

CALIFORNIA COASTAL COMMISSION

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W23a

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Staff: A. Padilla-LB
Staff Report: 3/22/12
Hearing Date: 4/11-13/12
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NUMBER: 5-84-591-A2

APPLICANT: City of Santa Monica

PROJECT LOCATION: Portion of the Ocean Park Redevelopment Area bounded by Bay Street, Oceanfront Walk, Barnard Way and Neilson Way (more specifically, 2900 Oceanfront Walk) in the City of Santa Monica.

DESCRIPTION OF ORIGINAL PERMIT: The Ocean Park Beach Improvement Plan Includes the creation of a Linear Park and 21 preferential short-term parking spaces along Barnard Way, an expanded 4-acre Central Park with a children's playground, food concession, picnic tables, and restrooms at the foot of Ocean Park Blvd., a 1.5-acre South Park at the southern end of the beach with a children's play area and a shoreline accessway for physically handicapped persons, the redesign and separation of the bike/skate path from the pedestrian promenade, relocation of entrances and exits to the 2,400-space parking lot and various street system changes designed to improve vehicular and pedestrian access, circulation and safety.

DESCRIPTION OF AMENDMENT NO. 1: Amend project description requiring 21 preferential short-term parking spaces along Barnard Way to instead provide 13 of the 21 short-term public spaces at the City's parking lot No. 9 on Neilson Way.

DESCRIPTION OF AMENDMENT NO. 2: Renovate an existing public beach park play area and picnic area into a 20,000 square foot Universally Accessible Playground with play amenities, including a "ship" play structure, seating and picnic areas, shade sails, native landscaping, and security fencing. The public parking spaces within the public beach parking lot, and adjacent to the play area, will be reassigned as 19 handicap spaces.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed amendment, as conditioned, is consistent with the requirements of the Coastal Act. Staff recommends approval of the proposed development with special conditions addressing: (1) no future improvements restriction; (2) landscaping; and (3) compliance with City's water quality standards. As conditioned the project can be found consistent with the access, recreation, visual resources and water quality protection policies of the Coastal Act.

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- No. 1. Project Vicinity Map
- No. 2. Ocean Park Beach Plan
- No. 2a Aerial South Park
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- No. 5. Elevation "Ship"
- No. 6. Shade Sails
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- No. 9. Previous Permit Conditions 5-84-591-A1
- No. 10. Previous Permit Conditions 5-84-591 and 5-83-2A

Procedural Note: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or,
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the project as originally described. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

I. RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit amendment with special conditions.

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-84-591 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

RESOLUTION TO APPROVE PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

1. No Future Improvements Restriction

A. This permit is only for the development described in coastal development permit amendment No. 5-84-591-A2. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-84-591-A2 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government, unless the Executive Director determines that no amendment or coastal development permit is required.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant, the City of Santa Monica, shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

2. Landscape Plan

A. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants employed on the site shall be drought tolerant (low water use) plants identified by U.C. Davis and the Water Resources Board. Turf grass consistent with the landscaping found throughout the Ocean Park Improvement area is permitted. Invasive palm trees, such as Washingtonia Robusta, if impacted and uprooted by construction shall not be relocated within the park or within the coastal zone.

B. The permittee shall undertake development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans 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.

3. Water Quality Standards

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements as required under the City's Municipal Code that are in effect at the time of approval of this permit.

Note: Unless specifically altered by this amendment, all conditions imposed on the previously approved permit shall remain in effect (See Exhibit no. 9 and 10)

III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant, the City of Santa Monica, proposes to renovate an existing approximately 20,000 square foot public beach park play area and picnic area into a “Universally Accessible Playground” with play amenities, including a “ship” play structure, seating and picnic areas, shade sails, native landscaping, and 42-inch high security fencing. The public parking spaces within the adjacent public beach parking lot and abutting the existing park area will be restriped for 19 handicap spaces.

The project site is located off of Barnard Way, immediately south of the southernmost beach parking lot in the City of Santa Monica (see Exhibit No. 1 and 2). The project site is bounded by the Ashland Avenue pedestrian walkway and the City beach parking lot (Lot 5) to the north, Barnard Way to the east, the Marvin Braude Bike Path (bicycle path) and Santa Monica beach to the west, and Ocean Front Walk and bicycle path to the south.

The proposed site is currently developed with two sets of playground swings, sand play area, picnic tables, turf landscaped area, and palm trees. The play area (sand and swings) is surrounded by 3 foot high concrete bollards. The playground renovation will enlarge the existing play area and continue to provide picnic tables and landscaping. According to the City the new play area will provide access for physically challenged children and will provide multi-sensory equipment for those children with learning disabilities or are visually impaired. Construction will take place after the summer peak period (after Labor Day weekend).

The City held numerous community meetings including a workshop, focus group, various outreach efforts, presentations to the Disabilities Commission and Recreation & Parks Commission and final action and approval by the City Council. During the City’s public meeting process the City received a number of letters in support and in opposition of the project. Support letters address increased public access. Letters in opposition address access hazards due to the playgrounds location to the bicycle path, increased traffic, and private view blockage. These issues are addressed below. The Commission staff has not received any correspondence from the public regarding this project.

B. Development

Section 30211 of the Coastal Act states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30252 of the Coastal Act states in part:

The location and amount of new development should maintain and enhance public access to the coast by. . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation. . .

Public Access and Recreation

The proposed renovation of the beach park is designed to provide full access to children that are physically challenged. According to the City, the goals of the project are twofold:

to create an inclusive, multi-sensory, rich environment where play opportunities exist for all; and to create a memorable space that captures the visitor's imagination, within the framework of a safe and sustainable environment.

