXHIBIT # 5  
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