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**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 8/27/98  
49th Day: 10/15/98  
180th Day: 2/23/99  
Staff: Padilla-LB *[Signature]*  
Staff Report: 10/15/98  
Hearing Date: 11/4-6/98  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO:** 5-98-359

**APPLICANT:** City of Santa Monica

**PROJECT LOCATION:** East side of Appian Way across from Moss Avenue and adjacent to the Santa Monica Pier bridge, City of Santa Monica

**PROJECT DESCRIPTION:** Construction of an 8,700 square foot low-flow stormwater treatment facility to reclaim dry weather runoff from the Pico-Kenter and Pier storm drains; and relocation of public stairway.

Lot area: 19,000 square feet  
Parking spaces: 5 to 8  
Zoning: RVC-Residential-Visitor Commercial

**LOCAL APPROVALS RECEIVED:** City of Santa Monica Approval In Concept; Initial Study and Negative Declaration;

**SUBSTANTIVE FILE DOCUMENTS:** CDPs 5-96-062 (Project New Hope ); 5-97-346(Roberts)

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission approve the proposed project with a Special Condition regarding placement of signage notifying the public of the availability of the public access stairway.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

#### 1. Signage

The applicant shall install signage at: (1) the top of the pedestrian stairway along the Pacific Coast Highway transition road; (2) near the intersection of the Pacific Coast Highway transition road and Ocean Avenue; and (3) along Appian Way near the bottom of the pedestrian stairway. The signage at locations (1) and (2) shall indicate public beach and Pier access and direct the public to the stairs. The sign at location (3) shall indicate public access to Ocean Avenue. The City shall submit, for review and approval by the District Director, a signage plan showing the size, wording, and location of the signs.

### IV. Findings and Declarations.

#### A. Project Description

The applicant proposes to construct an 8,700 square foot low-flow stormwater treatment facility to reclaim dry weather runoff from the Pico-Kenter and Pier storm drains; and relocation of public stairway. The project includes the removal of the public stairway and excavation of the approximately 21-foot high sloped area on the site. The project will provide a parking lane along Appian Way providing 5 to 8 parking spaces for maintenance personnel parking only. The facility is designed as a stand alone facility and will not have any permanent on-site employees.

The facility will include treatment structures, ancillary structures and office/response areas. The treatment structures associated with this facility are units that will hold water and include sand filters, coagulation basins, contractor towers, pumps, and irrigation/wastewater reservoirs. Ancillary structures include ozone generators, air compressors, chemical storage, and trash bins. Office facilities would include the computer control room, a small wet laboratory, space for an operator to perform administrative functions, and toilet facilities.

The facility design will incorporate artistic elements used to educate visitors about the purpose of the Dry-Weather Runoff Reclamation Facility (DWRRF), the causes of dry-weather runoff, and the environmental impacts of illegal dumping in the storm drain system. The design includes a handicapped-accessible walkway that provides a vantage point from which to view the site, as well as a new access to the beach.

The proposed project site consists of an approximately 19,000 square foot City owned parcel. The parcel is bounded by Appian Way on the west, Moss Avenue to the south, the Pacific Coast Highway (PCH) transition ramp to Ocean Avenue to the east, and the Santa Monica Pier bridge to the north. A portion of the site is currently developed with the City's Moss Avenue Pumping plant. As part of the project the pumping plant will be demolished and rebuilt and incorporated into the proposed treatment facility.

Appian Way is the first public road paralleling the sea. It is a two-lane street with no on-street parking that provides access to the various public beach parking lots, beach facilities along the beach, and to the Pier. West of Appian Way, in the vicinity of the project site, there is a public beach parking lot, visitor-serving commercial businesses including retail, food and various beach related concessions and residential units.

The property is located within the City's Beach Overlay District. The boundary of the Beach Overlay District is the area west of Ocean Avenue and Neilson Way (excluding the Pier area) extending from the City's northern boundary line to the southern boundary line. The Beach Overlay District was created with the passage of a voter initiative (Proposition S). The initiative prohibits hotel and motel development, and restaurants over 2,000 square feet, in the Beach Overlay district. The initiative was not certified by the Coastal Commission.