The proposed park improvements will provide recreational opportunities for residents as well as visitors to Santa Monica beach. The South Park and meandering landscaping encompasses a total of approximately 1.5 acres in this southern area of the City's beach (See Exhibit No. 2 and 2a). The South Park was part of the Ocean Park Beach Improvement Plan that was approved by the Commission in 1984 (CDP No. 5-84-591). The Ocean Park Beach Improvement Plan included a total of 9 acres of landscaped park, playground equipment, picnic areas, barbeques, walkways, pedestrian promenade, bicycle path and parking lot improvements. The components of the Ocean Park plan consisted of the following:

- A 3.5 acre Linear Park along Barnard Way;
- Expansion of the existing grassy area of the Santa Monica State Beach at the foot of Ocean Park Boulevard to create a 4-acre Central Park to include shade pavilions with tables and benches, grassy picnic areas, concession stand, restrooms and children's play area;
- A 1.5-acre South Park located at the extreme southward end of the parking lot to include

light landscaping, a seating area, a children's playground and shoreline accessway for physically handicapped persons; and

- Realignment of the existing bike/skate path and pedestrian promenade which extends from Bay Street south to the City limit.

The renovation of the existing South Park will continue and expand the availability of the public park by providing recreational amenities for children with physical limitations and/or learning disabilities (See Exhibit No. 4).

The City will also restripe the public beach parking lot (2600 Barnard Way Lot) and provide 19 Americans with Disabilities Act (ADA) parking spaces located immediately adjacent to the park within the public parking lot (see Exhibit No. 8). The location of the ADA spaces will provide easier ADA access to the park as well as the nearby beach and restroom facilities. Through restriping of the lot there will be no net loss of the 871 parking spaces located within the public beach parking lot.

Opponents to the project state that the improvements to the park will add to the traffic problems in the area. Although the improvements will provide recreational facilities for children with physical limitations and learning disabilities, the park is an existing park improved with playground equipment and picnic tables. The improvement area will be less than ½ an acre in size and is not of a significant size where it will become a major destination, as are the popular surrounding beach and bicycle path. Furthermore, the South beach parking lot provides 871 parking spaces and is one of the most underutilized beach lots in the City. With such a large parking lot and adequate available spaces throughout the peak summer period, the lots do not reach capacity where vehicles are turned away.

Opponents also state that the location of the park on the inland side of the bicycle path and the existing restrooms located on the seaward side of the bicycle path will create a hazard for physically challenged children and those using the bicycle path (see Exhibit No. 2a for location of facilities). The location of these two facilities is an existing situation and is not an isolated case. Throughout the City's beach area there are similar situations with parks and public parking lots located inland of the pedestrian path and bicycle path where there is cross traffic. The City is aware of these situations throughout the beach area and is working on a cross walk and signage plan for the entire beach area to minimize any potential hazards. At this time the City is not proposing any additional signage along the bicycle path near the South Park because there has not been a conflict issue with the existing park; however, the City will continue to monitor the situation and if the situation warrants safety measures in the future in this location, the City will discuss these measures with Commission staff to determine if a coastal development permit will be required. To ensure that any future improvements will be reviewed by the Commission and are consistent with the public access and recreational policies of the Coastal Act, Special Condition No. 1 requiring that all future development will require Commission review and approval, is necessary. Therefore, as conditioned, the project will enhance public coastal access and recreation and will be consistent with Section 30211 and 30252 of the Coastal Act.

Public Coastal Views

The proposed project site is seaward of Barnard Way, which is the first public road paralleling the beach. The southern and western boundaries of the existing park is bounded by the City's pedestrian promenade and bicycle path, and sandy beach. A public restroom is located on the sandy beach just west of the pedestrian promenade and bicycle path.

The South Park is currently improved with two sets of playground swings, security bollards, picnic tables, and landscaping consisting of turf and approximately 28 mature palm trees surrounding the existing play area. The existing equipment will be removed and replaced with the new equipment. The existing palms will be preserved in place when possible, and according to the City any removed will not be relocated in the park or coastal zone if they are determined to be an invasive variety, such as *Washingtonia Robusta* (Mexican fan palm).

The park is visible from the surrounding public areas along Barnard Way, the bicycle path, and the beach. The new equipment will include a replica of a partial hull of a clipper ship that is partially buried in the sand and will have 6 sets of shade sails varying in height from 13 to 21 feet supported by 11 poles of similar height as the sails. The ship will be approximately 140 feet long by 33 feet wide and will vary in height from 3.25 feet to 7.75 feet. The ship will be orientated in an east-west direction, as is the existing park.

The underlying permit, CDP No. 5-84-591, limited development in the Central Park, further to the north of the South Park, to a height of 13.5 feet from finished grade (26.75 feet above mean sea level). CDP No. 5-83-2A, which involved redevelopment of the adjacent Ocean Park residential area, limited development on the beach to the maximum height of existing structures. The existing structures on the beach at that time were beach concession buildings that were 13.5 to 14 feet in height. Today, the concession buildings are still the tallest structures within the Ocean Park Beach Improvement area.

Under the proposed project, the only structures that would exceed the height limits set in the previous permits are the shade sails. The shade sails vary in height from 13 to 21 feet (see Exhibit No. 6 and 7). The height limits were imposed in the two previous redevelopment permits to limit the height of the City's planned remodel and/or new beach concession buildings and restroom facilities located on the beach since the concession buildings would create a solid mass and could potentially, individually and cumulatively, impact views to the beach and ocean from public inland areas, such as public streets, walkways, and from the beach park that was proposed at that time as part of the redevelopment of the area. The shade sails are raised up and are in a slanted somewhat horizontal plane. As designed, views will continue to be provided under and above the sails. Furthermore, because of the existing 28 palms that vary in height from 7 to 30 feet, views through the South Park are limited due to the multitude of palm trees. The orientation of the park in an east-west direction and narrowness of the park, also limits the sails impact to surrounding public ocean and beach views. Therefore, public views from the nearby public street, walkways, and adjacent bicycle path will not be significantly impacted.

