

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
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Filed: 6/19/2004  
49th Day: 12/7/2004  
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Staff: PE/AJP-LB  
Staff Report: 10/28/2004  
Hearing Date: 11/18/2004  
Commission Action:



# Th 4a

## RECORD PACKET COPY

### STAFF REPORT: CONSENT CALENDAR

**APPLICATION NUMBER:** 5-04-180

**APPLICANT:** Los Angeles County Department of Public Works

**AGENT:** Albert Anidi

**PROJECT LOCATION:** Dockweiler State Beach between Culver Boulevard and 62<sup>nd</sup> Avenue, Playa del Rey, Los Angeles County

**PROJECT DESCRIPTION:** Reconstruction of the South Bay Bicycle Trail between Culver Boulevard and 62<sup>nd</sup> Avenue in same size and location as existing 14-foot wide approximately 2,700 foot long section of a concrete beach bicycle path.

**LOCAL APPROVALS RECEIVED:**

1. Los Angeles County Department of Public Works;
2. California Department of Parks and Recreation.
3. Los Angeles County Department of Beaches and Harbors

**SUBSTANTIVE FILE DOCUMENTS.**

1. 5-01-262 Los Angeles County Department of Beaches and Harbors, Dockweiler State Beach Improvements Project

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval with conditions to avoid construction during the least tern nesting season, to avoid interference with the grunion run; to provide advance notice to the public and to provide signed detours for bicycle path during construction; to identify and place a construction staging area such that no more than half of the beach parking spaces in 62nd Avenue lot are impacted during weekends. Other special conditions addressing the impacts of beach construction are similar to the special conditions imposed on the County's related Dockweiler Beach Improvements Program in 2002, (5-01-262).

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**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. 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 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. No Future Shoreline Protective Device**

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-04-180, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee and/or landowner shall remove the development authorized by this permit, if any government agency has ordered that the structures are not to be left in place due to any of the hazards identified above. In the event that portions of the development are irretrievably damaged, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In the event the shoreline recedes to within 10 feet of the development authorized by this permit, but no government agency has ordered that the development be removed or closed to the public, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portion of the structures are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the development authorized by this permit without shoreline protection including, but not limited to, removal or relocation of portions of the structures. If the geotechnical report concludes that the development authorized by this permit or any portion of the development are unsafe, the permittee shall, in accordance with a coastal development permit, remove the threatened portion of the structure.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a copy of a written agreement by the applicant, in a form and content acceptable to the Executive Director, accepting all of the above terms of subsection A of this condition.

**3. 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, a final demolition schedule and detailed plans which identify the specific location of demolition staging and equipment storage areas, areas where any demolished structures 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 October 31 of each year). During the peak summer time, no construction of any kind shall take place during weekends or holidays.
- b. During non-peak winter months (from November 1 through the Thursday before Memorial Day weekend) at least one-half ( $\frac{1}{2}$ ) of any public parking lots used for staging shall be available for public use. Staging areas shall not be included in the available half of the parking lot.
- c. During all times of the improvement project beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 50 feet of the project). All beach areas and recreation facilities outside of the 50-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission -approved coastal development permit or permit amendment).
- 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.

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

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

**1. Sediment controls.**

- a. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion.
- c. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.
- 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, including Ballona Creek.
- d. 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.
- e. No disturbance or use of areas below the mean high tide line is permitted for the construction of the proposed development.
- f. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and 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 storm drain system and Pacific Ocean
- g. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

- h. If the debris 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.
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2. 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. Such measures shall be used during construction:
    - a. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
    - b. The applicant shall develop and implement spill prevention and control measures.
    - c. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.
    - d. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
    - e. Temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales, and silt fencing.
    - f. Stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
    - g. 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 in an appropriate facility.

- h. These erosion control measures shall be required on the project site prior to or concurrent with the initial construction operations and maintained throughout the development process to minimize erosion and sedimentation from the runoff waters during construction. The above requirements (Special condition #4) as well as the below requirements found in Special Condition #5 shall be attached to all final construction plans.

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.

**5. Water Quality Management Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the bicycle path. As such the applicant shall not employ cleaners and solvents that may contribute to water pollution for maintenance of the bike path.

B. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**6. Timing of Construction**

A. To avoid adverse impacts on the grunion during spawning season, and on the least tern during the least tern nesting season, no construction or movement of heavy equipment shall occur more than ten (10) feet seaward of the present location of the bicycle path after March 1 or before September 30 of any year.

B. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**7. Detour for Bicycle Path**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a beach path detour to bypass the project site during demolition and construction, and a signage program informing the public of the location of the detour. No sand area may be paved for any detour. The detour plan approved by the Executive Director shall be implemented prior to closing the existing beach path. The City of Los Angeles Department of Transportation (DOT) shall have approved said detour in writing.

**B.** The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**8. Public notice**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide for the review and approval of the Executive Director, a plan for informing visitors and the public in advance of any closure or rerouting of the bicycle path or partial closure of the beach parking lots. Alternate areas shall be identified in the notice, and the applicant shall post signs at the closed facilities indicating the location of the detours and or alternative public parking facilities.

**B.** The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**9. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

**A.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards waves, storm waves, and flooding; (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.

- B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.
- C. 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, incorporating all of the above terms of this condition.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

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

The project includes demolition of a portion of the South Bay Beach Bicycle Path, "proper disposal" of concrete removed and reinstallation of the bicycle path on a 0.42-mile long (2,700-foot long) stretch of beach in Playa del Rey. This portion of the bicycle path extends from the 62<sup>nd</sup> Avenue parking lot to the Culver Boulevard. The 14 foot wide bicycle path will be located approximately 580 feet seaward of the centerline of Pacific Avenue, at approximately mid-beach in a summer beach. The bicycle path will be constructed on a 6 - 8 inch base so that it can withstand use by lifeguard trucks and other public vehicles. There will be no change in the location of the bicycle path as a result of this project.

Construction will take approximately two months, during which time the bicycle path will be closed. The County anticipates rerouting the bicycle path to City streets, most likely

Pacific Avenue, for the duration, although there is as yet no formal agreement with the Los Angeles City Department of Transportation for this detour. The applicant proposes:

- Proper disposal of all excess excavated material
- Compliance with applicable air quality control regulations
- Compliance with all applicable noise ordinances during construction
- Restriction of construction activities to the County appointed construction times
- Advance notification of all street and or land closures and detours to all affected residents
- Immediate cessation of construction upon discovery of any cultural resources

While the project is proposed to take place outside grunion spawning season and the least tern nesting season, because Dockweiler State Beach is the site of a grunion breeding area and because it is adjacent to a least tern nesting area, this project is conditioned to avoid construction during the grunion run and least tern nesting seasons.

The applicant proposes to use the 62<sup>nd</sup> Avenue beach parking lot for staging. To address potential impacts on beach access, the Commission has imposed conditions on the staging that are identical to the special conditions that it imposed on the larger Dockweiler beach improvement program, which requires that half of each parking lot used for staging to be open on weekends. Although the beach is not heavily used during the "off season", fishermen and bicyclists use this lot year round. Similarly, to lessen impacts on public access to the beach, the Commission has required that notice be provided in advance (in the form of signs) of the proposed project and of the location of alternate facilities.

Because the project is adjacent to the water (both Ballona Creek and the Ocean), the Commission has imposed special conditions to address runoff and also to address possible pollution from oil and gasoline from heavy equipment. Again, in order to address these issues, the Commission has imposed the conditions similar to those that it recently imposed on 5-01-262 (LADBH), the underlying permit for improvements to Dockweiler State Beach. Finally, the County has agreed that it will not seek permit to install revetments or other devices to protect the bicycle path from storm damage. The 1983 storm damaged this bicycle path, but since that time it is remained in place during winter storms. It has, however, suffered cracks and damage from vehicles and settling.

Because the beach is not a safe location for structures, the Commission has also imposed an assumption of risk on this project. Again the County accepted this special condition as part of the permit for the underlying Dockweiler Improvement Project, 5-01-262.

## **B. 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.

**C. 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.

**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 32031 of the Coastal Act.

**E. Land/Habitat**

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. Development (Hazardous Areas)**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds

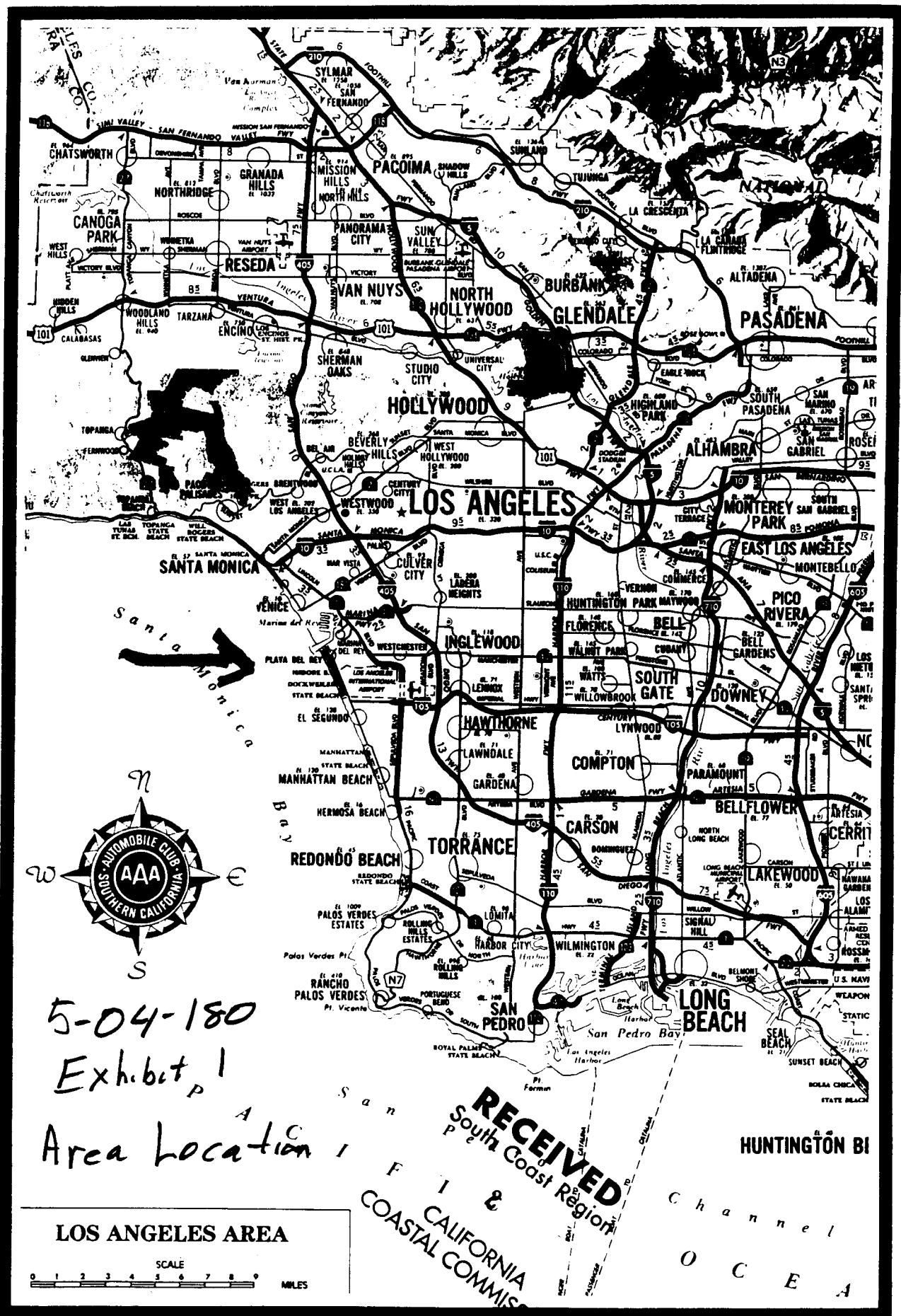
that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**G. 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.

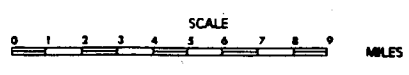
The Commission considered denial of the project. Denying the project would result in either no beach bicycle path or the continued presence of a cracked and damaged bicycle path. While this project is located out on the beach where it could be subject to wave hazards, any other location for the bicycle path would not provide access to the beach.

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.



