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CALIFORNIA COASTAL COMMISSION

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Filed: March 16, 2001
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Staff: KT-LB *KT*
Staff Report: April 17, 2001
Hearing Date: May 8-11, 2001
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-031

APPLICANT: Jeff Greene

AGENT: Jeffrey Daniels & Associates, Attn: Jeffrey Daniels

PROJECT LOCATION: 1355-61 Palisades Beach Road, City of Santa Monica
(Los Angeles County)

PROJECT DESCRIPTION: Demolition of four existing one-story structures totaling 3,385 square feet and construction of a three-story, 37-foot 8-inch high, 6,056 square foot single family residence with an attached two-car garage and two unenclosed guest parking spaces on a 5,004 square foot R2B zoned lot.

Lot Area	5,004 square feet
Building Coverage	2,428 square feet
Pavement Coverage	1,215 square feet
Landscape Coverage	1,357 square feet
Parking Spaces	4
Zoning	R2B
Plan Designation	Low Density Multiple Residential
Ht above final grade	37 feet 11 inches

SUBSTANTIVE FILE DOCUMENTS:

1. City of Santa Monica Land Use Plan Certified with Suggested Modifications, 1992.
2. Regional Interpretive Guidelines for Los Angeles County adopted October 14, 1980.
3. City of Santa Monica Approval in Concept dated 1/24/2001.
4. Coastal Development Permits 5-00-446 (Campbell), 5-00-448 (Moloney), 5-00-451 (Scott) and 5-00-484 (City of Los Angeles).
5. *Wave Action Study, 1355-1361 Palisades Beach Road, Santa Monica, CA* prepared by Skelly Engineering dated March 2001.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the proposed project subject to six special conditions, two of which require recordation of an "Assumption of Risk" deed restriction and a "No Future Protective Device" deed restriction. The major issue of this staff report concerns beachfront development that could be affected by flooding during strong storm events. As of the date of this staff report, the applicant agrees with the staff recommendation and accepts the standard and special conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the following resolution with special conditions.

Motion:

I move that the Commission approve CDP No. 5-01-031 pursuant to the staff recommendation.

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

I. 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 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.

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. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to wave up-rush and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. No Future Shoreline Protective Device

- A. By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the subject property approved pursuant to Coastal Development Permit No. 5-01-031, including future improvements, in the event that the property is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Evidence of Finalized Sale

Prior to issuance of the permit, the applicant shall provide evidence satisfactory to the Executive Director that the sale of the property at 1355-1361 Palisades Beach Road to the applicant has been completed.

4. Evidence of Lot Tie

- A. (1) All portions of the two parcels, APN 4291031011 and APN 4291031012, shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, development, taxation or encumbrance and (2) the single parcel created herein shall not be divided or otherwise alienated from the combined and unified parcel.
- B. Prior to issuance of CDP 5-01-031, the applicant shall execute and record a deed restriction, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines

may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Height

No portion of the proposed structure shall exceed 40 feet in elevation above the existing grade.

6. Parking

A minimum of four parking spaces shall be provided and maintained on the site to serve the approved single family residence.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The subject site is located at 1355-1361 Palisades Beach Road within the City of Santa Monica, Los Angeles County (Exhibit #1). The site is a beachfront lot located between the first public road and the sea. The 5,004 square foot lot is located on the inland side of The Promenade, an improved public right-of way that separates the residential development from the public beach, and is on the seaward side of Palisades Beach Road (which is the local designation for Pacific Coast Highway in this part of Santa Monica) (Exhibit #2). The Promenade is used by both residents and visitors for recreation activities (walking, jogging, biking, etc.) and access to the shoreline. The project is located within an existing urban residential area, located approximately 800 feet north of the Santa Monica Municipal Pier. There is an approximately 800-foot wide sandy beach between the subject property and the mean high tide line (Exhibit #3). Vertical public access to this beach is available to pedestrians via a 10-foot wide public right-of-way approximately 665 feet north of the project site (Exhibit #2).

The applicant is proposing demolition of four existing one-story structures totaling 3,385 square feet in lot coverage (Exhibit #4, p.2) and construction of a three-story, 37-foot 8-inch high (as measured from the centerline of the frontage road) single family residence with 5,561 square feet of living space (Exhibit #4, pp.1, 3-12). On-site parking for the proposed single family residence will be provided by a 495 square foot two-car garage located on the first floor and two open guest parking spaces adjacent to the driveway apron, with vehicular access from Palisades Beach Road (Exhibit #4, p.4). The applicant proposes to construct the residence and guest parking spaces on a 5,004 square foot R2B zoned lot in Santa Monica. One hundred cubic yards of grading is proposed. No encroachment into City property is proposed.