In 1987 the Commission certified, with modifications, a LUP for the entire coastal area of the City of Santa Monica. The City, however, did not accept the LUP as certified. Then in 1992 the city resubmitted the LUP. The Commission certified the LUP with suggested modifications. The certified LUP, however, excluded all areas within the Beach Overlay District. The Commission deferred certification of this area because the Commission found that Proposition S discouraged visitor-serving uses along the beach, resulting in an adverse impact on coastal access.

#### B. Water Quality/Marine Environment

The following Coastal Act Sections are relevant:

##### Section 30230 of the Coastal Act:

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

##### Section 30231 of the Coastal Act states:

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

The proposed project is the construction of a treatment system to reclaim dry weather runoff from the Pico-Kenter and Pier storm drains. According to the City's Negative Declaration the facility is:

a state-of-the-art low flow stormwater treatment facility utilizing an innovative ozone disinfection process. Low or dry weather stormwater flow from the Pico-Kenter Storm Drain will be diverted into an existing 18" diameter pipe located beneath the Promenade. The water will flow by gravity to the intersection of Moss Avenue and Appian Way and will be combined with water from the Santa Monica Pier storm drain. Both flows will be treated in a series of structures which will screen the solid material such as leaves, paper, etc., filter smaller particles, separate the oil and water, disinfect the water using an ozone process and then recycle the water.

After disinfection, storm water will be monitored or tested to assess the level of treatment. Depending on the quality of the treated water, it may be either reclaimed and used for freeway landscape irrigation, ground water recharge, flushing sanitary sewers, or release to the ocean. If the stormwater can be treated to conform to regulatory requirements, it can be recycled to irrigate freeway landscaping and for groundwater recharge. Should the treated water not meet these standards, it may be used to flush the sanitary sewers that transports sewage for treatment at the Hyperion Sewage Treatment facility in Playa del Rey. Finally, the water may be released into the ocean after treatment—water that is of far better quality than is presently released into Santa Monica Bay. Since the proposed project will improve the quality of the stormwater currently released into the Bay, there are no adverse environmental impacts to water quality related to this project.

The Santa Monica Bay provides a habitat for many sea mammals, migratory waterfowl, shorebirds and endangered species such as the California Grey whale. The marine environment also supports numerous water-related recreational opportunities such as sport fishing, swimming, boating, snorkeling, surfing, etc. Because of these significant marine and coastal recreation resources, water quality issues from non-point pollution sources need to be clearly addressed.

Although many impacts from the larger industrial and municipal discharges have been well documented, the effects of storm drain discharges are less understood. There are a number of storm drains that terminate and drain onto the beach and into the ocean. The Pico-Kenter storm drain, which serves a very urbanized area, can potentially carry pathogenic contamination as well as heavy metals and organic substances. It is difficult to quantify these pollutant-loading sources because their flow is periodic and may increase substantially during heavy storms.

The State, Federal and local regulatory and management structure for controlling non-point pollution control is still evolving. The California Coastal Commission will have new responsibilities to implement the Coastal Non-point Pollution Control Program (CNPC) pursuant to Section 6271 of the recent reauthorization of the Coastal Zone Management Act. As part of that program, the Commission will be required to establish mechanisms to improve coordination among State and local agencies responsible for water quality permitting and enforcement, habitat protection and public health and safety.

Early action Best Management Practices (BMPs) are typically measures to reduce pollutants that are already in place, that may be improved or carried out more frequently but that require no construction. Examples of BMPs are a storm drain catch basin cleaning program, stenciling catch basins to inform the public that storm drains discharge directly on the beach, depots to recycle hazardous household waste and municipal street cleaning.

The City currently implements a catch basin cleaning program, public information program, and catch basin stenciling program as part of their Best Management Practices. The proposed project is not a new storm drain nor will it increase the current storm drain volumes. The proposed project will intercept existing flows from two existing storm drains and remove pollutants that would normally drain into the ocean. Furthermore, the proposed project will be designed to allow the public to view the treatment process and will help educate the public regarding storm drain pollution and storm water treatment.

