

CALIFORNIA COASTAL COMMISSION

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**W6a**

Filed:	10/11/12
180th Day:	4/9/13
Staff:	J. Del Arroz-LB
Staff Report:	11/20/12
Hearing Date:	12/12/12

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-12-219

Applicant: City of Hermosa Beach

Project Location: 1 Pier Ave., Hermosa Beach (Los Angeles County)

Project Description: Repair of the Hermosa Beach Municipal Pier consisting of installation of 5 new fiberglass jackets and 1 new steel casing and new grout to repair existing spalled concrete piles, and replacement of one damaged 1-foot 5-inch thick by 5-foot wide by 32 feet long concrete deck panel.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending APPROVAL of CDP application 5-12-219 with FIVE (5) SPECIAL CONDITIONS regarding: 1) resource agency compliance; 2) timing of construction; 3) construction staging and access plan; public access; 4) choice and application of sealants; 5) construction responsibilities; and 6) written agreement to assume all risk for the development. As conditioned, the proposed development conforms with the coastal access and marine resource protection policies of the Coastal Act.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Hermosa Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is

Chapter 3 of the Coastal Act. The certified Hermosa Beach Land Use Plan may be used for guidance.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Site Plans

Exhibit 2 – Photographs

I. MOTION AND 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 recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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 of the Coastal Act. 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

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

This permit is granted subject to the following 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. **Timing of Construction.** By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the Hermosa Beach Municipal Pier, surrounding beaches and parking lots resulting from construction activities approved pursuant to Coastal Development Permit 5-12-219 as required below:
 - a) No construction shall occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.
 - b) The Pier, surrounding beaches and parking lots shall be open for public use during the peak use beach season.
 - c) Closure of the pier and beach shall be limited to the minimum amount necessary to ensure public safety.
3. **Construction Staging and Access Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director a construction staging and access plan. The plan shall depict areas used for construction staging, access corridors, and pedestrian detour routes. The plan shall be designed to minimize impacts to public access through:
 - a) Use of the public beach or public parking lots shall be minimized
 - b) The construction staging area will gradually be reduced as less materials and equipment are necessary
 - c) Staging areas and construction access corridors shall be located where they will minimize impacts to access to or along the beach
4. **Sealant Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a sealant plan detailing the type of waterproof sealant chosen and a procedure for its application. The choice of sealant and application procedure shall be designed to minimize impacts to water quality.

- 5. Construction Responsibilities and Debris Removal.** The applicant shall not allow discharge of silt, debris, or construction materials 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. Application of sealants and grout shall be conducted when predicted weather and ocean conditions will allow the materials to remain dry until cured, in order to prevent any leaching of uncured cement or chemicals into coastal waters.
 - B. All coatings and waterproofing sealants shall be carefully applied to limit application to the immediate surfaces intended for protection, and to prevent drips or spills into coastal waters.
 - C. All cleaning and preparation of surfaces shall be done using vacuum or similar techniques so that any debris, dust, oil, grease, rust, dirt, and fine particles are collected and disposed of in a location where they will not enter coastal waters.
 - D. All construction materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment. 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.
 - E. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
 - F. 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.
 - G. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
 - H. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
 - I. Silt curtains shall be utilized to control turbidity during placement or removal of all piles.
 - J. 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.
 - K. 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.
 - L. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
 - M. No on-site sand from the beach, cobbles, or shoreline rocks shall be used for construction material.
 - N. 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. Methods to contain any leaks or spills shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills shall be immediately cleaned up.
 - O. 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.
 - P. 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.

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

A. By acceptance of this permit, the applicant, City of Hermosa Beach, 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 Hermosa Beach, 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 Hermosa Beach, 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 LOCATION & DESCRIPTION

The City of Hermosa Beach is proposing to conduct repairs to the Hermosa Beach Municipal Pier. The pier is located at One Pier Avenue and was built in 1964. The pier is primarily used for recreational fishing and ocean viewing. Adjacent to the pier lies the Los Angeles County lifeguard headquarters building and Pier Plaza, a public walk street currently developed with restaurants, shops, and general commercial development.

