

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 8/17/01  
 49th Day: 10/5/01  
 180th Day: 2/13/01  
 Staff: AJP-LB *[Signature]*  
 Staff Report: 10/25/01  
 Hearing Date: 11/13-16/01.  
 Commission Action:

**TU 130**  
**RECORD PACKET COPY**

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-01-331

**APPLICANT:** City of Santa Monica

**PROJECT LOCATION:** 1633 Ocean Front Walk

**PROJECT DESCRIPTION:** Replacement of a 12 foot high, approximately 240 foot long, timber retaining wall and chain-link fence, with a 12 foot high, approximately 280 foot long cement retaining wall and decorative 42-inch high fence, within a public beach parking lot. Sidewalk repair and improvements will be done to the existing sidewalk along Appian Way, including the construction of tree wells, and a new sidewalk will be constructed along the south side of Moss Avenue.

Lot Area:	21,579 square feet
Pavement Coverage:	21,579 square feet
Parking Spaces:	75

**LOCAL APPROVALS RECEIVED:** Approval in Concept

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval with a special conditions on the basis that the project, as conditioned, conforms with the public access and resource protection policies of the Coastal Act. The Special Conditions requires landscaping along the wall to enhance the visual quality of the area and requires that construction occur outside of the summer period.

**STAFF RECOMMENDATION:**

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-01-331:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit #5-01-331 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS:**

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Landscaping

The applicant shall provide landscaping along the top or base of the retaining wall to cover portions of the wall to adequately break-up the massing of the wall. Prior to issuance of the permit the applicant shall provide, for the review and approval by the Executive Director, revised plans to include landscaping plans showing the type and quantity of plants to be planted along or on the retaining wall, and irrigation method to be used. The vegetation shall be maintained for the life of the project.

#### 2. Timing of Construction

The proposed project shall not take place during the peak beach use period between Memorial Day weekend (last weekend of May) and Labor Day weekend (first weekend of September).

### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

#### A. Project Description and Location

The applicant, the City of Santa Monica, proposes to replace a 12-foot high, approximately 240 foot long, timber retaining wall, and chain-link fence, with a 12-foot high, approximately 280 foot long cement retaining wall, with a decorative fence, within a public beach parking lot. Sidewalk repair and improvements will be done to the existing sidewalk along Appian Way, including the construction of tree wells, and a new sidewalk will be constructed along the south side of Moss Avenue.

The beach parking lot is located south of the Pier, immediately adjacent to and east of the City's beach promenade, between Seaside Terrace on the south and Moss Avenue on the north. Appian Way is immediately east of the site.

The existing wall extends along the full length of the eastern property line, along Appian Way, from Seaside Terrace to Moss Avenue, and along portions of the north and south property lines.

The new wall will replace the entire wall along the eastern property line, along Appian Way, and the northern wall, along Moss Avenue. The wall will extend further west along Moss Avenue to provide an area for the new sidewalk. The wall along Seaside Terrace will not be replaced at this time.

The 75 space public beach parking lot is one of five Santa Monica State Beach parking facilities located in the south beach area (between the Pier and south City limits) within the City of Santa Monica.

**B. 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 retaining wall provides structural support for Appian Way, which is, in the location of the parking lot, located approximately 11 feet above the parking lot. Appian Way provides access to the beach lots from the Pier to Pico Boulevard, a distance of approximately a third of a mile. The proposed project will temporarily close off the parking lot to the public. During construction, traffic will be diverted around the site with vehicular traffic restricted to one northbound lane along Appian Way.

According to the applicant, construction will occur during the winter to minimize public access impacts. Peak beach use is generally the period between Memorial Day weekend (last weekend of May) and Labor Day weekend (First weekend of September). During the non-summer months beach attendance is lower than the summer period and the demand for parking within the beach lots is reduced. Furthermore, the supply of parking spaces and the availability of spaces within the other nearby beach lots during the winter, is adequate to support any additional demand due

to the temporary closure of the parking lot. There are three lots within approximately 200 feet of the subject parking lot that will be available for public parking. The 1550 Pacific Coast Highway Lot, located just north of the Pier provides over 700 parking spaces. To the south is the 1670 Appian Way lot, which provides 64 spaces. Further to the south is the 1750 Appian Way lot, which provides 117 spaces.