Views to and from the site will further be enhanced through the proposed landscaping that will soften views of the 42-inch high security fencing and landscaping will consist of low growing

plants that will not interfere with public ocean views from the surrounding area. Landscaping will consist of native drought tolerant and non-invasive vegetation, varying from low bushes, including a mix of grasses, and sages. Existing palms will be preserved in place where possible. The proposed landscaping is designed to minimize the use of water and to be self sustaining. According to the City, existing non-native palms, such as the Mexican Fan Palm (*Washingtonia robusta*), if uprooted due to construction activities, will not be replanted on-site or within the coastal zone. Invasive plants, such as the Mexican Fan Palm, will significantly increase number of seeds being deposited in the area which could create problems with any eradication efforts due to the increase number of seedlings that could germinate throughout the area and adversely impact native vegetation. Therefore, to ensure that the invasive non-native Mexican fan Palm is not replanted, as a special condition (No. 2) of the permit the applicant shall submit and implement a landscape plan that consists of drought tolerant, non-invasive plants and indicates any invasive palms if uprooted due to construction will not be relocated within the park or coastal zone. The Commission, therefore, finds that only as conditioned, will the project be consistent with Section 30251 of the Coastal Act.

C. Control of Polluted Runoff

Section 30230 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 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.

The proposed project poses a potential source of pollution due to construction activities and possible sedimentation from site runoff. According to the City, staging and storage of construction material will be contained on site and adjacent parking lot. The project will incorporate best management practices during construction for erosion and sediment control. The proposed project will comply with the City's water quality standards. Coastal Commission water quality staff has previously reviewed the City's water quality standards for similar projects and have determined that the City's standards are consistent with standards imposed by the Commission. To ensure that the

development complies with the City requirements, a Special Condition (No. 3) is necessary that requires the applicant to agree to comply with the water quality requirements of the City. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development 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 (commencing with Section 30200).

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

The subject site is suitable for development of a municipal park. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare implementation for a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) 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)(i) 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 impact which the activity may have on the environment.

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.

APPENDIX

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit No. 5-84-591, A-318-76, 5-83-002-A
2. City of Santa Monica's certified LUP.

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.

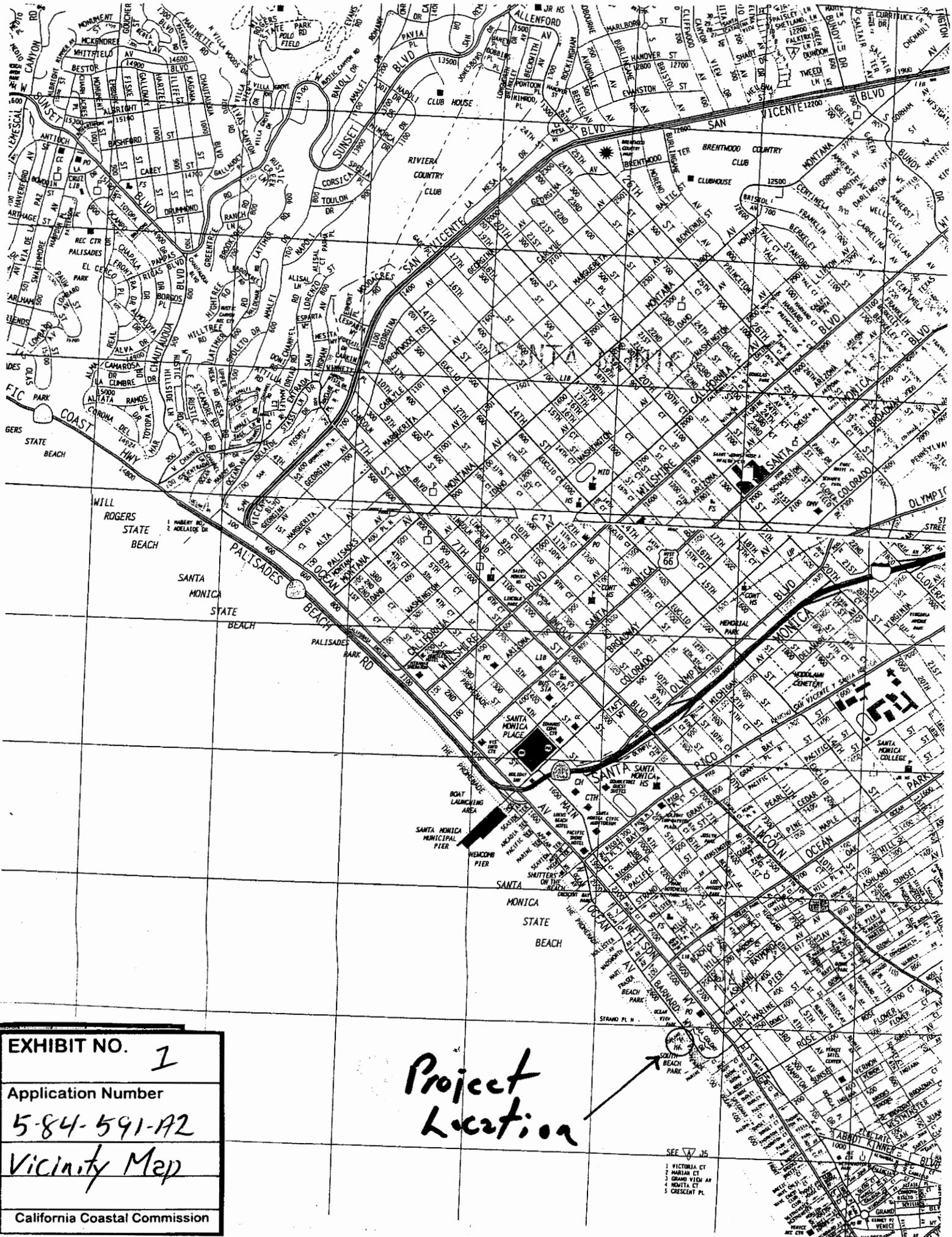


EXHIBIT NO.	1
Application Number	5-84-591-A2
Vicinity Map	
California Coastal Commission	