The proposed facility will not only improve the quality of water that flows through the Pico-Kenter and Pier Storm drain and out into the ocean during low flow periods but as designed to include public education that will be an effective Best Management Practice. Preventing the mishandling of these wastes through public education is one way to reduce ocean pollution from these sources. Therefore, the Commission finds that the proposed project will improve water quality and will incorporate a Best Management Practice consistent with the marine resource provisions of Coastal Act.

### C. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project will be located immediately south of the Pier and just east of the beach area and visitor servicing area. The area is the most active recreation area of the Santa Monica beach. There are volleyball courts, children's play area, and other recreational facilities. The Promenade, a paved pedestrian walk, which is used by pedestrians, rollerskaters, and skateboarders is located along the inland edge of the beach. A beach bicycle path is also available along the beach. The area also includes commercial beach establishments, such as retail shops, food stands and beach related rental shops.

Access to this beach area is via the Pier bridge from Ocean Avenue, and the numerous public streets that provide vertical vehicle and pedestrian access, such as the nearby Moss Avenue, Seaside Terrace, Seaview Terrace, Pico Boulevard, etc. On the proposed site there is a concrete pedestrian stairway located along the southern portion of the site, which also provides pedestrian access. The stair provides vertical pedestrian access from Ocean Avenue (the first major road paralleling the ocean, south of the Pier) via the PCH transition road down to Appian Way. From Appian Way pedestrians can then walk to the beach and Pier.

The existing stairway is located approximately 190 feet south of the Pier. The applicant proposes to demolish the existing stairway and construct a new stairway and a handicap access ramp further to the north on the property, approximately 50 to 60 feet south of the Pier. Although the stairway will be replaced and the site will continue to provide pedestrian access, including handicap access, to and from the beach the construction of the facility may create an appearance that the stairway is part of the facility and pedestrians may not use the stairway for beach access. Therefore, as a condition of this permit the applicant shall install signs at the bottom and top of the stairs and at the corner of Ocean Avenue and the PCH transition road. The signage at the top of the stairs and at the corner of Ocean Avenue and the PCH transition road shall state that the stairs are for public access and provide access to the beach and Pier. The sign to be located at the bottom of the stairs shall state the stairs are for public access to Ocean Avenue. Prior to the issuance of the permit the applicant shall submit a signage plan for the review and approval of the Executive Director, showing the wording and location of the signs.

During construction Appian Way and the PCH transition road will remain open. However, according to the applicant one lane of Appian Way may be closed due to construction activities and for public safety purposes. In addition, one lane along the PCH transition road will be temporarily closed during pile driving activities. Because these roads will continue to be open and the partial closing will only be temporary the adverse impact due to construction will be insignificant.

In addition to the use of the two adjacent roads for construction activities the applicant also proposes to use a remote site for the contractor's lay-down area for the storage of material and equipment. The proposed site is located on the north side of the Pier, approximately 360 feet from the construction site and adjacent to the Pier's public parking lot. The lay-down area is a 250,000 square foot City owned parcel that is currently used as a maintenance storage yard. There is an existing maintenance access road that will be used by the contractor to access the site. The use of the site will not adversely impact the public parking lot.

The Commission, therefore finds that, as conditioned to provide public access signage directing the public to the public stairway, the proposed project will be consistent with Section 30210, 30211, 30221 of the Coastal Act.

D. Visual Impacts

Section 30251 of the Coastal Act states:

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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project will be constructed into the slope that is located between Appian Way and the PHC transition road. The slope is approximately 21 feet in height. The structures within the proposed facility will vary in height with a maximum height of 20 feet. All structures will be located below the proposed retaining wall, along the eastern property line, that extends to approximately 5 feet above the level of the PCH transition road.

The project will be located in the shadow of the bridge which accesses the Santa Monica Pier and behind (east) of a mixed-use retail, restaurant and residential structure located along the promenade. To the south there is a 30-foot high, 25-unit affordable housing project currently under construction [5-96-062 (Project New Hope)]. To the east, across the PCH transition road, an existing restaurant is being remodeled with a height of 30 feet [5-97-346(Roberts)].