As proposed and conditioned to take place during the non-summer months, the proposed project will not adversely impact access to the public lot and adjacent public beach. Furthermore, the project will include a public sidewalk along the southern side of Moss Avenue, adjacent to the parking lot. The sidewalk will be provided through the construction and continuation of a retaining wall that tapers in height, along Moss Avenue. The wall will allow the elimination of a small asphalt covered slope, located along the northern portion of the lot.

The pedestrian use of The Promenade will not be impacted during construction or after. Pedestrian access along the western side of Appian Way will be rerouted around the construction site during construction and will not significantly impact beach access. Appian Way, which provides access to the beach lots between the Pier and Pico Boulevard, will not be significantly impacted during construction. The Commission, therefore, finds that as conditioned the proposed project will be consistent with Section 30210, 30211, and 30221 of the Coastal Act.

### **C. Scenic Resources**

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.*

The proposed project site is located just south of the Pier, adjacent to the Promenade, which runs parallel to the beach, and public beach area. The 75 space parking lot extends over 120 feet from immediately east of the Promenade to the western edge of Appian Way. Appian Way is approximately 11 feet above the surface of the parking lot. The retaining wall is located along the western boundary of Appian Way.

The immediate area is developed. To the north of the parking lot is a two-story retail/commercial building. To the south is a three story multi-residential building. To the east, across Appian Way, is a 8,700 square foot low-flow stormwater treatment facility [5-98-359 (City of Santa Monica)], and multi-residential buildings. To the west is the Santa Monica beach. The beach area immediately to the west is developed with a Lifeguard headquarters station, playground area, volleyball courts, and the Pier.

Coastal views from the immediate area of the project site are provided from the Promenade and Appian Way. Coastal views from the Promenade extend north and south along the Promenade and to the west. Coastal views from Appian Way are directly to the west between Moss Avenue and Seaside Terrace. The parking lot and retaining wall do not block any views from Appian Way because Appian Way is higher than the parking lot and wall. However, views from Appian Way are limited due to development on the beach.

The City will provide a decorative 42-inch high safety fence, to replace the existing approximately 60-inch high chain-link fence. The new fence will be of an open design and match the fencing used at the stormwater treatment facility across Appian Way. Due to the height and design, the new fence will not have a significant impact on the existing views.

Views from along the Promenade will not be blocked since the wall is setback over 120 feet from the Promenade, and coastal views are to the west from the Promenade.

Furthermore, the old deteriorating timber retaining wall, and asphalt covered slope, along the northern portion of the lot, will be replaced with a new concrete wall. The concrete wall will be a textured wall matching the treatment plant across Appian Way. Along the Appian Way sidewalk, the City will provide tree wells for landscaping. This landscaping, however, will be behind the wall, and will not be for the wall. The wall will provide an approximately 280-foot long, 11-foot high, solid cement wall. Although coastal views will not be blocked by the wall, the wall is located in a popular and high use visitor-serving area, and is visible from the Promenade and along portions of the beach. The high visibility of the wall can be reduced and the area enhanced by using landscaping along the wall to breakup the solid massing of the wall. Landscaping will soften the massing and enhance the visual quality of the area. Therefore, a special condition is added to this permit to require that the City provide landscaping, such as vines, that will adequately cover the wall to break-up the solid massing of the wall. The City shall provide landscaping plans showing the quantity and type of plants to be used, including the irrigation method. The vegetation shall be maintained for the life of the project. As conditioned, 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, as conditioned, the proposed project will be consistent with Section 30251 of the Coastal Act.

#### **D. 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), and the Civic Center/RAND area. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

The proposed project is located in the beach area which was excluded from certification. As conditioned the project will not adversely impact coastal resources and beach access. The Commission, therefore, finds that the proposed project, as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare 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 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, all potential adverse impacts have been adequately mitigated. 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.