Project Location

- SEE V 75
- 1 VICTORIA CT
 - 2 MARIAN CT
 - 3 GRAND VIEW AN
 - 4 MONITA CT
 - 5 CRESCENT PL

Beach

South Park

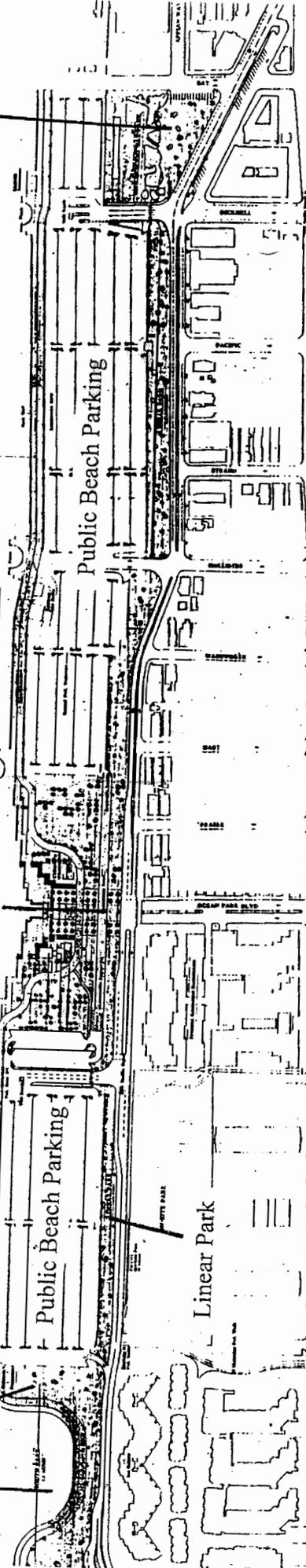
Bicycle Path/Pedestrian Promenade

Project Site

Central Park

Beach

Crescent Park



OCEAN PARK
BEACH PLAN
AUGUST 20, 1984

EXHIBIT NO. 2
Application Number 5-84-591-A2
Ocean Park
Beach Plan
California Coastal Commission

Parcel

Orthophoto (1ft, Mar 2010)

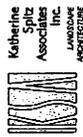
EXHIBIT NO. 28
Application Number 5-84-591A2
Aerizl
South Park California Coastal Commission



UAP



City of Santa Monica
 UNIVERSALLY ACCESSIBLE PLAYGROUND
 Santa Monica State Beach



Katherine Spitz
 Associates
 INC.
 ARCHITECTS
 10010 Wilshire Blvd., Suite 100
 Los Angeles, CA 90024
 Tel: (310) 206-1000
 Fax: (310) 206-1001

PROJECT NO. 10010
 SHEET NO. 10010-01
 DATE: 10/15/03

PROJECT NAME: UNIVERSALLY ACCESSIBLE PLAYGROUND
 CLIENT: CITY OF SANTA MONICA
 PROJECT LOCATION: SANTA MONICA STATE BEACH