Because the site is set below the Pier's access bridge and Ocean Avenue and the proposed structures will not extend more than 5 feet above the PCH transition road, public views to the ocean from the Pier's access bridge or from along Ocean Avenue will not be adversely impacted. Furthermore, the design of the facility will include landscaping to help minimize any visual impact. As proposed the project will be sited and designed to protect views to and along the ocean and scenic coastal areas and will be visually compatible with the character of surrounding areas. The Commission, therefore, finds that the proposed project is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

(a) 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.

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), the Santa Monica Pier and the Civic Center. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed project is located west of Ocean Avenue and is located in the area of deferred certification.

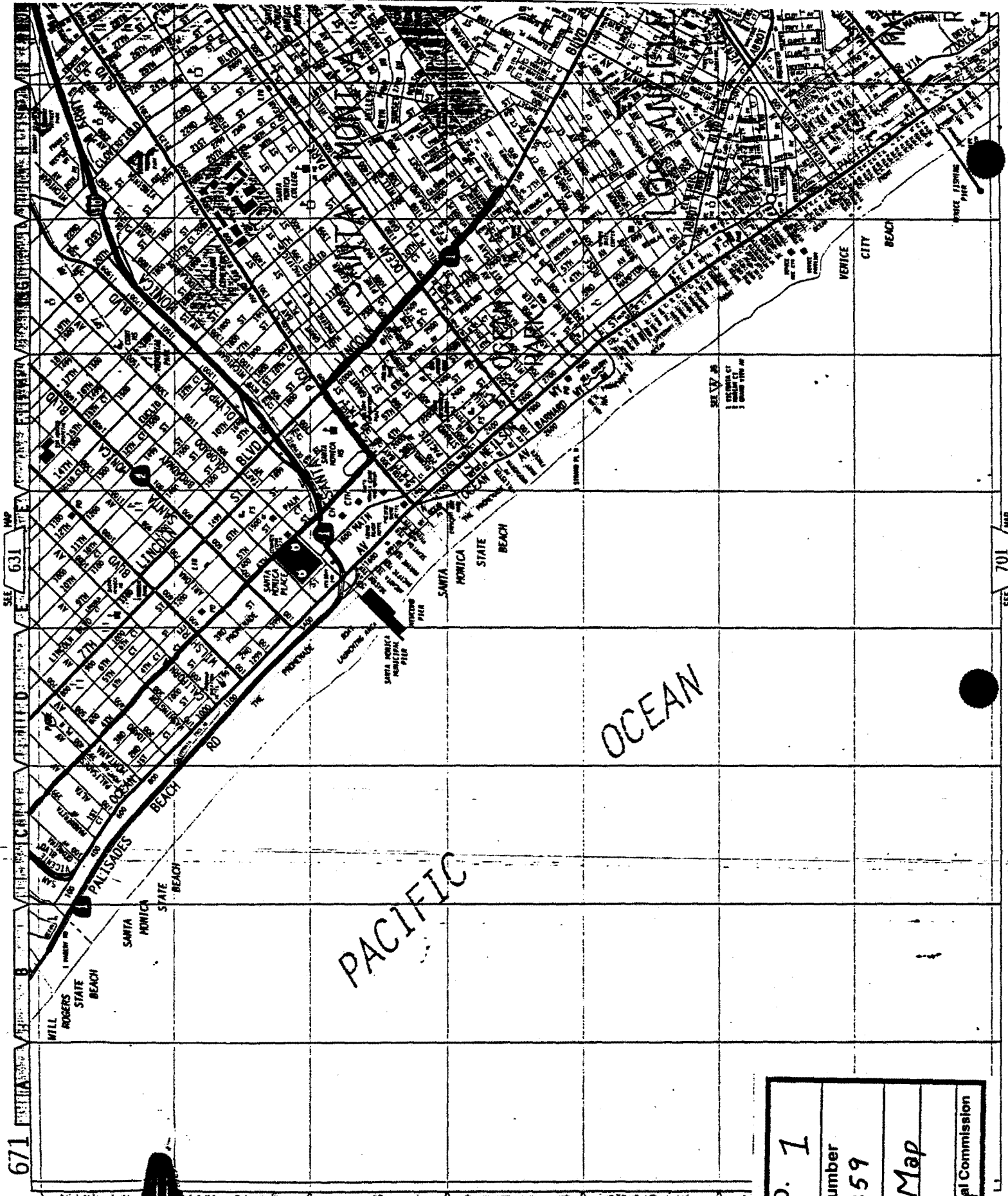
The proposed project site, because of its proximity to the Pier, beach and State beach parking lots, would normally be suitable for visitor-serving commercial development. One of the basic Coastal Act goals is to maximize public recreation and access to the beaches. The development of a non-recreational structure within areas that are along or in close proximity to the beach is clearly not maximizing public recreation and access. However, in this particular case the project is not a beach fronting parcel and is inland of Appian Way which runs behind the visitor commercial development along the Promenade. Furthermore, the proposed parcel is adjacent to a parcel that is currently developed with a storm water pumping plant. In order for the City to upgrade the plant and incorporate the proposed treatment facility the proposed vacant parcel is needed.

