

CALIFORNIA COASTAL COMMISSION

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Th 6c

Filed: 8/22/12
180th Day: 2/18/12
Staff: A. Padilla-LB
Staff Report: 10/24/12
Hearing Date: 11/14-16/12

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-12-225

Applicant: City of Santa Monica

Project Location: Santa Monica Pier, Santa Monica

Project Description: Replacement of a portion of the Santa Monica Municipal Pier, including a 363' long by 36 foot wide portion of pier platform and removal of 19 wood piles. Existing wood piles will be replaced with concrete piles, at Santa Monica Pier.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission grant a permit for the proposed development with conditions regarding: 1) resource agency compliance; 2) construction responsibilities; 3) public access; and 4) written agreement to assume all risk. As conditioned, the proposed development conforms with the coastal access and marine resource protection policies of the Coastal Act.

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EXHIBITS

- Exhibit 1-- Project Vicinity Map
- Exhibit 2—Site Plan
- Exhibit 3—Staging Area
- Exhibit 4—Pile and Pile Cap Plan
- Exhibit 5—Deck Plan & Profile
- Exhibit 8—Rendering

I. MOTION AND RESOLUTION:

Motion:

*I move that the Commission **approve** coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following 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. Resource Agencies. The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted 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.

2. Construction Responsibilities and Debris Removal. The applicant shall not allow discharge of silt or debris into coastal waters as a result of this project. By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- C. Any and all debris resulting from construction activities shall be removed from the beach and pier area on a daily basis and disposed of at an appropriate location.
- D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- E. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- F. Silt curtains shall be utilized to control turbidity during placement or removal of all piles.
- G. Netting, tarps and/or other forms of barriers shall be installed between the water and the pier to prevent any unpermitted material from entering the Pacific Ocean.
- H. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- I. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- J. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- K. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- L. 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.

M. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.

3. Public Access To and Along the Shoreline. The applicant and the development shall not interfere with public access along the shoreline or the Pier (except for the temporary disruptions that may occur during the completion of the permitted development).

4. Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant

A. By acceptance of this permit, the applicant, City of Santa Monica, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicant, City of Santa Monica, 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; (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; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of subsection A of this condition.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the City of Santa Monica, as 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:

A. PROJECT DESCRIPTION AND LOCATION

The City of Santa Monica proposes to rehabilitate a portion of the Santa Monica Municipal Pier, including demolition and replacement of a 363 foot long by 36 foot wide portion of the wooden pier platform; removal of 19 wood piles and support structures; replacement of wood piles and support structures with concrete replacements; and construction of temporary pile supported trestles for construction and public access. All debris, including wood piles, will be disposed off within a certified waste disposal facility.

The pier is located at the terminus of Colorado Boulevard in the City of Santa Monica. The Municipal Pier was built at the present Pier location in 1908. The Pleasure Pier (also known as the Newcomb Pier) was built adjacent to the Municipal Pier in 1916. The Pier's current uses include a number of restaurants, fast food establishments, small retail shops, an arcade, amusement ride area, and public parking. The western end of the pier is used for fishing and is improved with the Harbor Guard office and a display area for pier history and marine related issues, bait shop, and a restaurant. The pier is approximately 1,600 feet long and a maximum of

270 feet wide. The existing pier platform consists of 413,056 square feet of area. The existing pier consists of a wood deck supported by approximately 2,000 wood and concrete piles. Proposed construction will be located along the Municipal pier near the western end of the Pleasure Pier (see **Exhibit No. 2**). Because construction will take place along the narrow portion of the pier temporary trestles will be constructed to provide room for construction and to allow continued public access to the western end of the pier.

Construction staging will be located in the adjacent beach parking lot located north of the Pier. An unmarked area of the paved lot will be used and no public parking will be used during construction (see **Exhibit No. 3**). Construction will begin during the non-summer period but will take over a year.

The City requires all contractors to implement Best Management Practices (BMPs) during demolition and construction to reduce construction related impacts to coastal waters. BMPs for this project will include, but are not limited to, the use of netting or tarps to prevent any falling debris from entering the water; floating booms with silt curtains; debris recovery of all non-buoyant material; and covering of all stockpiles and construction materials.