B. PREVIOUS COMMISSION ACTION IN PROJECT AREA

The Commission has recently been concerned that applicants for new development and residential renovation projects on beachfront should record of an "Assumption of Risk" deed restriction and "No Future Shoreline Protective Device" deed restriction acknowledging the risk of building on the shoreline and agreeing not to seek a seawall in the future to protect the new structure. While this project is the first development project on a beachfront lot in Santa Monica since the Commission started requiring recordation of these deed restrictions, the Commission has required beachfront projects nearby communities to record these deed restrictions. In the City of Los Angeles the Commission recently approved Coastal Development Permit 5-00-484 (City of Los Angeles) for the demolition of an abandoned oil facility and construction of a public skating venue on the beach in Venice, immediately south of Santa Monica. The Commission has imposed the same requirements on residential projects in Hermosa Beach, which is located approximately fifteen to twenty miles south of Santa Monica. The most recent include Coastal Development Permits 5-00-446 (Campbell), 5-00-448 (Moloney) and 5-00-451 (Scott).

C. HAZARDS

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30251 of the Coastal Act states 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 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.

1. Wave Runup and Flooding Hazards

The subject property is on a rectangular beach lot approximately 50 feet by 100 feet (two 25-foot by 100-foot lots) located at the northern portion of the beach of Santa Monica, which is at the central section of the Santa Monica Littoral Cell. The lot is fronted by The Promenade, a 20-foot wide coastal pedestrian right-of-way (Exhibit #2), which is adjacent to a very wide sandy beach (Exhibit #3) and the Pacific Ocean. This approximately 800-foot wide sandy beach presently provides a measure of protection from wave runup and flooding hazards to the homes and other structures in the area. However, beach erosion is seasonal and is subject to extreme storm events that may expose the project to wave runup and subsequent flood damage.

Section 30253 (1) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Since any development on a beachfront site may be subject to flooding and wave attack, the Commission requires wave runup studies for beachfront development to assess the potential hazard from wave attack, flooding and erosion. The wave runup, flooding, and erosion hazard analyses should anticipate wave and sea level conditions (and associated wave runup, flooding, and erosion hazards) through the life of the development. For a 75 to 100 year structural life, that would be taking the 1982/83 storm conditions (or 1988 conditions) and adding in 2 to 3 feet of sea level rise (Exhibit #5). The purpose of this analysis is to determine how high any future storm damage may be so the hazards can be anticipated and so that mitigation measures can be incorporated into the project design.

The applicant provided a Wave Action Study for the subject property, which was prepared by Skelly Engineering, dated March 2001. The Wave Action Study concludes that the proposed single family house will not be subject to hazards from flooding and wave runup during the life of the development (Exhibit #6, p.3).

According to the consultant, the site is on shoreline located at the central section of the Santa Monica Littoral Cell. The Wave Runup Study states:

"A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways and sediment sinks. The Santa Monica Littoral Cell extends from Point Dume to Palos Verdes Point, a distance of 40 miles. Most of the shoreline in this littoral cell has been essentially stabilized by man. The local beaches were primarily made by man through nourishment as a result of major shoreline civil works projects (Hyperion Treatment Plant, Marina Del Rey, King Harbor, etc.). The up-coast and down-coast movement of sand along the shoreline is mostly controlled by groins, breakwaters and jetties and is generally to the south. A major sink for the beach sands is the Redondo Submarine Canyon located at the entrance to King Harbor" (Exhibit #6, p. 1).

There is currently an approximately 800-foot wide sandy beach in front of the proposed development (Exhibit #3). The Wave Action Study used two primary methods to assess the historical width and stability of the beach in front of the project site. The methods included review of: 1) U.S. Army Corps of Engineers and other studies of the Santa Monica Bay shoreline, and 2) aerial photographs from the early 1960's to 1981 and aerial photographs taken annually from 1982 through 2000. The coastal engineering consultant, Skelly Engineering, referenced a 1992 study by Coastal Frontiers entitled "Historical Changes in the Beaches of Los Angeles County: Malaga Cove to Topanga Canyon 1935-1990," which relied upon previous U.S. Army Corps of Engineers studies and determined that this section of shoreline is relatively stable and possibly accreting. According to the report, this long-term stability can be primarily attributed to the presence of the Santa Monica breakwater and the Santa Monica Municipal Pier near the site. "The Santa Monica breakwater is directly offshore from this site and provides significant protection from wave energy reaching the site and from shoreline erosion. The pier is about 800 feet south of the site and the landward end of the pier acts like a groin and holds the beach in front of the site in place" (Exhibit #6, pp.1-2).