The proposed development consists of repairs to portions of six concrete piles and replacement of one concrete deck panel. The six damaged piles have deteriorated to the point that they no longer provide adequate support for the pier. Five of the damaged portions of the piles are located above the level of the water, and one damaged section of pile is located below water level (EXHIBIT 1). The applicant proposes to remove oil, rust, and loose concrete from the damaged sections, and then enclose the damaged sections in either a fiberglass jacket for those areas located above water, or a 1/2" thick steel casing for the one damaged area located below the water. Then, non-shrink, non-metallic underwater grout and marine epoxy will be pumped into the enclosures pursuant to the manufacturer's recommendations. Repairs to the concrete deck consist of removal of one damaged 1'5" thick, 5'x32' concrete deck panel and its replacement with a new concrete panel (EXHIBIT 1). The existing damaged panel, located above the sandy beach, will be removed and either recycled or sent to a landfill, and the new panel will be cast in place.

The damaged concrete deck panel is located near the beginning of the pier, and is located near the middle of the pier's 20 foot width. Due to the need for construction equipment on the pier and the limited space available for detours around the construction area, the applicant is proposing to close the pier for an approximate 30 day period. Removal and replacement of the concrete deck panel will require that the area of sandy beach below the panel be closed. However, the impacts of such closure will be limited given that there is a low vertical clearance at this section, and that adequate room is available for lateral access further seaward, but above the tide line (Exhibit 2). To minimize impacts to public access resulting from closure of the pier and the area of sandy beach below the pier, the Commission imposes Special Condition 2, requiring the applicant to minimize the period of pier closure and the period and size of beach closure to the minimum required to ensure public safety.

The applicant has tentatively proposed to use the concrete area on the pier plaza located directly inland of the pier for construction staging. Construction staging has the potential to result in significant impacts to public access. However, no plans have been submitted to depict the proposed construction staging area and access plan. Therefore, the Commission imposes Special Condition 3, to require submittal of a construction staging and access plan which minimizes impacts to public access.

The applicant is proposing to incorporate water quality features during construction, including: floating debris booms, tarps or netting to catch debris, temporary enclosures to reduce airborne debris, staging and utilization of construction equipment away from the pier to the extent feasible, mixing of chemicals away from water areas, and work scheduled at low tide where possible. The applicant is proposing to utilize a waterproof sealant with the proposed steel casing to protect the casing and concrete pile. To ensure that the project does not result in impacts to water quality, the Commission imposes Special Condition 4, requiring submittal of a sealant plan which minimizes impacts to water quality, and Special Condition 5, requiring the applicant to carry out best management practices to protect water quality during construction.

B. 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 Conditions 4 and 5, 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.

C. PUBLIC ACCESS

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.

D. 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 repairs to portions of an existing 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 6. 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 6). Through Special Condition 6, 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.

E. LOCAL COASTAL PROGRAM

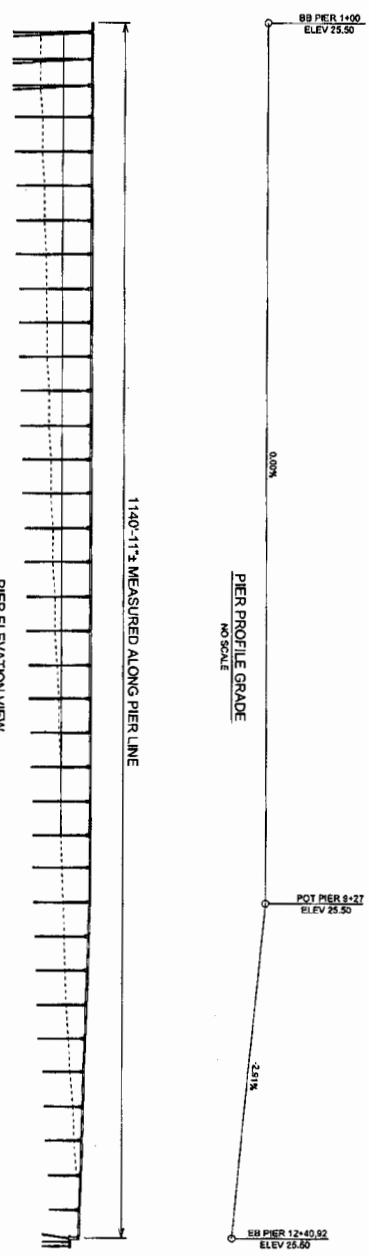
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for Hermosa Beach was effectively certified on April 21, 1982, however, as stated, the Coastal Act is the standard of review for this project. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