As discussed above, the Commission 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 a Land Use Plan and Implementation Plan consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

#### F. CEQA

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

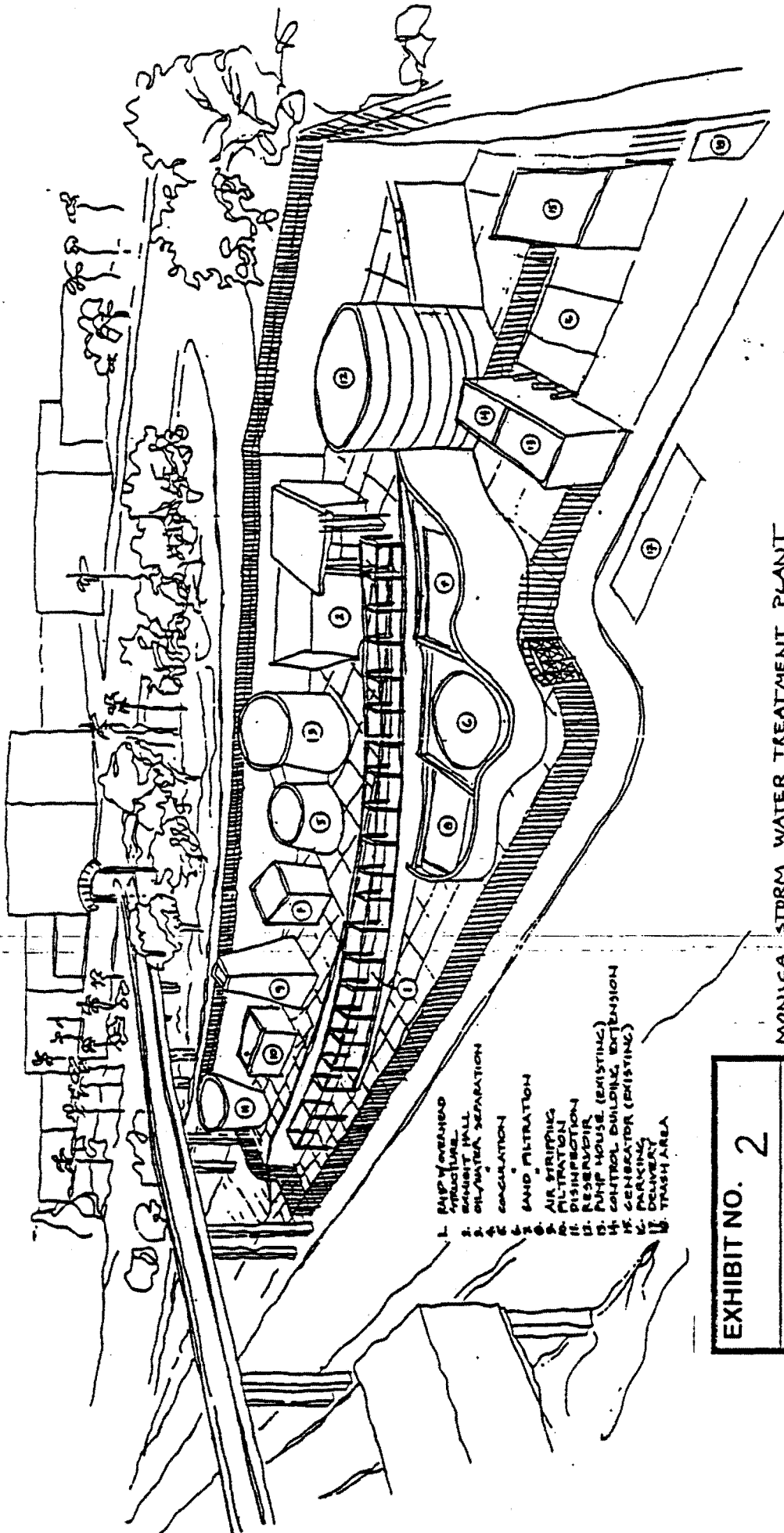


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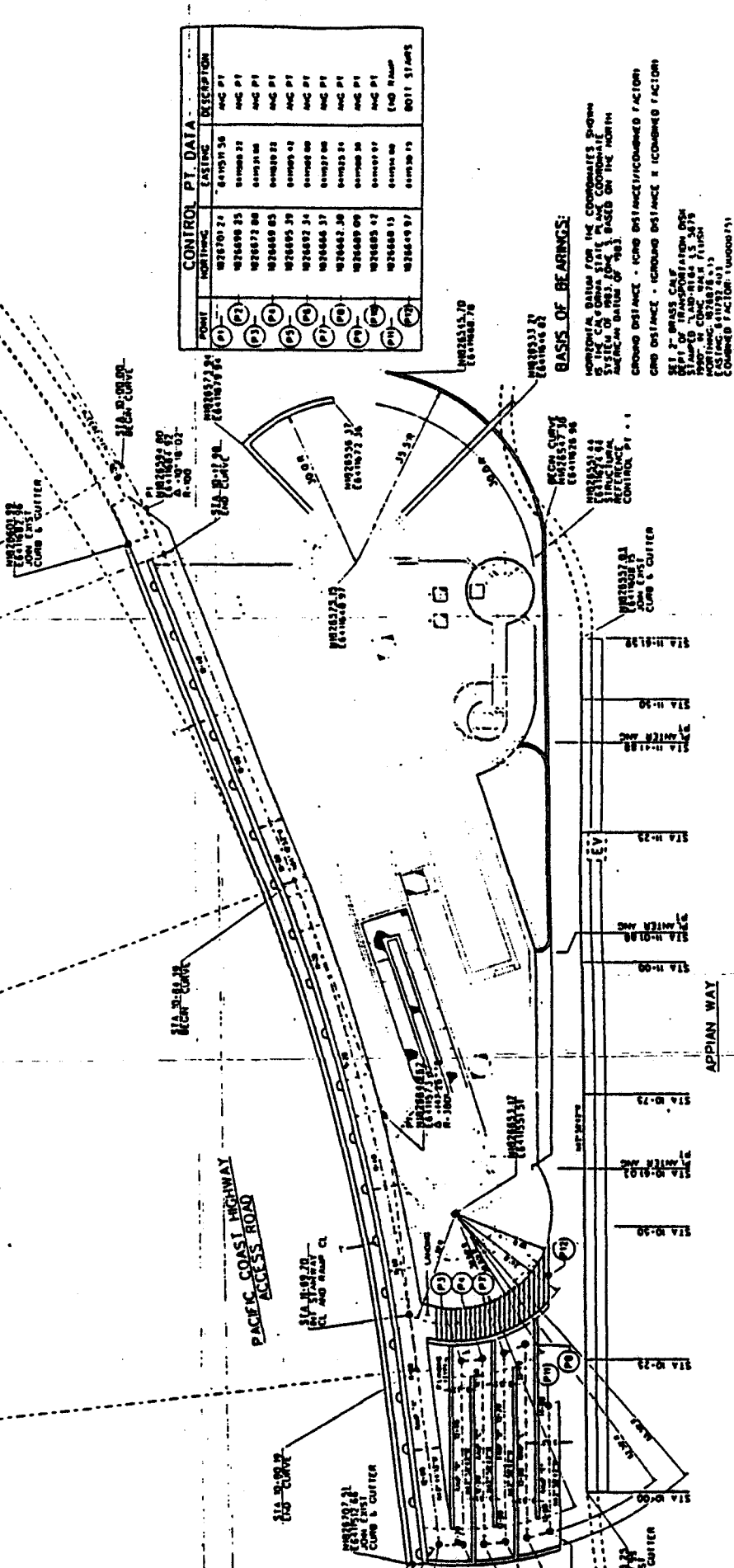
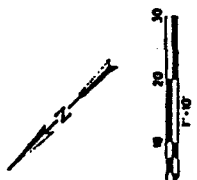
EXHIBIT NO. <i>1</i>
Application Number <i>5-98-359</i>
<i>Vicinity Map</i>
California State Commission