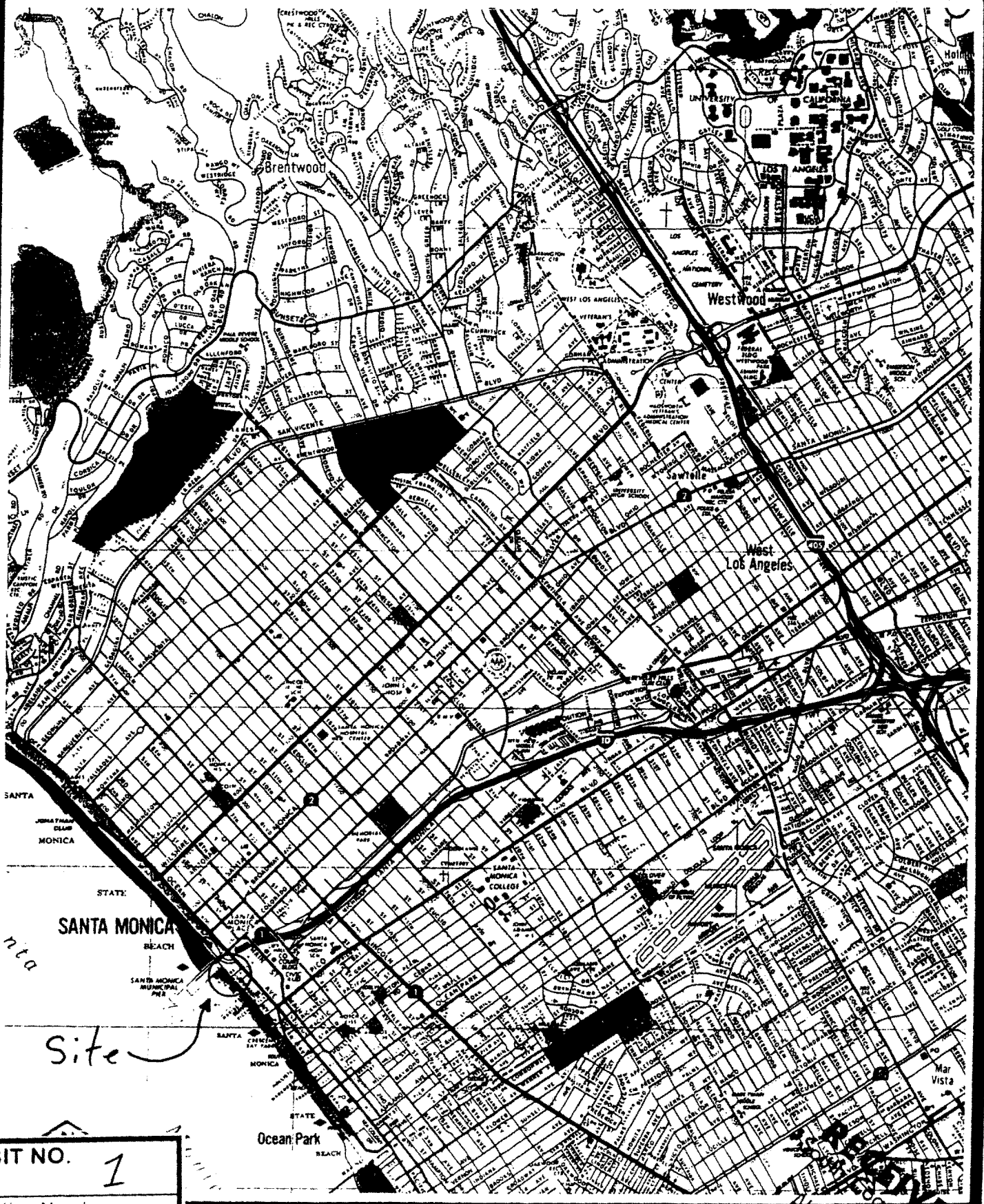
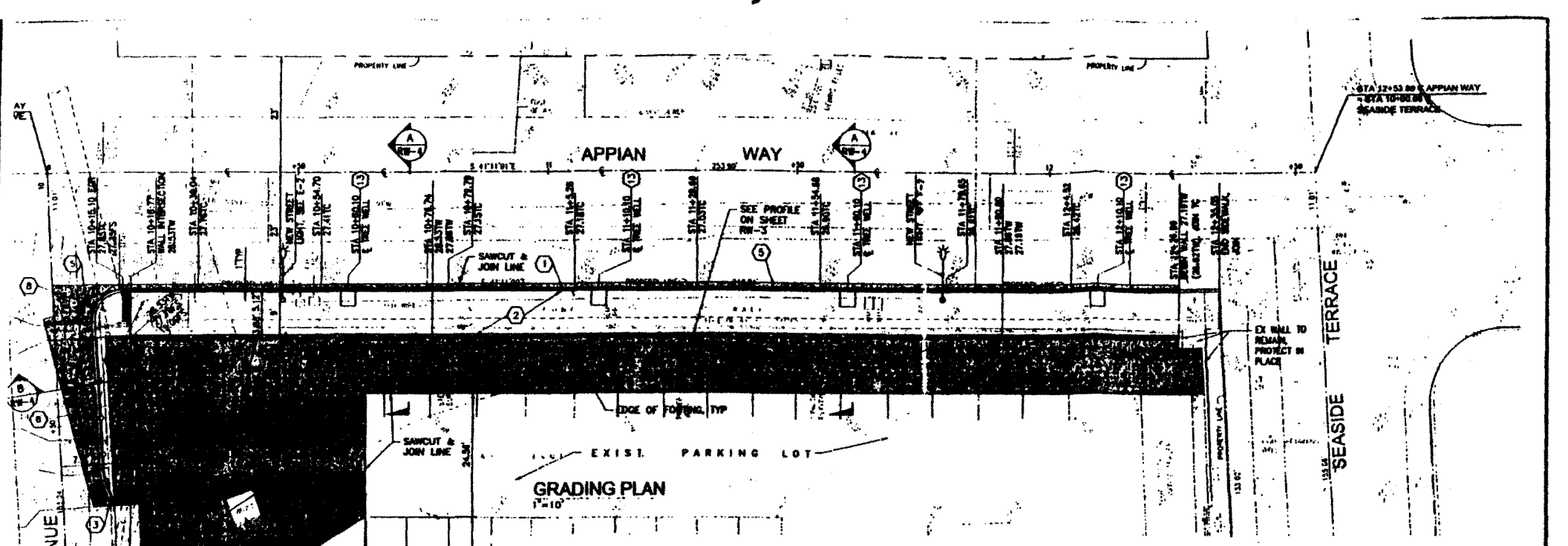