B. ENVIRONMENTALLY SENSITIVE HABITAT AND MARINE RESOURCES

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges- and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Acts states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly*

degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters.

One species of concern along the beaches of Santa Monica is the California grunion (*Leuresthes tenuis*). The California grunion is a small fish in the silversides family and is extremely unusual among fish in its spawning behavior. The grunion spawn on the sandy beaches in the project vicinity immediately following high tides from March to August. The eggs are incubated in the sand until the following series of high tide conditions, approximately 10 to 15 days, when the eggs hatch and are washed into the sea. California grunion is a species of concern due to its unique spawning behavior. They are carefully managed as a game species. Project activities within the intertidal zone may disturb adult grunion during the run period and/or may bury incubating grunion eggs.

A letter from the Department of Fish and Game (DFG) to the City of Santa Monica, dated October 8, 2012, states that the project can potentially have significant impacts to the grunion during the spawning season. Impacts include altering spawning and foraging behavior during pile driving activities and an increase in turbidity. Other impacts include burial or crushing of grunion eggs. The Department recommends avoiding pile driving activities during the spawning season; conducting pile driving activities during low tides; and incorporating best management practices to minimize noise and turbidity. If it is determined necessary to conduct construction activities during the grunion spawning season the City will submit to DFG a grunion spawning and egg mitigation and monitoring plan, including providing a DFG approved experienced biologist to monitor the construction activities. The City has indicated that they will comply with the DFG requirements. **Special Condition No. 1** requires that the City compile with all resource agency requirements and any change in the approved project that may be required by the above-stated agencies shall be submitted 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.

C. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials and the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned in **Special Condition No. 2**, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

D. PUBLIC ACCESS

During construction the Pier will remain open to the public and through the construction of a temporary trestle to allow the public to safely the western most portion of the pier, the entire length of the Pier will remain open to the public. **Special Condition No. 3** requires that construction not interfere with public access along the shoreline or the Pier (except for the temporary disruptions that may occur during the completion of the permitted development). As conditioned the development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. HAZARDS

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed project involves construction of a portion of the pier that is subject to wave uprush. Development at such a location is inherently risky. To assure that the applicant is aware of the hazards and restrictions on the subject property, the Commission imposes **Special Condition No. 4**. Since the proposed development is taking place above and on the water in an area that is subject to wave uprush, the Commission is imposing its standard waiver of liability special condition (Special Condition No. 4). Through Special Condition No. 4, the applicant is notified that the project site is in an area that is potentially subject to wave action and flooding which could damage the proposed structures. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition insures that future lessees of the property will be informed of the risks, and the Commission's immunity from liability. Therefore, only as conditioned does the Commission find the proposed project consistent with Sections 30235 and 30253 of the Coastal Act.