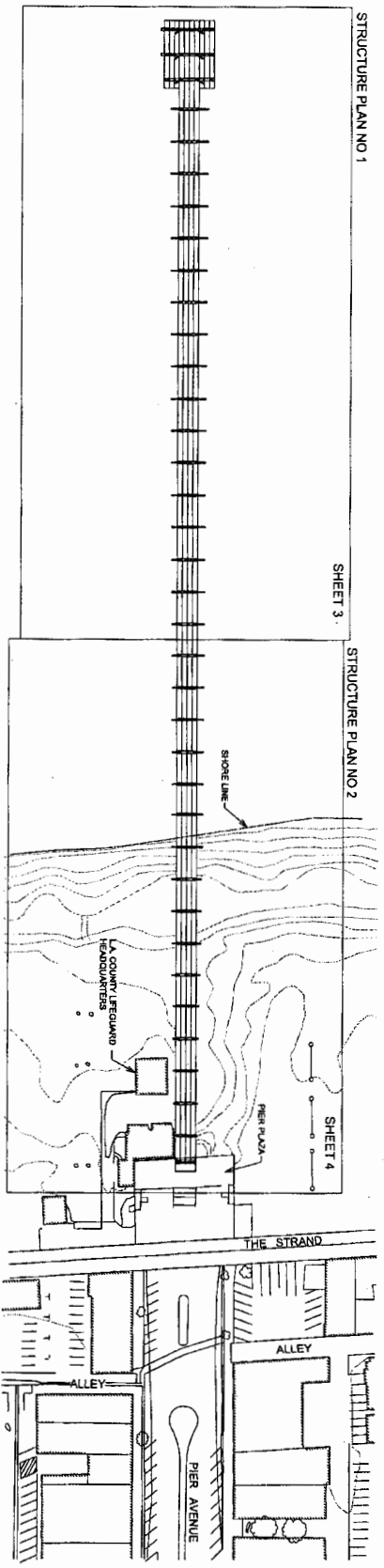
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the 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.

APPENDIX A SUBSTANTIVE FILE DOCUMENTS

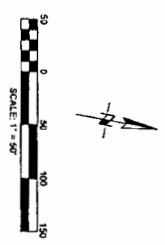
City of Hermosa Beach Certified Land Use Plan
City of Hermosa Beach Approval In Concept dated July 11, 2012



PIER ELEVATION VIEW
1"=50'



PIER PLAN VIEW
1"=50'



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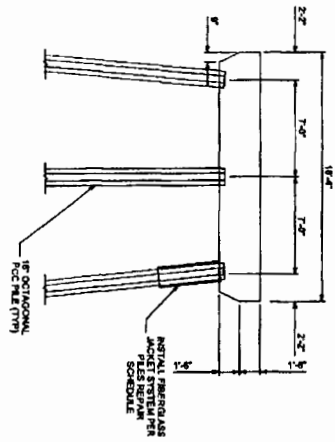
CITY OF HERMOSA BEACH
 PUBLIC WORKS DEPARTMENT
 (310) 318-0214

NO.	REVISIONS	DATE
	DESCRIPTION <td>APP. DATE</td>	APP. DATE

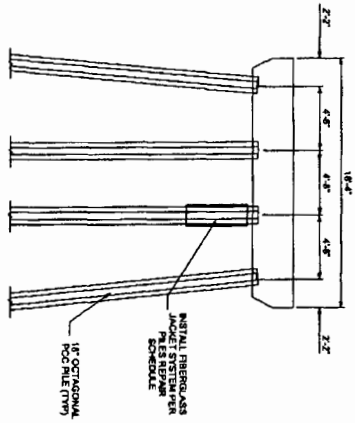
CITY OF HERMOSA BEACH
 DEPARTMENT OF PUBLIC WORKS
 PROJECT PLANS FOR CONSTRUCTION ON
 MUNICIPAL PIER
 PROJECT NO. XXXXXXXXX
 GENERAL PLAN
 SHEET 3 OF 8
 P. DATE XXXX