DESIGNED BY: KATHERINE SPITZ ASSOCIATES, INC.
 CHECKED BY: [Signature]
 DATE: 10/15/03

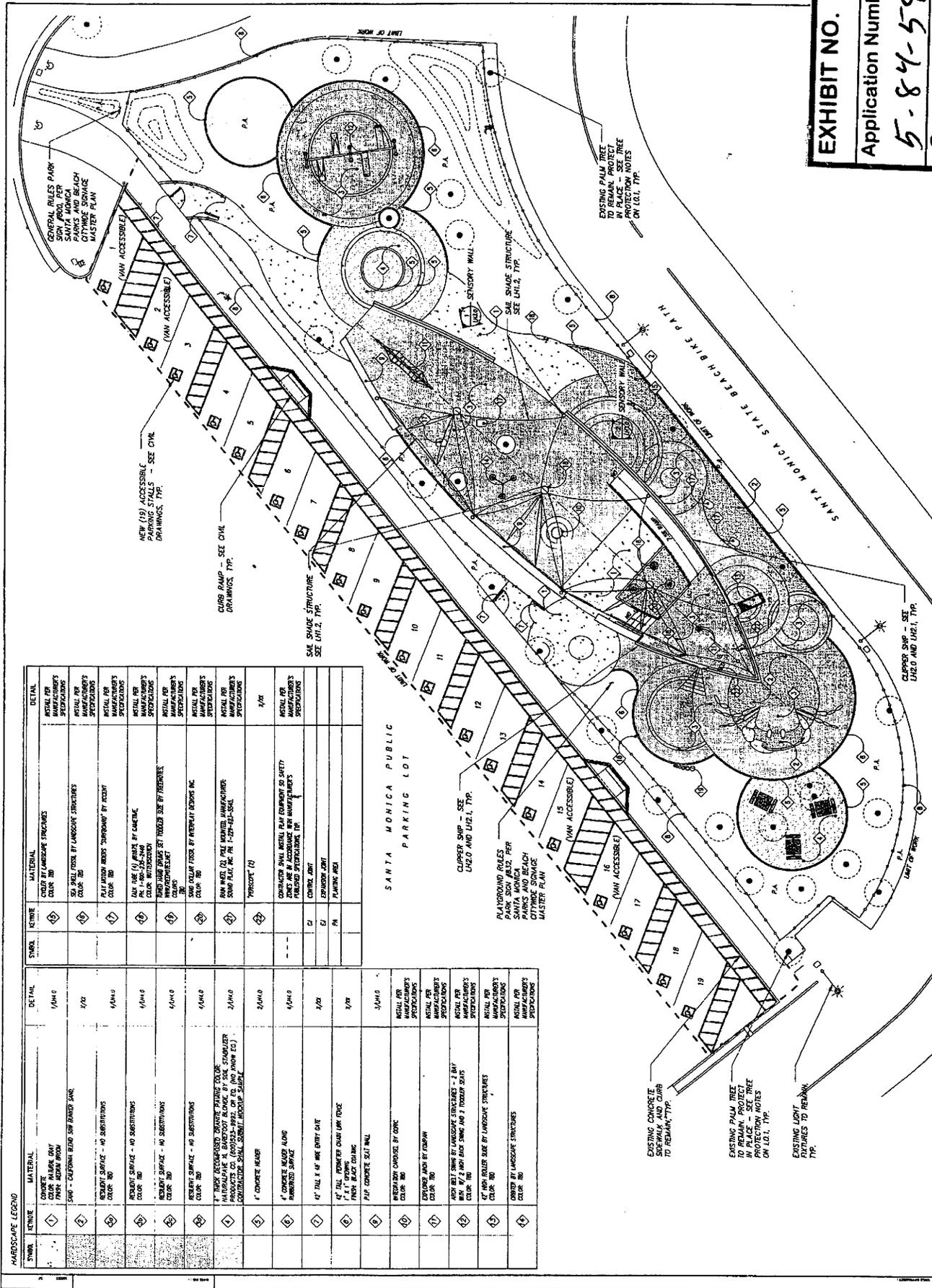
SCALE: AS SHOWN
 CITY EJECT

DATE: 10/15/03
 DRAWN BY: [Signature]

PROJECT NO. 10010
 SHEET NO. 10010-01
 DATE: 10/15/03

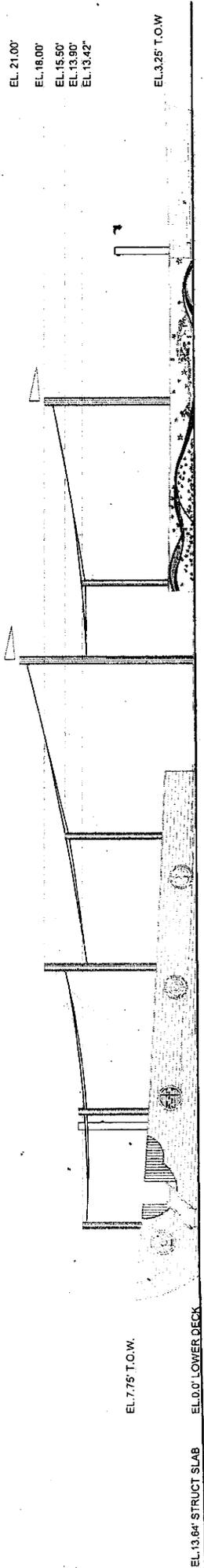
PROJECT NAME: UNIVERSALLY ACCESSIBLE PLAYGROUND
 CLIENT: CITY OF SANTA MONICA
 PROJECT LOCATION: SANTA MONICA STATE BEACH

EXHIBIT NO. 4
 Application Number
5-84-591-A2
Proposed Site Plan



HARDSCAPE LEGEND

SYMBOL	REQUIRE	MATERIAL	DETAIL
1	CONCRETE	CONCRETE	1/4" x 1/4"
2	WOOD	WOOD	2" x 4"
3	WOOD	WOOD	1/4" x 1/4"
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5	WOOD	WOOD	1/4" x 1/4"
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99	WOOD	WOOD	1/4" x 1/4"
100	WOOD	WOOD	1/4" x 1/4"



EL. 21.00'
 EL. 18.00'
 EL. 15.50'
 EL. 13.90'
 EL. 13.42'

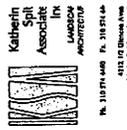
EL. 3.25' T.O.W

EL. 7.75' T.O.W.

EL. 13.64' STRUCT SLAB EL. 0.0' LOWER DECK

EXHIBIT NO. 7
Application Number 5-84-591A2
Elevation Shede Seils

SMUAP - North Elevation



Kaithehn Soil Associates, Inc.
 LANDSCAPE ARCHITECTS
 1112 10th Street, Suite 100
 Santa Monica, CA 90401
 Phone: (310) 310-1111
 Fax: (310) 310-1112
 Email: kaithehn@earthlink.net

