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**CALIFORNIA COASTAL COMMISSION**

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# Th6e

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## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-22-0483

**Applicant:** City of Hermosa Beach Public Works Department

**Agent:** GHD Inc. (Attn: Nicole Greenberg)

**Location:** 1 Pier Avenue, Hermosa Beach, Los Angeles County (APN: 4187-001-902)

**Project Description:** Structural and electrical repairs to Hermosa Beach Pier, including: repair of 29 piles with grout and mortar-filled fiberglass jackets; repair beam cracks at Bents 1, 2, and 3; like-for-like replacement of wooden guardrail top rails; install new electrical conduit along the pier length; and replacement light bollards.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The project proposes structural and electrical repairs to the Hermosa Beach Municipal Pier. Specifically, the City is proposing structural repairs to 29 concrete piles and 11 concrete pile caps. The piles will be repaired by installing fiberglass jackets filled with grout and mortar on each damaged pile. Then, non-shrink, nonmetallic underwater grout and marine epoxy will be pumped into the enclosures pursuant to the

manufacturer's recommendations. In addition, 210 feet of deteriorated wooden top rails for the existing pier guardrails will be replaced like-for-like. The existing steel guard structure will remain in place and will not be altered by the project. Third, the City is proposing minor repairs to the Lifeguard Storage structure located on the shore under the pier. The repairs include repairing and refitting a damaged door and removal of one broken lintel beams located above the door frame. In order to further enhance the pier's user experience, the City is also proposing a series of electrical upgrades, including installation of a new conduit line along the length of the pier and replacement of the existing 2.5 foot tall light bollards with 4-foot tall LED lamps (39 32-watt lamps and two 24-watt lamps).

The standard of review is Chapter 3 of the Coastal Act. The project raises potential Coastal Act issues regarding the protection of the marine environment, public access, and coastal hazards. In order to minimize adverse impacts to the marine environment, the City is proposing to incorporate water quality protection 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 when possible. The applicant is proposing to utilize a waterproof sealant with the proposed steel casing to protect the casing and concrete piles.

While LED lights can enhance public use of piers at night, the surrounding marine environment, including sea turtles, grunions, and other species could be adversely impacted by harsh light glare. Therefore, the Commission imposes **Special Condition 7**, requiring the applicant to submit a lighting plan for review and approval by the Executive Director prior to issuance of the CDP. The lighting plan shall direct all light away from the ocean, sandy beach, and from the night sky, and shall only include the lowest intensity lighting that is appropriate for pier use. **Special Condition 7** ensures that the surrounding marine environment is protected while providing public access and safety along the pier.

In order to ensure that public access is maximized to the greatest extent feasible during the construction work, the City has developed a staging and public access plan ([Exhibit 4](#)). According to the staging plan, no materials will be stored on the sandy beach, and the two proposed staging areas will not impact public access or recreation along the sandy beach or The Strand.

The access plan identifies that a public access route under the pier will be maintained throughout construction. The access plan also describes that implementation of the proposed repairs will be done in two main phases. During the first phase of construction, which is expected to occur after Labor Day 2022 and to last approximately 3 months, the pier will be partially closed to the public as the piles, pile caps, and under-deck portions of the pier are repaired. A 10-foot-wide access route on the pier deck will be maintained for public use. Once Phase 1 repairs are complete, Phase 2 repairs will commence, during which the entire Pier will be closed to public access for approximately 1 month to complete the proposed guard rail and Lifeguard Storage Area

replacement. Following completion of the proposed repairs, the pier will be completely reopened to the public (anticipated January/February 2023 timeframe).

To avoid and minimize any impacts to coastal resources and public access, Commission staff recommends six Special Conditions. These conditions require the applicant to: 1) comply with the requirements of all permitting agencies; 2) conduct repairs outside of the peak summer season and minimize pier closures; 3) comply with the submitted staging and access plan; 4) submit a sealant plan; 5) comply with construction best management practices; and 6) assume the risk of developing in a hazardous area. Staff believes that the project, as conditions, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, staff recommends that the Commission **APPROVE** coastal development permit application 5-22-0483, as conditioned. The motion is on Page 5 of the staff report.