EXHIBIT NO.	1
Application Number	501-331
	Vicinity Map
California Coastal Commission	

**Location Map**

CALIFORNIA COASTAL COMMISSION  
Region



**GRADING PLAN**  
1" = 10'

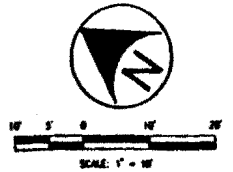
**CONSTRUCTION NOTES**

- ① CONSTRUCT COMBINED CURB AND GUTTER PER CITY OF SANTA MONICA STD DWG NO. 4008
- ② CONSTRUCT 4" PCC SIDEWALK
- ③ INSTALL DECORATIVE FENCE, SEE SPECIFICATIONS AND DRAWINGS.
- ④ CONSTRUCT RETAINING WALL PER STRUCTURAL PLANS
- ⑤ PLACE 4" AC ON 20" CLASS II AGGREGATE BASE PER GEOTECHNICAL REPORT
- ⑥ PLACE 2" AC OVER NATIVE SOIL
- ⑦ NOT USED
- ⑧ CONSTRUCT ACCESS RAMP PER CITY SANTA MONICA STD DWG NO. 5435, TYPE "B"
- ⑨ PLACE 4" AC ON 12" CLASS II AGGREGATE BASE PER GEOTECHNICAL REPORT
- ⑩ ADJUST MANHOLE TO GRADE
- ⑪ ADJUST VALVE TO GRADE
- ⑫ REMOVE EXISTING FENCE
- ⑬ 5" x 7" TREE WELL