5-04-180  
 Exhibit 1  
 Area Location

**LOS ANGELES AREA**

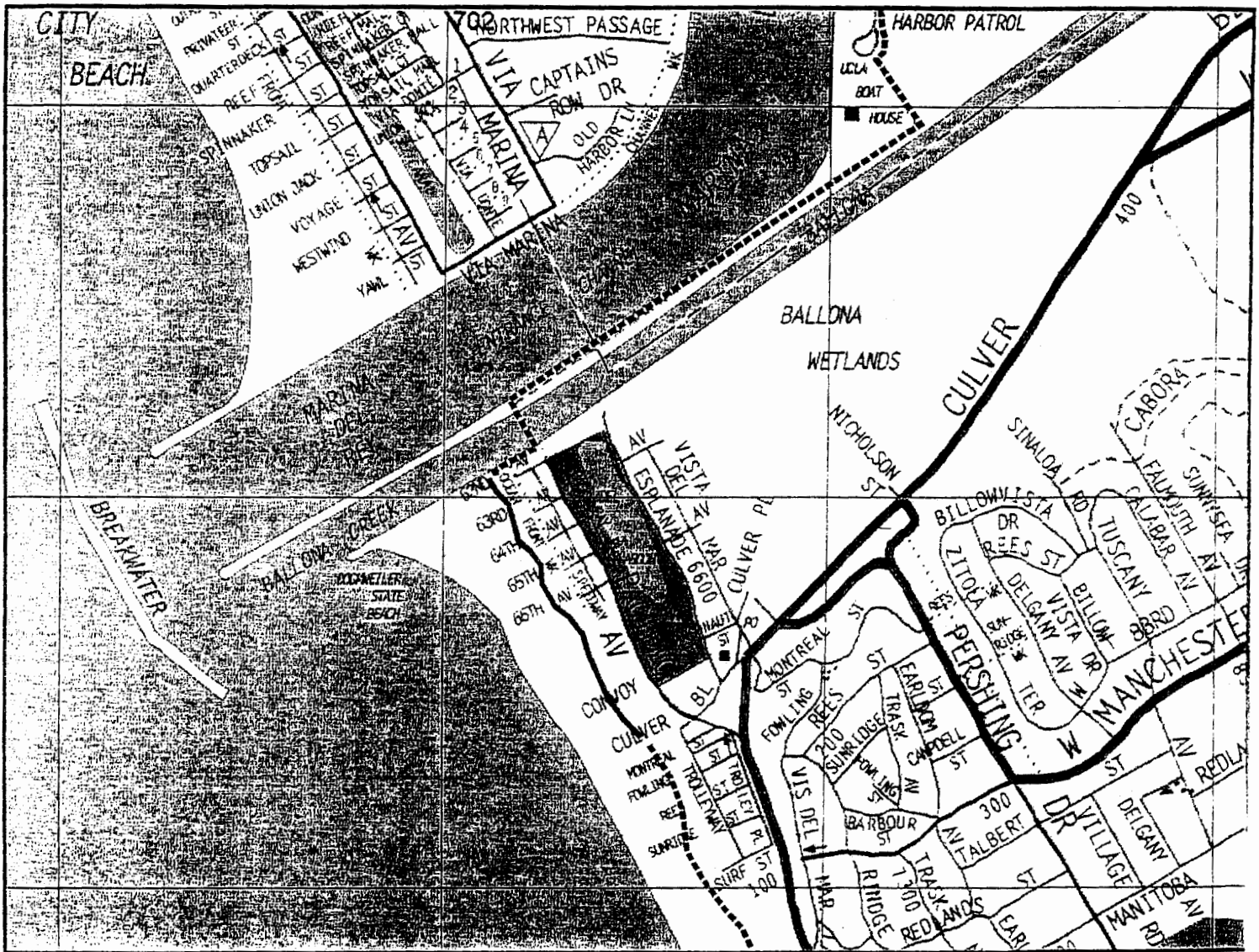


**RECEIVED**  
 South Coast Region  
 CALIFORNIA  
 COASTAL COMMISSION

HUNTINGTON BI

Channel  
 O C E A N

# SOUTH BAY BICYCLE TRAIL RECONSTRUCTION AT PLAYA DEL REY

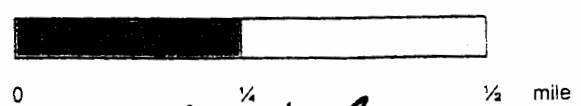


Thomas Bros. Guide page 702-A3

5-04 180  
Exhibit 2

**Legend**

- South Bay Bicycle Trail
- Project limits



Detailed  
Location

## ATTACHMENT A

### Project Description

#### South Bay Bicycle Trail at Playa Del Rey

The proposed project is located on Dockweiler State Beach in the Playa Del Rey area of the City of Los Angeles. The project site can be found in Range 14 West/Township 2 South and approximately 33° 57' 02" latitude and 118° 26' 46" longitude of the Venice Quadrangle USGS Map.

The proposed project consists of reconstructing the existing 14-foot-wide and approximately 2,700-foot-long bike path at Dockweiler State Beach between 62nd Avenue and Culver Boulevard in Playa Del Rey. The proposed reconstruction would be in kind, and not require any expansion or widening of the existing bike path.

The existing pavement has deteriorated due to subsidence and cracking at paved surface. The proposed project would require removing the existing pavement and replacing it with new pavement to provide better circulation and safety along the bike path. Any excess excavated material will be properly disposed at an approved site outside the coastal zone.

The proposed project would impact a total area of approximately 36,960 square feet of the existing concrete bike path along the beach. The project is located entirely on the sand and no vegetation would be impacted.