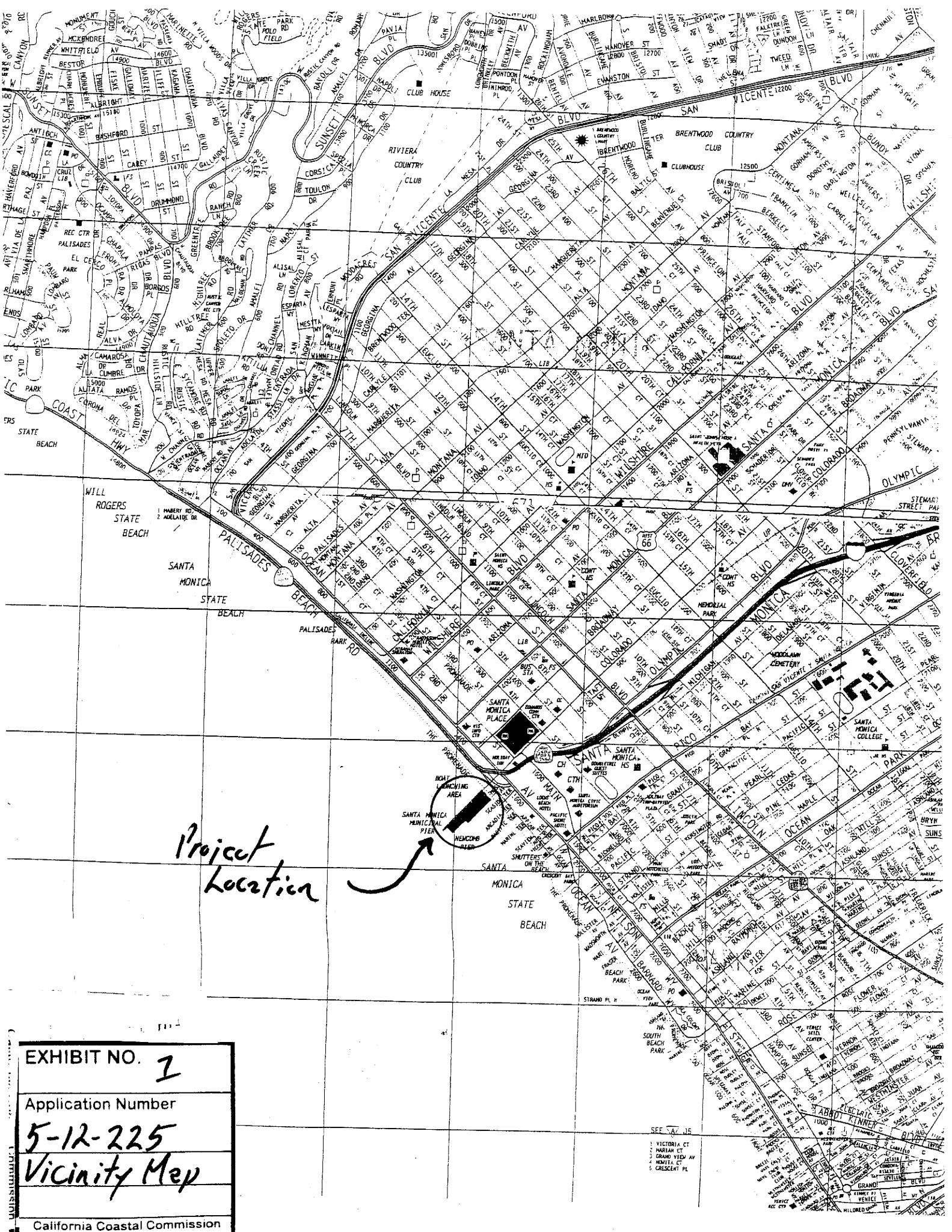
F. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. 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

Section 13096 of the Commission's administrative 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 conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



Project Location

EXHIBIT NO. <i>1</i>
Application Number <i>5-12-225</i>
<i>Vicinity Map</i>
California Coastal Commission