None of the aerial photographs reviewed from the last four decades showed wave runup reaching near The Promenade. The aerial photographs taken annually over the last two decades show a very wide beach even during winter and spring when the beach is seasonally the narrowest. The existing development was not adversely affected by the severe storm activities which occurred during the El Niño winter of 1982-83 and the "400 year" wave event of January 18, 1988 (Exhibit #7). Since the proposed development is no further seaward of existing development, which has escaped storm damage during severe storm events, the proposed development is not anticipated to be subject to wave hazard related damage. Based upon review of aerial photographs, the conclusion of the Coastal Frontiers erosion study and the presence of the breakwater and pier, the consultant concluded that the shoreline would not erode back to The Promenade allowing wave runup to reach the site over the next 100 years. Nonetheless, any development on a beachfront site may be subject to future flooding and wave attack as coastal conditions (such as sand supply and sea level) change. Therefore, the consultant performed a wave runup and overtopping analysis for the site.

The wave analysis presented several facts that indicate that wave runup and overtopping will not reach the property or adversely impact the property over the life of the structure. The wave runup report concludes the following:

"Wave runup and overtopping will not impact the property over the life of the proposed improvement. The proposed development and existing development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding" (Exhibit #6, p.3).

The Commission's Senior Coastal Engineer reviewed Wave Runup Studies for several similar projects in Los Angeles County and, based on the information provided and subsequent correspondence, concurred with the conclusion of the studies that the sites were not subject to hazards from flooding and wave runup. The proposed development, therefore, can be allowed under Section 30253 of the Coastal Act, which requires new development to "assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices..."

Although the applicant's report indicates that the site is safe for now, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. Therefore, the presence of a wide sandy beach at this time does not preclude wave runup damage and flooding from occurring at the subject site in the future. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983 and 1988, resulting in future wave and flood damage to the proposed development.

The applicant has chosen to implement the project despite potential risks from wave attack, erosion, or flooding. By choosing to build on a beach, an unstable environment, the applicant has assumed the risks of development on such a site. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the applicant understands and assumes the potential hazards associated with development in or near the water. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

2. No Future Shoreline Protective Device

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for development only for existing principal structures. The construction of a shoreline protective device to protect new development would not be required by Section 30235 of the Coastal Act. The proposed project involves the construction of a new single family residence. In addition, allowing the construction of a shoreline protective device to protect new development would conflict with Section 30251 of the Coastal Act, which states that permitted development shall minimize the alteration of natural land forms, including beaches which would be subject to increased erosion from such a device.

In the case of the current project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is conceivable the proposed structure may be subject to wave runup hazards that could lead to a request for a protective device.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth in earlier discussion, Santa Monica is currently characterized as having a wide sandy beach (Exhibit #3). However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Section 30253 (2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed structure requires a protective device in the future it would be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion.

In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act. Section 30251 states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas, which would be subject to increased erosion from shoreline protective devices. The development is not subject to wave runup and flooding. Based on the information provided by the applicant, no mitigation measures, such as a seawall, are anticipated to be needed in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There currently is a wide sandy beach in front of the proposed development that provides substantial protection from wave activity.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition 2. Special Condition 2 requires the applicant to record a deed restriction that would prohibit the applicant, or future land owner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future.

The Commission has required deed restrictions that prohibit construction of shoreline protective devices for new development on beachfront lots throughout Los Angeles County and Orange County. The "No Future Shoreline Protective Device" condition is consistent with prior Commission actions for development along beaches in Los Angeles County. For instance, the Commission approved Coastal Development Permits 5-00-446 (Campbell), 5-00-448 (Moloney) and 5-00-451 (Scott) with the "No Future Shoreline Protective Device" condition.

By receiving recordation of a deed restriction agreeing that no shoreline protective devices shall ever be constructed to protect the development approved by this permit, the Commission makes it clear that it's approval is based on the understanding the

house will be safe from potential wave runup and flooding damage. Based on Special Condition 2, the Commission also requires that the applicant remove the structure if any government agency has ordered that the structure be removed due to wave runup and flooding hazards. In addition, in the event that portions of the development are destroyed on the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

As conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act, which requires that permitted development shall minimize the alteration of natural land forms, and Section 30253, which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

3. Conclusion

The Commission finds that hazards potentially exist from wave runup and flooding at the subject site. Therefore, to ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act and to ensure that the proposed project does not result in future adverse effects to coastal processes, Special Conditions 1 and 2 require the applicant to record "Assumption of Risk" and "No Future Shoreline Protective Device" deed restrictions. The applicant agrees with the staff recommendation and accepts the conditions. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