During construction, the contractor will be required to follow the standard specifications of the County of Los Angeles Department of Public Works pertaining to project site maintenance and construction activities which includes:

- Proper disposal of all excess excavated material
- Compliance with applicable air quality control regulations
- Compliance with all applicable noise ordinances during construction
- Restriction of construction activities to the County appointed construction times
- Advance notification of all street and/or lane closures and detours to all affected residents.
- Immediate cessation of construction upon discovery of any cultural resource.

5-04-180  
Exhibit 3  
Applicant's project  
Description.






# Memorandum

To : Mr. Al Padilla  
 California Coastal Commission  
 South Coast Area  
 200 Ocean Gate Avenue, 10<sup>th</sup> Floor  
 Long Beach, California 90802-4325

Date : October 20, 2004

From : **ERIC J. LARSON**   
 Northern California Manager/  
 Bays and Estuaries Ecosystem Coordinator  
 Department of Fish and Game

Subject : Coastal Development Permit Application No. 5-04286 for Ocean Outlet Repairs  
 at Dockwater State Beach

5-04-180  
 Exhibit 5  
 Fish & Game  
 comment on  
 nearby project

Department of Fish and Game (Department) staff have reviewed the project description (submitted by Mr. Dale Sakamoto) for three ocean outlet repairs at Dockweiler State Beach near Playa Del Rey, City of Los Angeles. The proposed project involves repair of reinforced concrete box drains and outlet structures constructed by the Los Angeles County Flood Control District (County) in the early 1970s. Project 513, Line A, involves replacement of 400 linear feet of corroded fence along the top of a reinforced concrete box drain, replacement of 12 missing concrete slabs, replacement of an access plate for a manhole, and installation of a timber protection barrier at the end of the drain and 200 feet of protection skirts (timber will be protected with 21 Poly, a polymer coating). Project 513, Line C, involves removal and replacement of 135 linear feet of the top of a reinforced concrete box drain and the replacement of 300 linear feet of fence on top of the drain. Project 5241 involves removal and replacement of 680 linear feet of the top of a reinforced concrete box drain and the replacement of 1400 linear feet of fence.

The Department is charged with protecting and managing the public's fish and wildlife resources of the State. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. We provide the following comments on the proposed project:

The proposed project has the potential to impact California least terns (*Sterna antillarum brownii*) and California grunion (*Leuresthes tenuis*). Least terns nest at Venice Beach (from April through September) which is located approximately ½ mile from the Project 513, Line A site. It is possible that activities associated with the repairs at this project site, primarily noise and project-generated turbidity, could impact least terns by interfering with nesting and/or foraging activities. It is our understanding that the County wishes to initiate the work in August in order to complete the projects before the winter storm season. In order to prevent impacts to least terns we recommend work

Mr. Al Padilla  
October 20, 2004  
Page Two

begin with the two projects located furthest from the colony, Project 5241 (located approximately 1.5 miles from the tern colony) and Project 513, Line C (located approximately 3 miles from the tern colony). It is anticipated that work at these two sites will take approximately 12 to 14 weeks (according to a communication from Dale Sakamoto). Work could start on Project 513, Line A, once least terns depart the Venice colony at the end of September.

Grunion spawn on the beach from March to August (sometimes September) during the highest tides of the month. The peak spawning period is between late March and early June with smaller runs in August that may extend into September. All beaches in southern California are potential grunion spawning habitat, thus, there is the potential for grunion to spawn in the vicinity of all three project sites. With most projects that occur during grunion season, we usually recommend a monitor be present during the predicted runs. If grunion do spawn, we suggest activities that may impact incubation and hatching be discontinued until the next run (if another run does not occur). However, the ocean outlets run perpendicular to the ocean and it is our understanding that the use of construction equipment can be restricted to a 15 foot swath on either side the outlet under repair in the intertidal zone. Given the narrow area required for work activities and the smaller somewhat erratic runs associated with late season, we do not believe that project activities would have a significant impact on grunion, provided the 15-foot work zone on either side of the drain in the intertidal zone is observed.

In summary, as long as construction activities do not start at Project 513, Line A, until after September 30, we believe the repair of three ocean outfalls would not have a significant adverse effect on existing marine resources and habitats within the area. The Department reserves the right to modify or change the above determination based on additional findings or other pertinent information concerning the above mentioned project.

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: Ms. Marilyn Fluharty  
Department of Fish and Game  
San Diego, California

Mr. Bryant Chesney  
NOAA Fisheries  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

5.041 150  
Exhibit 5  
p. 2  
Fish & Game

Mr. Al Padilla  
October 20, 2004  
Page Three

Mr. Dale Sakamoto  
Los Angeles County Department of Public Works  
Programs Development Division 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, California 91803-1331