SEE MAP 15

VICTORIA CT
MARIAN CT
GRAND VIEW AV
MONTANA CT
CRESCENT PL

STORAGE YARD
(150 FT. X 100 FT.)
AT DEAVILLE SITE

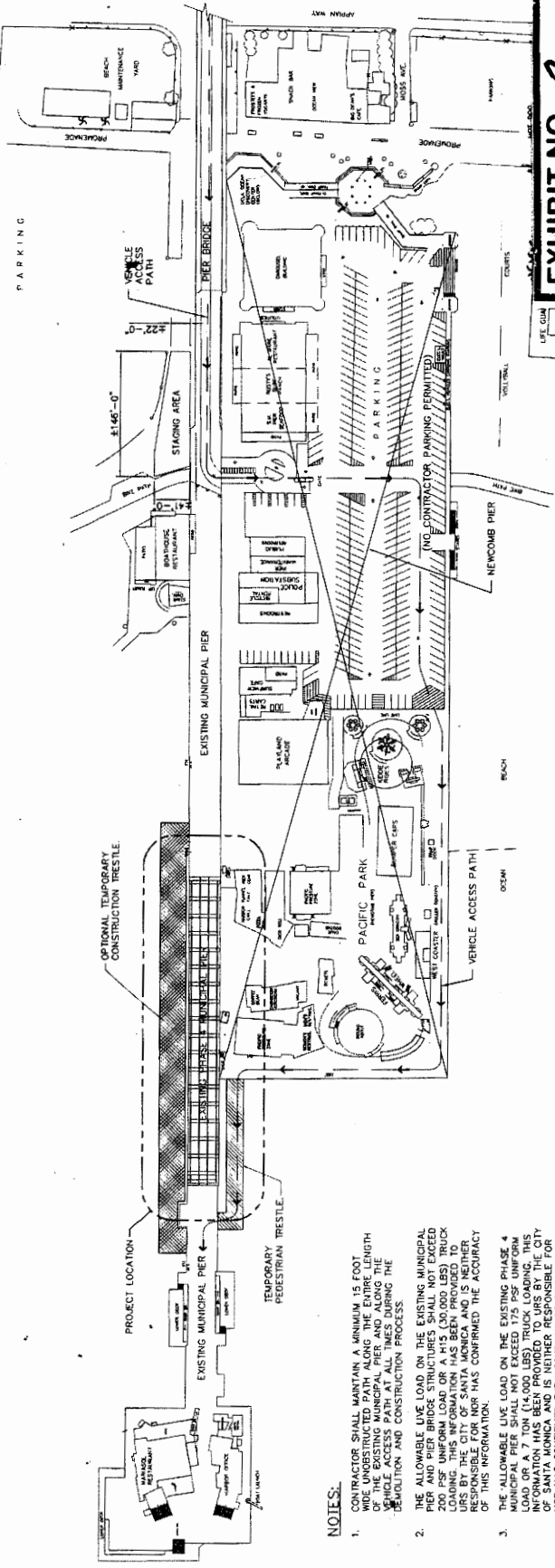


EXHIBIT NO. 2
Application Number
5-12-225
Site Plan
California Coastal Commission



1 SITE PLAN
SP-1 SCALE 1"=60'

NOTES:

- CONTRACTOR SHALL MAINTAIN A MINIMUM 15 FOOT WIDE UNOBSTRUCTED PATH ALONG THE ENTIRE LENGTH OF THE EXISTING MUNICIPAL PIER AND ALONG THE VEHICLE ACCESS PATHS AT ALL TIMES DURING THE DEMOLITION AND CONSTRUCTION PROCESS.
- THE ALLOWABLE LIVE LOAD ON THE EXISTING MUNICIPAL PIER STRUCTURES SHALL NOT EXCEED 200 PSF UNIFORM LOAD OR 500 PSF POINT LOAD. THIS INFORMATION HAS BEEN PROVIDED TO URS BY THE CITY OF SANTA MONICA AND IS NEITHER THE PROPERTY OF URS NOR HAS CONFIRMED THE ACCURACY OF THIS INFORMATION.
- THE ALLOWABLE LIVE LOAD ON THE EXISTING PHASE 4 MUNICIPAL PIER SHALL NOT EXCEED 175 PSF UNIFORM LOAD OR 7 TON (14,000 LBS) TRUCK LOADING. THIS INFORMATION HAS BEEN PROVIDED TO URS BY THE CITY OF SANTA MONICA AND IS NEITHER RESPONSIBLE FOR INFORMATION.
- THE EXISTING NEWCOMB PIER AND THE WEST END OF THE EXISTING MUNICIPAL PIER SHALL NOT BE USED FOR CONSTRUCTION VEHICLES OR CONSTRUCTION MATERIALS UNLESS APPROVED BY THE CONSTRUCTION MANAGER.
- THE STORAGE YARD SHALL BE LOCATED NEAR THE PIER AT THE DEAVILLE SITE. CONTRACTOR SHALL INCLUDE THE RENTAL FEE FOR THIS SPACE IS \$2200 PER MONTH.