- NOTES:
- FOR CONSTRUCTION NOTES AND HEAD TO DRAWING SEE TITLE SHEET
 - SEE SHEET 3 AND 4 FOR STRUCTURE REPAIR LOCATIONS
 - SEE SHEET 5 FOR DETAILS

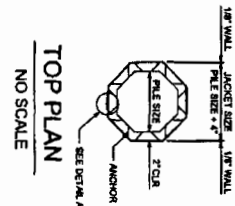
COASTAL COMMISSION
 EXHIBIT # 1
 PAGE 1 OF 4



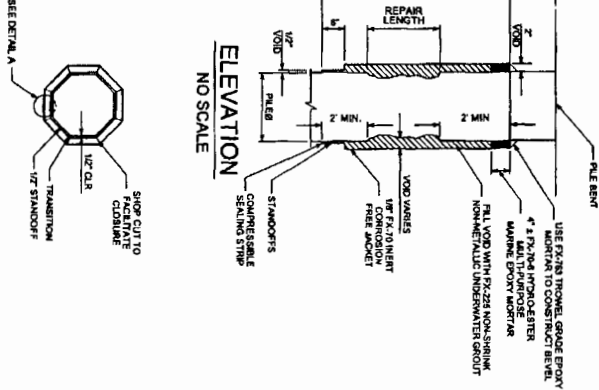
BENTS 14 & 18
NO SCALE



BENTS 25 & 31
NO SCALE

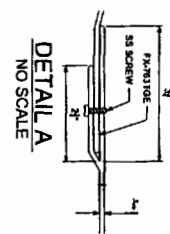


TOP PLAN
NO SCALE



ELEVATION
NO SCALE

BOTTOM PLAN TRANSITION
NO SCALE



DETAIL A
NO SCALE

- NOTES:**
1. AFTER JACKET POSITION SET, ALL SELF DRILLING TAPPING STAINLESS STEEL SCREWS AT PILE CORNER SHALL BE INSTALLED AND CONCRETE SHALL BE PLACED AND FINISHED.
 2. CONTRACTOR SHALL VERIFY ALL CORNER AND FABRICATING MATERIAL.

COASTAL COMMISSION
EXHIBIT PAGE 5 OF 4

- NOTES:**
1. PLACE PILING TROWER, GRADE EPOXY INTO INTERLOCKING JOINT.
 2. IMMEDIATELY PRIOR TO SETTING JACKET.
 3. AND RESULT SHALL BE PLACED WITHIN 24 HRS OF JACKET INSTALLATION.
 4. INSPECTION AND REQUIRED BEFORE SCAFFOLD IS REMOVED TO CHECK FOR Voids. JACKET MAY BE EXTENDED ABOVE AND BELOW THE OPEN SMALL AREA REPAIR LENGTH.

JMC²
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NO.	REVISION	DESCRIPTION	APP. DATE

CITY OF HERMOSA BEACH
DEPARTMENT OF PUBLIC WORKS

PROJECT PLANS FOR CONSTRUCTION ON MUNICIPAL PIER
PROJECT NO. XXXXXXXXXX
BENT DETAIL NO. 1

SHEET 5 OF 4 PLANTING XXXX

APR 15 2011
Public Works
Municipal Pier
CONCEPT
PLAN

PILES REPAIR SCHEDULE

LOCATION	PILE SIZE	JACKET LENGTH
25A	18 INCH	3 FT
18A	18 INCH	11 FT
21B	18 INCH	4 FT
14A	18 INCH	10 FT

Bent 5

Bent 4

Bent 3



Looking East at Underside of Pier, Bents 5, 4 & 3

Approximate Area of Beach Closure

City of Hermosa Beach



Hermosa Ave

14th Ct

13th St

13th Ct

Pier Plaza

12th Ct

11th St

11th Ct

10th St

10th Ct

Beach Dr

The Strand

Beach Dr



Parcel Number : 4183-001-901

Parcel Number : 4187-001-902

COASTAL COMMISSION

EXHIBIT # 2

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