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## EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Photos of Pier Bents and Pile Cap](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Construction Staging and Pier Access Plan](#)

## 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 the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## 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 applicant 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 of 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 applicant 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. **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 5-22-0483 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. **Public Access Plan.** By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the pier, adjacent beaches, and public parking lots resulting from construction activities. Public access to the pier shall be provided consistent with the Public Access Plan submitted to the Commission on July 15, 2022. In addition, signs shall be posted along the pier to notify users of the dates that the pier will be closed for rehabilitation. At a minimum, the signs shall be posted in English and Spanish. If feasible, the City shall also include notification signs in Tagalog, Chinese, and Russian.

The permittee shall undertake the development in accordance with the approved Public Access Plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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. Anchors or mooring devices shall be placed within or less than five feet adjacent to areas of hard substrate, including all areas of rock recorded in the 2012 and 2019 geophysical surveys and 2018 biological survey of the project area carried out by Fugro, eTrac, and Padre Associates, respectively.

**7. Lighting Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, revised plans to protect the ocean from light generated by the project. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist, which documents that the lighting plan is effective at preventing lighting impacts upon adjacent habitat. All lighting shall be directed and shielded so that light is directed toward the pier deck, away from the ocean and sandy beach. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.



## IV. FINDINGS AND DECLARATIONS

### A. Project Description and Background

The project proposes a series of structural and electrical repairs to the Hermosa Beach Municipal Pier. The pier is located at One Pier Avenue and was built in 1964 ([Exhibit 1](#)). 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 pier is 1,141 feet long by 20 feet wide with a 50-foot wide by 68-foot long platform at the tip. The pier is supported by 54 sixteen-inch diameter, concrete piles and 81 eighteen-inch diameter, concrete piles (a total of 135 piles) which are organized into 36 bents, or rows. Bents 1-18 contain 3 piles per bent, Bents 19-33 contain 4 piles per bent, and Bents 34-37 contain 7 piles per bent ([Exhibit 2](#)).

On October 16, 2017, The City retained Tran Systems to conduct a routine structural assessment of the pier. The assessment concluded that 32 of the 135 piles have at least one area of corrosion spalling. Of the 32 piles subject to corrosion spalling, 24 piles have moderate corrosion defects, and 8 piles have significant corrosion defects. In addition, 22 pile caps were found to have some level of corrosion spalling. With respect to the steel and wood guardrails, approximately 210 ft. of the wooden top rail is deteriorating due to standard wear and tear. Overall, the assessment concluded that structural repairs are needed to maintain the pier's structural integrity and to continue providing adequate public access and recreation without sacrificing public safety.

The City is proposing structural repairs to 29 concrete piles and 11 concrete pile caps. The piles will be repaired by installing fiberglass jackets filled with grout and mortar on each damaged pile. Then, non-shrink, nonmetallic underwater grout and marine epoxy will be pumped into the enclosures pursuant to the manufacturer's recommendations. In addition, 210 feet of deteriorated wooden top rails for the existing pier guardrails will be replaced like-for-like. The existing steel guard structure will remain in place and will not be altered by the project. Finally, the City is proposing minor repairs to the Lifeguard Storage structure located on the shore under the pier. The repairs include repairing and refitting a damaged door and removal of one broken lintel beam located above the door frame ([Exhibit 3](#)).

In order to further enhance the pier's user experience, the City is also proposing a series of electrical upgrades. First, the City is proposing to install a new conduit line along the length of the pier. The conduit is necessary to power the lights along the north side of the pier, which are currently not operational, and will provide power to the foghorn located at the seaward end of the pier. Second, the existing 2.5 foot tall light bollards would be replaced with 4-foot tall LED lamps (39 32-watt lamps and two 24-watt lamps). Although the new proposed lamps would be taller than the existing lamps, no impacts to visual resources are expected. While LED lights can enhance public use of piers at night, the surrounding marine environment, including sea turtles, grunions, and other species could be adversely impacted by harsh light glare. Therefore, the

Commission imposes **Special Condition 7**, requiring the applicant to submit a lighting plan for review and approval by the Executive Director prior to issuance of the CDP. The lighting plan shall direct all light away from the ocean, sandy beach, and from the night sky, and shall only include the lowest intensity lighting that is appropriate for pier use. **Special Condition 7** ensures that the surrounding marine environment is protected while providing public access and safety along the pier.