THIS DRAWING OF THE EXISTING PERMITS BEEN PROVIDED TO URS BY THE CITY OF SANTA MONICA AND IS NEITHER THE PROPERTY OF URS NOR HAS CONFIRMED THE ACCURACY OF THIS INFORMATION.

<p>City of Santa Monica Department of Public Works 1247 4TH STREET, SUITE 300, SANTA MONICA, CA 90401 TEL: (310) 301-4425 www.santamonica.gov</p>		<p>URS 310 Galindo Drive, Suite 100 Long Beach, CA 90802 Tel: (562) 292-3900</p>		<p>DATE: 5/12/2011 TIME: 10:00 AM PROJECT: Santa Monica Pier Phase 4 - Pier Replacement DRAWING: SITE PLAN SCALE: 1"=60'</p>													
<p>REVISIONS:</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION										<p>APPROVED BY:</p> <p>DATE: 5/12/2011</p>	<p>APPROVED BY:</p> <p>DATE: 5/12/2011</p>	<p>APPROVED BY:</p> <p>DATE: 5/12/2011</p>	<p>APPROVED BY:</p> <p>DATE: 5/12/2011</p>	<p>APPROVED BY:</p> <p>DATE: 5/12/2011</p>
NO.	DATE	DESCRIPTION															
<p>PROJECT: Santa Monica Pier Phase 4 - Pier Replacement DRAWING: SITE PLAN SCALE: 1"=60'</p>																	
<p>EXHIBIT NO. 2 Application Number 5-12-225 Site Plan California Coastal Commission</p>																	
<p>Santa Monica Phase 4 Municipal Pier Replacement SITE PLAN</p>																	
<p>DATE: 5/12/2011 TIME: 10:00 AM PROJECT: Santa Monica Pier Phase 4 - Pier Replacement DRAWING: SITE PLAN SCALE: 1"=60'</p>																	

City Boundaries

Utility Grid System

Parcel

Orthophoto (4in, Feb 2011)