PROJECT:
 UNIVERSALLY ACCESSIBLE PLAYGROUND
 SANTA MONICA STATE BEACH

DATE: 10/15/01
SCALE: AS SHOWN

PROJECT NO.: 01-01-01
DATE: 10/15/01

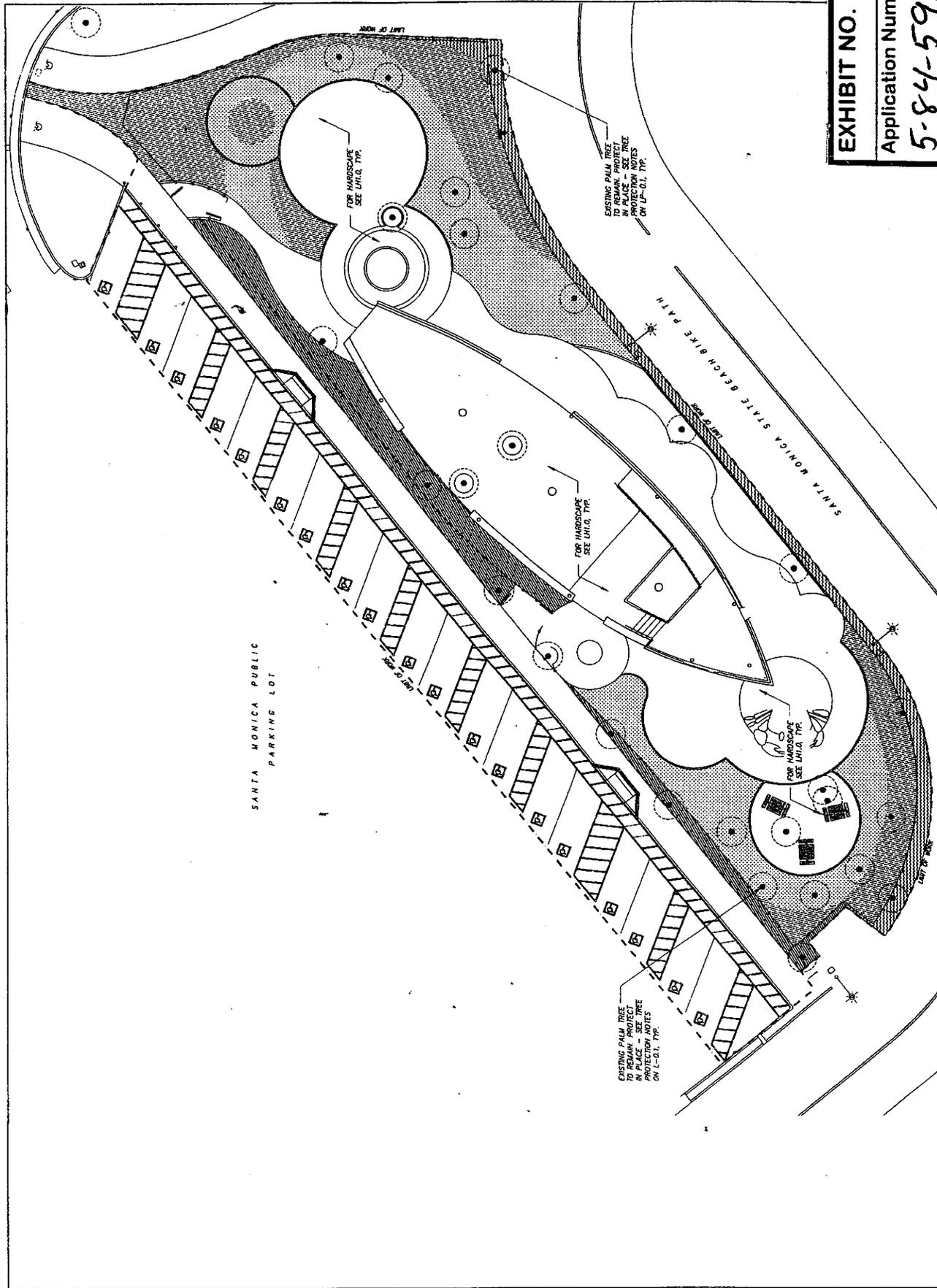


EXHIBIT NO. 8
Application Number 5-84-591-A2
ADA Parking

EXHIBIT NO. 9
Application Number 5-84-591-A2
Previous Permit Previous Permit
Conditions 5-84-591A1
California Coastal Commission

SPECIAL CONDITIONS FOR 5-84-591-A1

1. Public Parking Plans

Prior to issuance of the permit amendment, the applicant shall submit, for the review and approval of the Executive Director, plans showing a minimum of an additional 13 metered (3-hour limit) public parking spaces within City parking lot No. 9, on Neilson Way.

2. Construction of Parking Spaces

The 13 additional metered public parking spaces within Lot No. 9 shall be installed and in operation within 90 days from the date of Commission approval of this permit. The parking spaces shall conform to the reviewed and approved plans identified in special condition no. 1 of this amended permit.

3. Future Changes

With the acceptance of this permit amendment the applicant agrees that any change in the hours or days of operation of the 13 short-term (3-hour minimum) public parking spaces within City parking lot No. 9, on Neilson Way, will require an amendment to this permit.

4. Condition Compliance

Within 60 days of Commission action on this amendment to the Coastal Development Permit, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all conditions of approval required to be satisfied prior to issuance of the Coastal Development Permit, as amended. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

EXHIBIT NO. 10
Application Number 5-84-591-A2
Previous Conditions 5-84-591 & 5-83-2A
California Coastal Commission

SUMMARY

The staff recommends approval with conditions address height and prior conditions to the development of the Redevelopment Area.

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

I. Standard Conditions: See Attachment X.

II. Special Conditions.

1. "Central Park" Development. Maximum height of any proposed structures shall be limited to 26.75 feet above mean sea level. The timing of construction shall not conflict with peak periods of beach use (from May 1 to September 15 of any given year).