The applicant is in the process of receiving approvals for the proposed project from the Los Angeles Regional Water Quality Control Board (Section 401 Water Quality Certification) and from the U.S. Army Corps. Of Engineers (Nationwide Permit 3) in addition to a Coastal Development Permit. Thus, the Commission imposes **Special Condition 1** requiring the applicant to abide by the requirements imposed by all of the permitting agencies.

The standard of review is Chapter 3 of the Coastal Act. The project raises potential Coastal Act issues regarding the protection of the marine environment, public access, and coastal hazards. In order to minimize adverse impacts to the marine environment, the City 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 that minimizes impacts to water quality, and **Special Condition 5**, requiring the applicant to carry out best management practices to protect water quality during construction.

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.

In order to ensure that public access is maximized to the greatest extent feasible during the construction work, the City has developed a staging and public access plan ([Exhibit 4](#)). According to the staging plan, no materials will be stored on the sandy beach, but will instead be stored at the City Yard located at 555 6<sup>th</sup> Street, Hermosa Beach. The plan also identifies two staging areas: one located on the sand below the pier between bents 2 and 4, and the other located on the top of the pier between bents 4 and 7, which will close off a small portion of the pier in that location but provide space for the public to walk by and access the other portions of the pier. Neither of these staging areas will impact public access or recreation along the sandy beach or The Strand.

The access plan identifies that a public access route under the pier will be maintained throughout construction. The access plan also describes that implementation of the proposed repairs will be done in two main phases. During the first phase of construction, which is expected to occur after Labor Day 2022 and to last approximately 3 months, pier will be partially closed to the public as the piles, pile caps, and under-

deck portions of the pier are repaired. The plan indicates that a 10-foot-wide access route on the pier deck (along the north side of the above-pier staging area) will be maintained for public use. Once Phase 1 repairs are complete, Phase 2 repairs will commence, during which the entire Pier will be closed to public access for approximately 1 month to complete the proposed guard rail replacement. The repairs to the Lifeguard Storage Area will not require Pier closure as this area is located beneath the Pier. Following completion of the proposed repairs, the pier will be completely reopened to the public (anticipated January/February 2023 timeframe).

Partial and full Pier closures are required to allow for a safe work area and the safety of the public. Signage will be posted at all work and staging areas to notify the public of the portions of the Pier currently open to public access. To ensure maximum and safe public access while accomplishing the project goals, the Commission imposes **Special Conditions 2 and 3**. **Special Condition 2** requires the City to undertake the pier repairs outside of the peak summer season (after Labor Day 2022 and before Memorial Day 2023), keep the sandy beach and parking lots open during repairs, and minimize pier closures so that development activity will not impede coastal access during the peak season. The Commission imposes **Special Condition 3**, to require submittal of and compliance with a final construction staging and access plan that minimizes impacts to public access. **Special Condition 3** requires the City to undertake construction consistent with the Public Access Plan and to include signage in multiple languages in order to provide adequate notice to the diverse non-English speaking pier user groups regarding upcoming access impacts to the pier. At a minimum, the signs shall be posted in English and Spanish. If feasible, the City shall also include notification signs in Tagalog, Chinese, and Russian. The completion of the proposed project would allow for continued public access and increased safety of the Pier. Thus, the public access benefits of the project mitigate the temporary adverse impacts to public access. Furthermore, the proposed project conforms to the public access and recreation policies of the Coastal Act.

## **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 hazards, 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 City of Hermosa Beach is notified that the project site is in an area that is potentially subject to wave action and flooding which could damage the proposed pier. 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 assures that any future landowner 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**

The Land Use Plan (LUP) for Hermosa Beach was effectively certified on April 21, 1982; however, Hermosa Beach does not have a certified LCP. 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.

As conditioned, the proposed development is 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## **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, individual or cumulative, 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**

Coastal Development Permit Application No. 5-22-0483 and associated file documents.