EXHIBIT NO. 3

Application Number

5-12-225

Staging Area

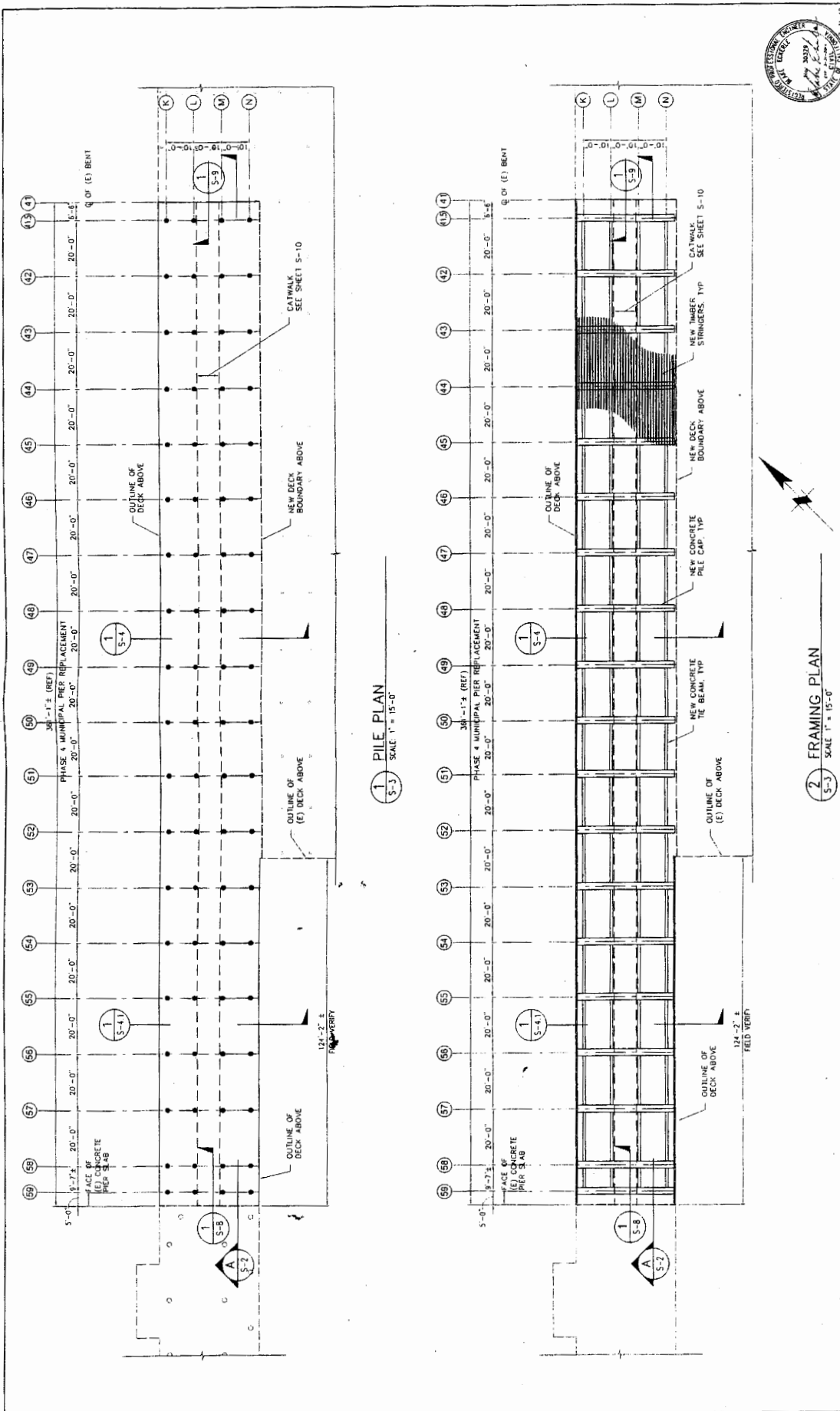
California Coastal Commission



Scale 1:1,141
City of Santa Monica GIS
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OPIS Map





City of Santa Monica
Department of Public Works

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URS
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Santa Monica, CA 90401
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Fax: (310) 306-4828