- 1. RAIN W/GRASSLAND STRUCTURE
- 2. EXHIBIT HALL
- 3. OIL/WATER SEPARATION
- 4. COAGULATION
- 5. SAND FILTRATION
- 6. AIR STRIPPING FILTRATION
- 7. DISINFECTION
- 8. RESERVOIR
- 9. PUMP HOUSE (EXISTING)
- 10. CONTROL BUILDING, EXTENSION
- 11. GENERATOR (EXISTING)
- 12. PARKING
- 13. DELIVERY
- 14. TRASH AREA

MONICA STORM WATER TREATMENT PLANT  
 IN/DANIELS ARCHITECTS. 6.16.92.

EXHIBIT NO. 2
Application Number 5-98-359
Conceptual Drawing
California Coastal Commission



POINT	NORTHING	EASTING	DESCRIPTION
P1	81053.74	81053.36	MC P1
P2	81053.36	81053.36	MC P1
P3	81053.36	81053.36	MC P1
P4	81053.36	81053.36	MC P1
P5	81053.36	81053.36	MC P1
P6	81053.36	81053.36	MC P1
P7	81053.36	81053.36	MC P1
P8	81053.36	81053.36	MC P1
P9	81053.36	81053.36	MC P1
P10	81053.36	81053.36	MC P1
P11	81053.36	81053.36	MC P1
P12	81053.36	81053.36	MC P1
P13	81053.36	81053.36	MC P1
P14	81053.36	81053.36	MC P1
P15	81053.36	81053.36	MC P1
P16	81053.36	81053.36	MC P1
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 GROUND DISTANCE - 1000 DISTANCE / COMBINED FACTOR  
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 DEPT. OF TRANSPORTATION, ORS  
 1500 NE 2ND AVE., PORTLAND, OREGON 97232-3115  
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 EASTING: 81053.36  
 COMBINED FACTOR: 1.0000011

**EXHIBIT NO. 3**

Application Number  
 5-98-359

Public Access  
 Stairway

California Commission

**BENCHMARS**  
 CITY OF SANTA MONICA BENCHMARK  
 POINT LEAD TO THE NORTH CURB RETURN OF OCEAN AVE AND COLORADO  
 LOCATED 2 FEET NORTH OF THE NORTH CURB OF COLORADO  
 ELEVATION 56.91