CURVE TABLE				
CURVE	DEF. ANGLE	RADIUS	TANGENT	LENGTH
①	83°17'	5'	8.34'	8.76'

California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. 5-01-331  
 By: \_\_\_\_\_  
 EFFECTIVE  
 Date: \_\_\_\_\_

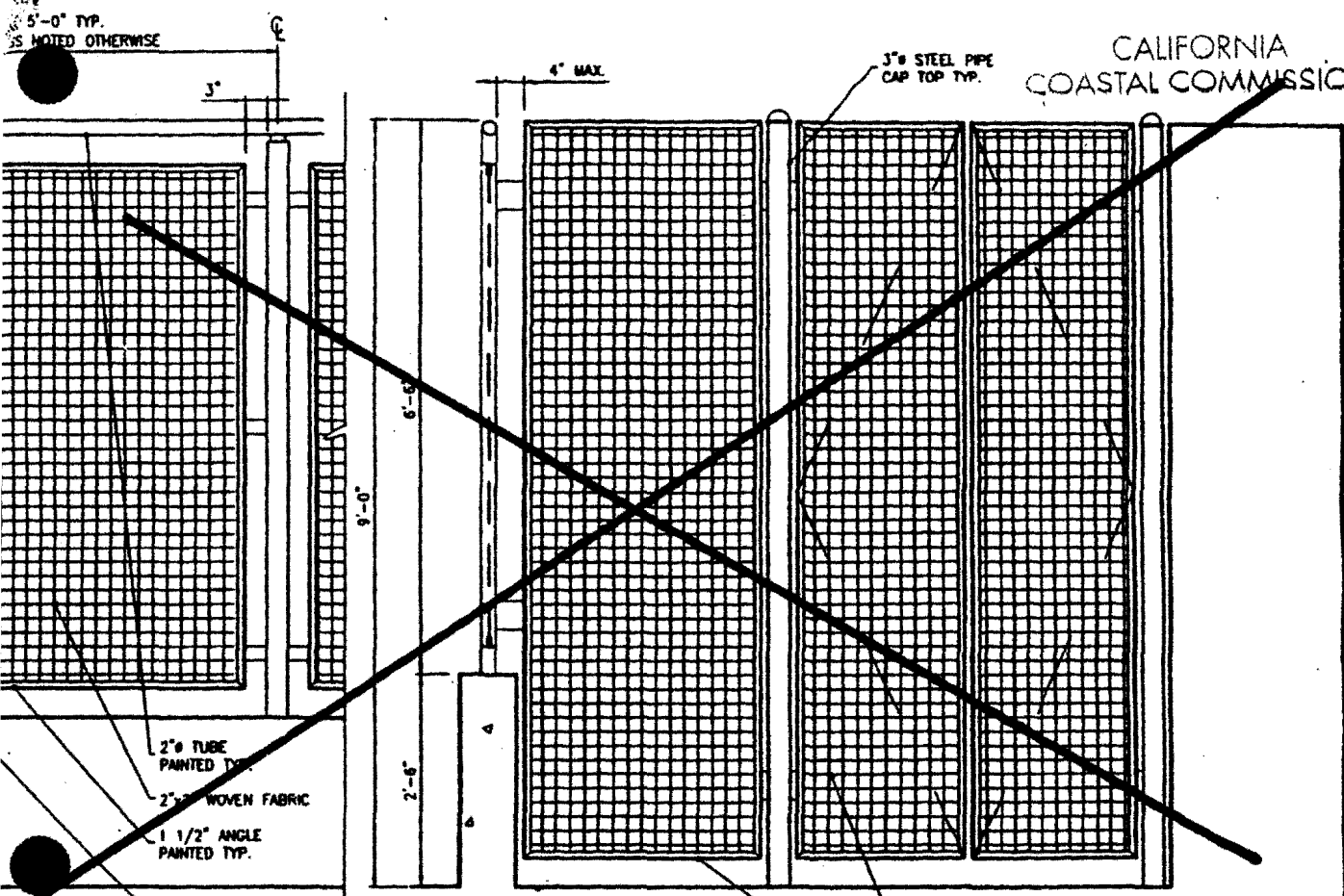
**EXHIBIT NO.** 2  
**Application Number**  
 5-01-331  
 Retaining Wall &  
 Grading Plan  
 California Coastal Commission