2. Remaining Conditions. All other conditions of Permit No. 318-76 and subsequent amendments and Permit No. 5-83-2A that have been approved subject to conditions prior to the submittal of the current application not expressly altered by this permit, shall remain in effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

A. Project Description.

The application is for the development of the Ocean Park Beach Improvement Plan which includes:

(1) a 3.5-acre Linear Park along Barnard Way and 21 parking spaces between Crescent Bay Park and the proposed South Park as a continuation of the oceanfront/Palisades Park theme created by reducing

Where Section 8 or other subsidies are not available to persons who will be occupying the unit, maximum rental levels shall be a base rent that is affordable to persons earning less than 80% of the median income as determined by HUD for the Standard Metropolitan Statistical Area in which it is located, adjusted for family size. Affordable shall be defined as 25% of the median household income as noted above.

3. Remaining Conditions. All other conditions of the original permit not expressly altered by this amendment shall remain in effect.

IV. Conditions of Permit 5-83-2A (5/83)

A. Overall Conditions

The following overall conditions shall be fulfilled by the applicant:

1. Choice of Development Plan. The applicant shall notify the Executive Director in writing to indicate which development plan option will be exercised pursuant to this amendment, within sixteen (16) months from the date of approval of this amendment. Failure to provide notification to the Executive Director shall cause this amendment to expire.

2. Letters of Credit. Where required in any of the following conditions, the applicant shall provide a letter of credit according to the following specifications:

a. The letter of credit shall be issued by a bank, savings and loan, or other financial institution registered with the Secretary of State to do business in California and subject to the approval of the Executive Director.

b. The form and content of the letter of credit shall be subject to the review and approval of the Executive Director of the Commission.

c. The letter of credit shall state that it is being issued for the purpose of guaranteeing the permit applicant's performance of permit conditions and that funds in the amount specified in the condition shall be disbursed for that purpose out of the account which backs the letter of credit.

d. Funds in the account shall be disbursed to the applicant to reimburse costs of development which has been completed pursuant to the particular condition. The letter of credit shall state the various stages at which the applicant shall be entitled to reimbursement, subject to the review and certification by the Executive Director or his designee that the development has been completed to that stage. The number of disbursement stages shall be reasonable and related to the scale of the development required by the condition. In the event that the applicant does not commence development by the starting date, or if development is not completed to the satisfaction of the Executive Director according to specified timetables, then the sums guaranteed by the letter of credit shall automatically be payable to the California Coastal Commission or its designee for the purpose of fulfilling the permit condition.

e. Upon completion of construction, after the Executive Director has determined that the development has occurred in accordance with the particular

permit condition, the Commission shall authorize the issuer to return the letter of credit, or otherwise release any remaining funds that were guaranteed.

3. Interim Park and Access Improvements. Within thirty (30) days of the date of this amendment approval, the applicant shall deliver a \$200,000 letter of credit to the Executive Director to ensure that interim park improvements depicted in Exhibit D of this amended permit shall be completed within six (6) months from the date of this approval or be completed prior to the commencement of construction of the Phase II market-rate units, whichever occurs first. The letter of credit shall also guarantee that the applicant commence construction within one hundred and twenty (120) days from the date the Notice of Intent To Issue A Permit is transmitted to the applicant by the Commission, and that the applicant substantially complete park improvement construction within thirty (30) days from the date of commencing construction.

B. Conditions to be met if the Settlement Plan is Implemented:

1. Approval In Concept for the Affordable Housing Site and the "Ocean Park" Site. The applicant shall agree to submit separate coastal development permit applications for the construction of onsite affordable housing units and for construction of the 4-acre "Ocean Park" as detailed in the Settlement Plan (Exhibit B). The permit applications shall conform with the following special requirements, as well as the Commission's normal permit application requirements:

a. Affordable Housing. If the number of onsite housing units is less than eighty (80) units, the applicant shall provide additional documentation to the Commission which specifies alternative locations within the Ocean Park coastal zone for the remaining units to be constructed so that the total number of affordable units is 80 units. The onsite units shall adhere to a maximum height limitation of 54 feet above existing grade on Neilson Way. Adequate support parking for the onsite affordable units must be provided within the project site. Vehicular access to the affordable housing portion of the site shall be limited to one driveway entrance/exit located along Ocean Park Boulevard approximately 140 feet west of Neilson Way measured from the centerline of Neilson Way to the centerline of the driveway.

b. "Ocean Park" Development. Development plans shall be reviewed and approved by the California Department of Parks and Recreation prior to submittal to the Coastal Commission in a coastal development permit application. Maximum heights of any proposed structures shall be limited to the maximum height of existing structures located on the Santa Monica State Beach directly west of the project site. The timing of construction shall not conflict with peak periods of beach use (from May 1 to September 15 of any given year). Changes to the State Beach must be adequately publicized by a publicity program subject to the review and approval of the Commission when it considers the subject permit application.

2. Affordable Housing Development. Prior to transmittal of a permit, the applicant shall deliver a \$3,500,000 letter of credit to the Executive Director to ensure that the onsite affordable housing will be constructed and completed concurrently with the completion of the Phase II market-rate condominium construction. The applicant shall commence construction within twelve (12)

months from the date of the commencement of construction on the Phase II market-rate condominium units.

3. Onsite Park. Prior to transmittal of a permit, the applicant shall deliver a \$500,00 letter of credit to the Executive Director to ensure that the onsite park improvements as depicted in Exhibit E shall be substantially completed within eighteen (18) months from the date of the commencement of the construction on the Phase II market-rate condominium units. The applicant shall commence construction within six (6) months of the date of the commencement of construction on the Phase II market-rate units.

4. "Ocean Park" and all Offsite Recreational/Access Improvements. Prior to transmittal of a permit, the applicant shall deliver a \$4,000,000 letter of credit to the Executive Director to ensure that the offsite beach/recreational/access improvements shall be substantially completed within eighteen (18) months of the date of commencement of construction on the Phase II market-rate condominium units. The applicant shall commence construction of the improvements within six (6) months of the date of commencement of construction on the Phase II market-rate units.