Santa Monica Pier
Phase 4 - Pier Replacement
PILE AND PILE CAP PLAN

NO. 1	REV.	DATE	BY	CHECKED BY	DATE

DATE: 11/27/00
SCALE: 1" = 15'-0"
SHEET NO. 5-3
TOTAL SHEETS: 5-3
PROJECT NO. 6726
DATE: 11/27/00

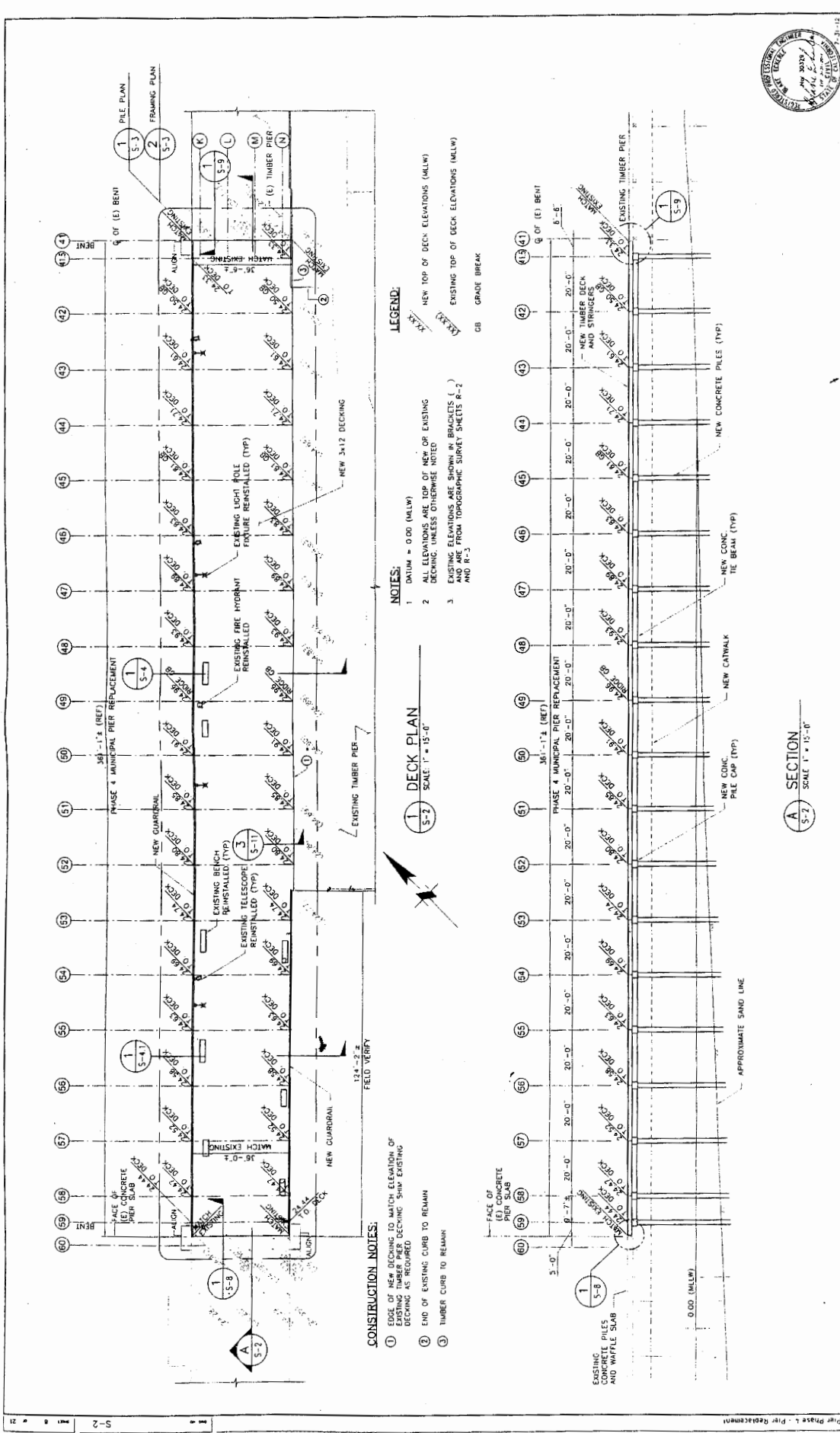
EXHIBIT NO. 4

Application Number
5-12-225

Pier + Pile cap

Men

California Coastal Commission



LEGEND:

- XXX NEW TOP OF DECK ELEVATIONS (MLW)
- XXX EXISTING TOP OF DECK ELEVATIONS (MLW)
- OB GRADE BREAK

NOTES:

- DATUM = 0.00 (MLW)
- ALL ELEVATIONS ARE TOP OF NEW OR EXISTING DECKING, UNLESS OTHERWISE NOTED
- EXISTING ELEVATIONS ARE SHOWN IN BRACKETS (L) AND ARE FROM TOPOGRAPHIC SURVEY SHEETS R-2 AND R-3

CONSTRUCTION NOTES:

- EDGE OF NEW DECKING TO MATCH ELEVATION OF EXISTING TIMBER PIER DECKING SHALL EXISTING DECKING AS REQUIRED
- END OF EXISTING CURBS TO REMAIN
- TIMBER CURB TO REMAIN

DECK PLAN
SCALE 1" = 15'-0"

SECTION A
SCALE 1" = 15'-0"

City of Santa Monica
Department of Public Works
774 (207) 33-4425

URS
310 Golden Shore, Suite 100
Long Beach, CA 90801
Tel: (562) 208-2000
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Santa Monica Pier Phase 4 - Pier Replacement
DECK PLAN AND PROFILE

EXHIBIT NO. 5

Application Number
5-12-225

Deck Plan + Profile

California Coastal Commission



PROJECT NO.	6726
DATE	12/15/12
SCALE	AS SHOWN
PROJECT	DECK PLAN AND PROFILE
CLIENT	CITY OF SANTA MONICA
DESIGNER	URS