WHEELER & GRAY, INC. 101	DESIGNED BY: <u>W. W. Wheeler</u> DATE: <u>1-18-82</u>	CHECKED BY: _____ DATE: _____	APPIAN WAY/MOSS AVENUE RETAINING WALLS GRADING PLAN	DRAWN BY: <u>JL</u> DATE: <u>1-18-82</u>	PROJECT NO.: _____ SHEET NO.: _____
	APPROVED BY: _____ DATE: _____	DATE: _____		SCALE: _____	CIVIL ENGINEER STATE OF CALIFORNIA LICENSE NO. _____ EXPIRES _____

RECEIVED  
OCT 11 2001

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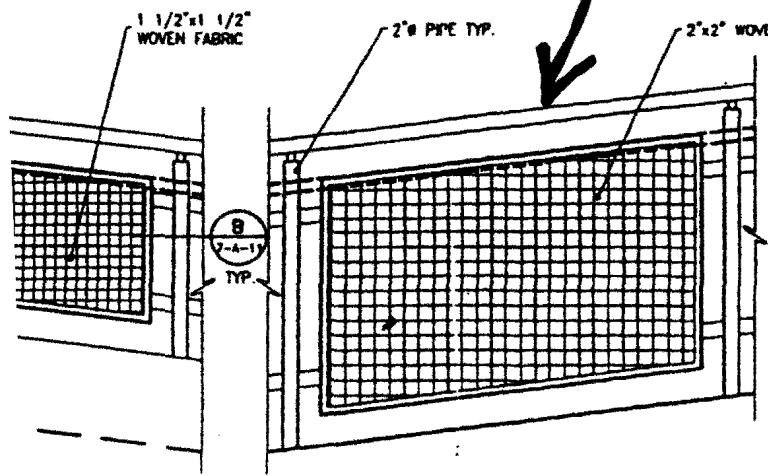


**SERVICE GATE**  
SCALE: 1"=1'-0"

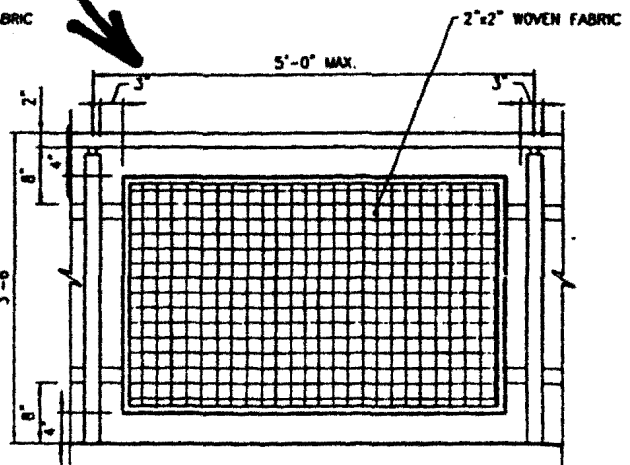
NCE

2" x 2" WOVEN FABRIC

1 1/2" ANGLE  
PAINTED TYP.



**RAILING TYPE 4**  
SCALE: 1"=1'-0"



**RAILING TYPE 5**  
SCALE: 1"=1'-0"

EXHIBIT NO. 3

Identification Number  
5-01-331

Fence Design

California Coastal Commission

3. Existing Retaining Wall in 1640 lot. Appian Way along top of wall. Wall and fencing to be replaced. See details on Photos 7-9.