5. Height Limitations for Phase II Market-Rate Units. The applicant shall submit precise site plans subject to the review and approval of the Executive Director which demonstrate that the maximum heights of the Phase II condominium units do not exceed 57.5 feet above average existing grade at Barnard Way. The highest point of the condominium structures shall be defined as the top of the roof joists. Elevator housing, stairways, chimneys, solar heating systems, etc. may exceed the 57.5 ft. height limitation.

6. Vehicular Access For Phase II Market-Rate Units. Prior to the transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which indicate ingress/egress routes for the market-rate unit portion of the site. Vehicular access shall be limited to one entrance/exit located along Barnard Way approximately 460 feet south from Ocean Park Boulevard (as measured from the centerline of Ocean Park Boulevard to the centerline of the new driveway). A cut in the median strip shall be provided for left turn access into the project while traveling south along Barnard Way.

7. Onsite Park Design. Prior to transmittal of a permit, the applicant shall submit, subject to the review and approval of the Executive Director, revised plans showing a park design for the 3.27 acres reserved for such use as shown in Exhibit E. The onsite park design shall include the provision of at least five support parking spaces along Barnard Way adjacent to the Ashland Accessway terminus.

8. Street Narrowing and Landscaping. Prior to transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, precise plans for the landscaping and street narrowing portion of the Beach Access/Recreational Park Improvement. The plans shall indicate species and location of landscape materials; drought-resistant, native California species shall be utilized to the maximum extent possible. The street narrowing plans shall demonstrate additional short-term parking availability along the following streets:

a. On the landward side of Barnard Way between Hollister and Ocean Park Boulevard.

b. Along both sides of Ocean Park Boulevard between Neilson Way and Barnard Way.

The applicant shall provide as many spaces as possible without conflict with existing short-term parking for the residential portions of the project site and with ingress/egress routes for the project. The street narrowing program shall be adequately publicized both on a local and regional nature; the form of the publicity program shall be subject to the review and approval of the Executive Director prior to implementation of said program.

9. Rescission/Reduction of Settlement Plan Letters of Credit. Prior to transmittal of a permit, the applicant shall agree to enter into a binding legal agreement with the Commission, assuring compliance with the following:

a. If the Phase II market-rate condominium units are prohibited from going forward during the first one hundred twenty (120) days of construction, the applicant shall return the project site to its pre-construction state within ninety (90) days of being stopped in construction. If the land is not returned to preconstruction status, the applicant shall forfeit all of its previously posted letters of credit to the Commission. The Commission shall use the letters of credit to return the land to its pre-construction state and to install park and beach improvements pursuant to the conditions attached to Permit No. 318-76 as it was originally approved in 1977.

b. After the land has been returned to its pre-construction state pursuant to the time specifications described herein, the applicant shall notify the Commission in writing of its intention to abandon the Settlement Plan's implementation. After the Commission has concurred with the applicant's decision, the applicant shall rescind its \$3,500,000 letter of credit posted for the construction of the onsite affordable units, and shall reduce its \$4,000,000 letter of credit posted for the offsite beach/recreation/access improvements to \$1,000,000.

c. On the 121st day after the commencement of construction on the Phase II units, the applicant shall have no right to rescind the posted letters of credit as described herein.

C. Conditions to be met if the Alternate Plan is Implemented:

1. Housing. Prior to the issuance of Certificates of Occupancy for the Phase II market-rate condominium units, the applicant shall implement and complete the Housing Assistance and Rehabilitation Program (HARP) pursuant to the original terms of the program and permit condition issued for the project (Permit No. 318-76).

2. Onsite Park. Prior to transmittal of a permit, the applicant shall deliver a \$500,000 letter of credit to the Executive Director to ensure that onsite park improvements shall be substantially completed within eighteen (18) months of the date of commencement of construction on the Phase II market-rate condominium units and that the applicant shall commence construction on the improvements within six (6) months from the date of commencement of Phase II market-rate unit construction.

3. Beach Parking Lot Improvements. Prior to transmittal of a permit, the applicant shall deliver a \$1,000,000 letter of credit to the Executive Director to ensure that the beach parking lot improvements, and improvements to the City's pedestrian promenade/bikepath as described in Exhibit C, shall be substantially completed within eighteen (18) months from the date of commencement of construction on the Phase II market-rate units and that the applicant shall commence improvement construction within six (6) months from the date of commencement of construction on Phase II market-rate units.

4. Height Limitations for Phase II Units. The applicant shall submit precise site plans subject to the review and approval of the Executive Director which demonstrate that the maximum heights of Phase II units do not exceed 54 feet above average existing grade on Neilson Way. The highest point of the structures shall be defined as the top of the roof joists. Elevator housing, stairways, chimneys, solar heating system, etc. may exceed the 54 ft. height limitation.

5. Vehicular Access. Prior to transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which indicate ingress/egress routes for the Phase II units. Vehicular access shall be limited to the following locations:

a. A driveway entrance/exit located no closer than approximately 390 feet west of the intersection of Neilson Way and Ocean Park Boulevard (as measured from the centerline of the intersection to the centerline of the driveway.)

b. A driveway entrance/exit located no closer than approximately 270 feet west of the intersection of Neilson Way and Ocean Park Boulevard (as measured from the centerline of the intersection to the centerline of the driveway.)

c. If required by the Fire Department, fire access can be permitted along Ocean Park Boulevard and Barnard Way. The applicant shall provide documentation to the Executive Director of such Fire Department requirements.

D. Remaining Conditions

All other conditions of Permit No. 318-76, and subsequent amendments that have been approved subject to conditions prior to the submittal of the current amendment request not expressly altered by this amendment, shall remain in effect.