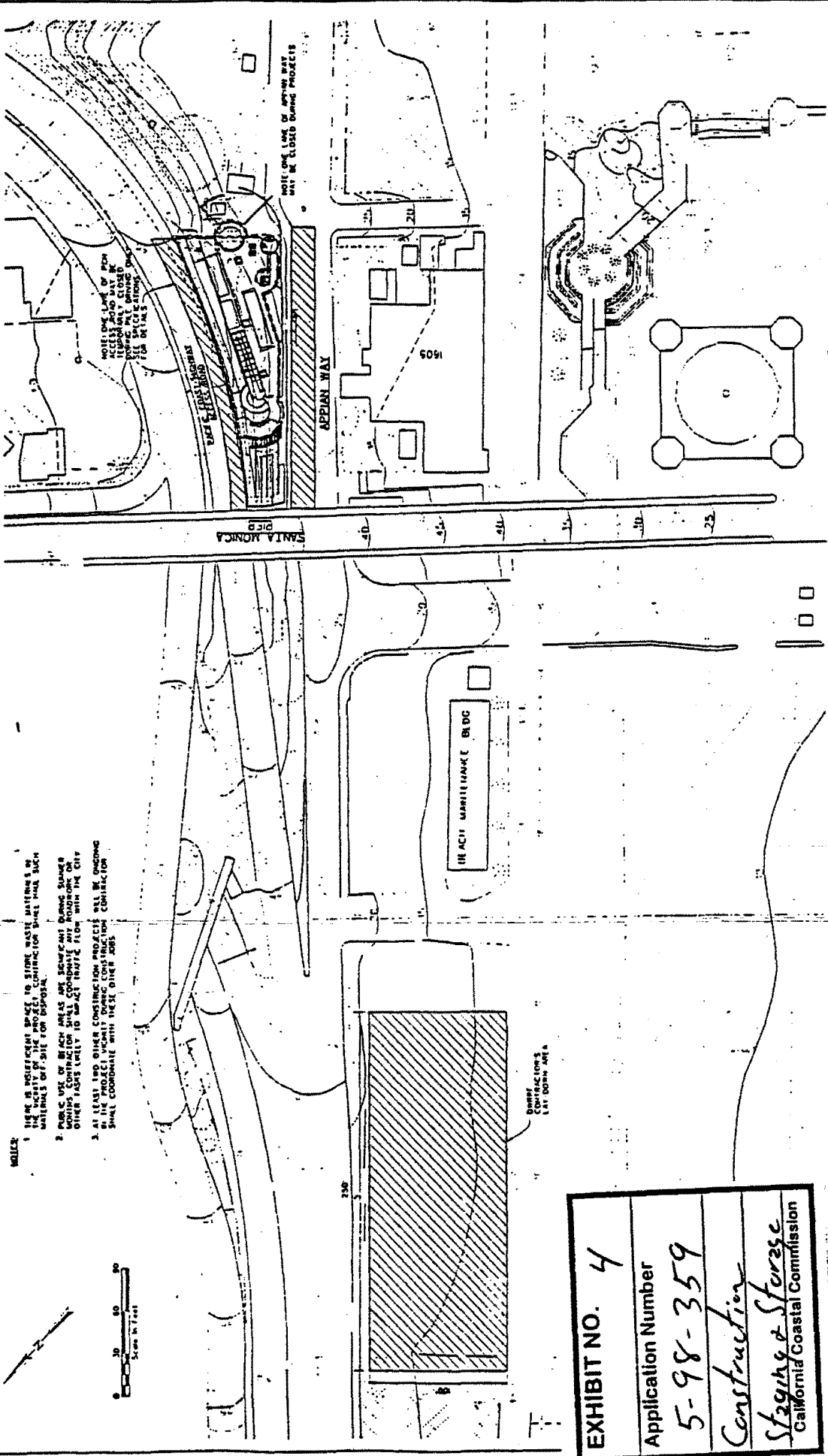
**PLAN 1-10**

**CH2MHILL**  
 CONSULTING ENGINEERS  
 RICHARD TURNER

**ENGINEERING DIVISION**  
 1000 WEST LINDSAY SANTA MONICA, CA 90405-1000  
 TEL: 310 318 0000

**CITY OF SANTA MONICA**  
 ENVIRONMENTAL AND PUBLIC WORKS  
 MANAGEMENT DEPARTMENT

DATE: MAY 1998 23 48 43



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**EXHIBIT NO. 4**  
 Application Number  
 5-98-359  
*Construction*  
*Storing & Storage*  
 California Coastal Commission

		CITY OF SANTA MONICA ENVIRONMENTAL AND PUBLIC WORKS MANAGEMENT DEPARTMENT <b>ENGINEERING DIVISION</b> <small>1001 W. 10TH STREET, SANTA MONICA, CA 90401          TEL: 310.318.2000 FAX: 310.318.2070</small>	
<b>CH2MHILL</b>  AN AMERICAN ASSOCIATION INC. RICHARD TURNER		VIEW'S SCALE 1" = 20' (AS SHOWN) CONTRACTOR SHALL MAINTAIN ACCESS TO ALL AREAS OF THE PROJECT. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL AREAS OF THE PROJECT. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL AREAS OF THE PROJECT. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL AREAS OF THE PROJECT.	
CITY OF SANTA MONICA DRY WEATHER STORM RECLAMATION FACILITY <b>CONTRACTOR LAY-DOWN AREA PLAN</b>		SHEET NO. 1 OF 1 DATE: 11 MAY 1998 10:28 AM	