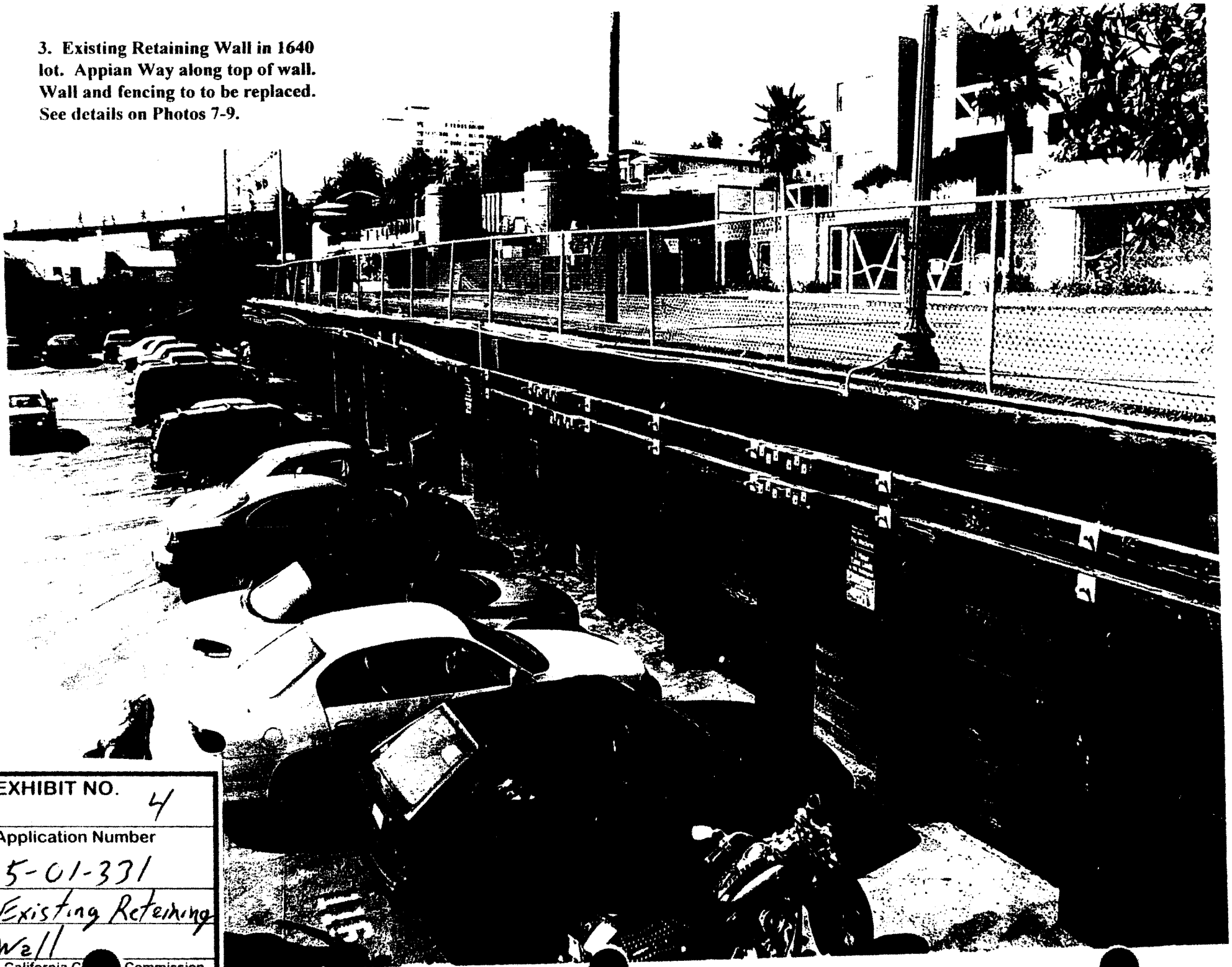


EXHIBIT NO.	4
Application Number	5-01-331
<i>Existing Retaining Wall</i>	
California C	Commission