D. EVIDENCE OF FINALIZED SALE

The Commission can only approve coastal development permits for legal development. The applicant must provide proof of legal interest in the property upon which development is proposed before the Commission can issue a coastal development permit for development on that property. The applicant is in the process of purchasing property at 1355-1361 Palisades Beach Road (APN 4291031011 and APN 4291031012). The applicant submitted escrow documents, including an offer to purchase and a receipt of deposit signed by the applicant (purchaser) and the seller of the property. In such a case, issuance of the permit may be contingent upon the provision of evidence satisfactory to the Executive Director that the sale of the property to the applicant has been completed. Special Condition 3 conditions the issuance of a coastal development permit upon receipt of such evidence.

E. EVIDENCE OF LOT TIE

The applicant is seeking approval to build one residence over two adjacent lots. Staff has analyzed the potential impacts to coastal resources based on the assumption that the two lots will be developed with one structure and will not be subdivided in the

future. In this area, the coastal issues include potential impacts to public access to the beach and potential impacts to identified viewsheds of the ocean and horizon. Additional driveways result in potential conflicts with beach traffic on Palisades Beach Road (Pacific Coast Highway). Tying the lots will eliminate one potential driveway that would be needed if each lot were developed independently. The City and the Commission limit structure height in the area to 40 feet to protect the viewsheds from the bluffs inland of the property. By permitting the proposed structure to be built on two lots there is no increase in the allowable height and the structure is within the height limit. Many structures on this part of the beach extend over more than one lot; therefore, there is no issue with the scale of the proposed structure.

The applicant provided a copy of an application for a deed restriction to tie the lots (APN 4291031011 and APN 4291031012) to form one legal lot. The City approved the new single family residence over two adjacent lots contingent upon recordation of a deed restriction to tie the lots. Each individual lot is substandard size according to the City's minimum lot size requirement for the area. Tying the two lots will create a standard size lot. The applicant shall provide evidence satisfactory to the Executive Director that a finalized legal lot tie joining APN 4291031011 and APN 4291031012 to form one parcel has been recorded. Special Condition 4 conditions the issuance of a coastal development permit upon receipt of such evidence. The condition memorializes the understanding that this approval is based on the assumption that the two lots will be tied.

F. COMMUNITY CHARACTER/VISUAL QUALITY

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....

This section of Palisades Beach Road, paralleling The Promenade, includes one-, two-, and three-story single and multiple family residences. Since many structures on this part of the beach are built on more than one lot, there is no issue with the width, bulk or mass of the proposed structure. The City identified viewsheds of the ocean and horizon from the bluffs immediately landward of Palisades Beach Road. To protect the viewsheds, the City and the Commission limit structure height on the seaward side of Palisades Beach Road to 40 feet. Allowing building heights above the 40-foot limit would serve to negatively impact coastal views and the character of the surrounding community. In order to protect community character and visual quality, Special Condition 5 limits the development to a maximum of 40 feet above the grade of the centerline of the frontage road. This height is consistent with the general height of the area.

The proposed project has a roof height of 37 feet 8 inches (Exhibit #4, pp.8-11) as measured from the centerline of the frontage road. Therefore, the proposed single family residence complies with the 40-foot height limit for North Santa Monica identified in the Los Angeles County Regional Interpretive Guidelines and previous Commission approvals. The scenic and visual qualities of the area will not be negatively impacted by the proposed structure. In order to ensure that the proposed project is constructed as approved, the approval is conditioned to limit the roof height to 40 feet. No portion of the structure shall exceed 40 feet in elevation above the grade as measured from the centerline of the frontage road unless approved by an amendment to this coastal development permit. Only as conditioned is the proposed project consistent with the Coastal Act's visual resource policies.

G. PUBLIC ACCESS/PARKING

The Promenade and the adjacent beach are public recreational resources. The walkway provides an urban recreational experience popular throughout the Los Angeles area. The Commission has imposed Special Condition 6 to protect the quality of that recreational experience by preserving public parking that supports public recreational use of The Promenade and beach. The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast.

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....

To assure the development has adequate parking for the owners' uses, Special Condition 6 is imposed to provide for four on-site parking spaces. In this case, the proposed project provides a two-car garage and two guest parking spaces adjacent to the driveway (Exhibit #4, pp.1, 4). Therefore, the proposed project provides an adequate parking supply for the proposed single family residence. The proposed project is consistent with prior Commission decisions for North Santa Monica that required two parking spaces per residential unit and provisions for guest parking. The Commission finds that, only as conditioned to maintain the proposed four on-site parking spaces, is the proposed project consistent with Section 30252 of the Coastal Act.

H. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (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 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

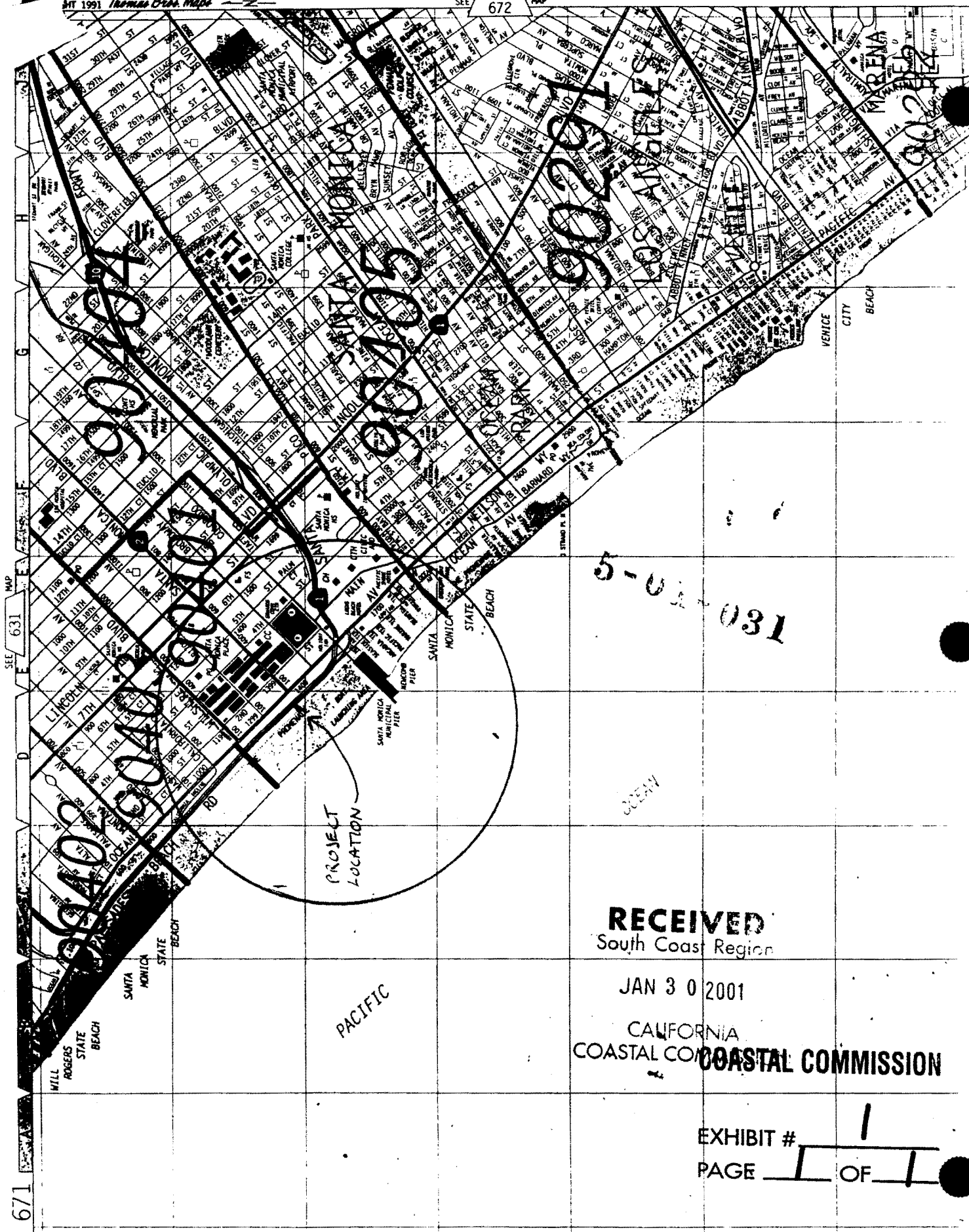
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa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

The proposed development as conditioned is consistent with the public access, recreation, and community character policies of Chapter Three of the Coastal Act. The Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a certified Land Use Plan or a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application 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 that the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



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COASTAL COMMISSION

EXHIBIT #

PAGE

OF

1

1

4291 31
SHEET 1
SCALE 1" = 80'

1999

Vertical
Public
Access

EXHIBIT #
PAGE 1 OF 2

CODE
8004
8604

COASTAL COMMISSION

FOR PRELIMINARY SEE: 326-3

JAN 3 9 2003

SUNSET BEACH TRACT

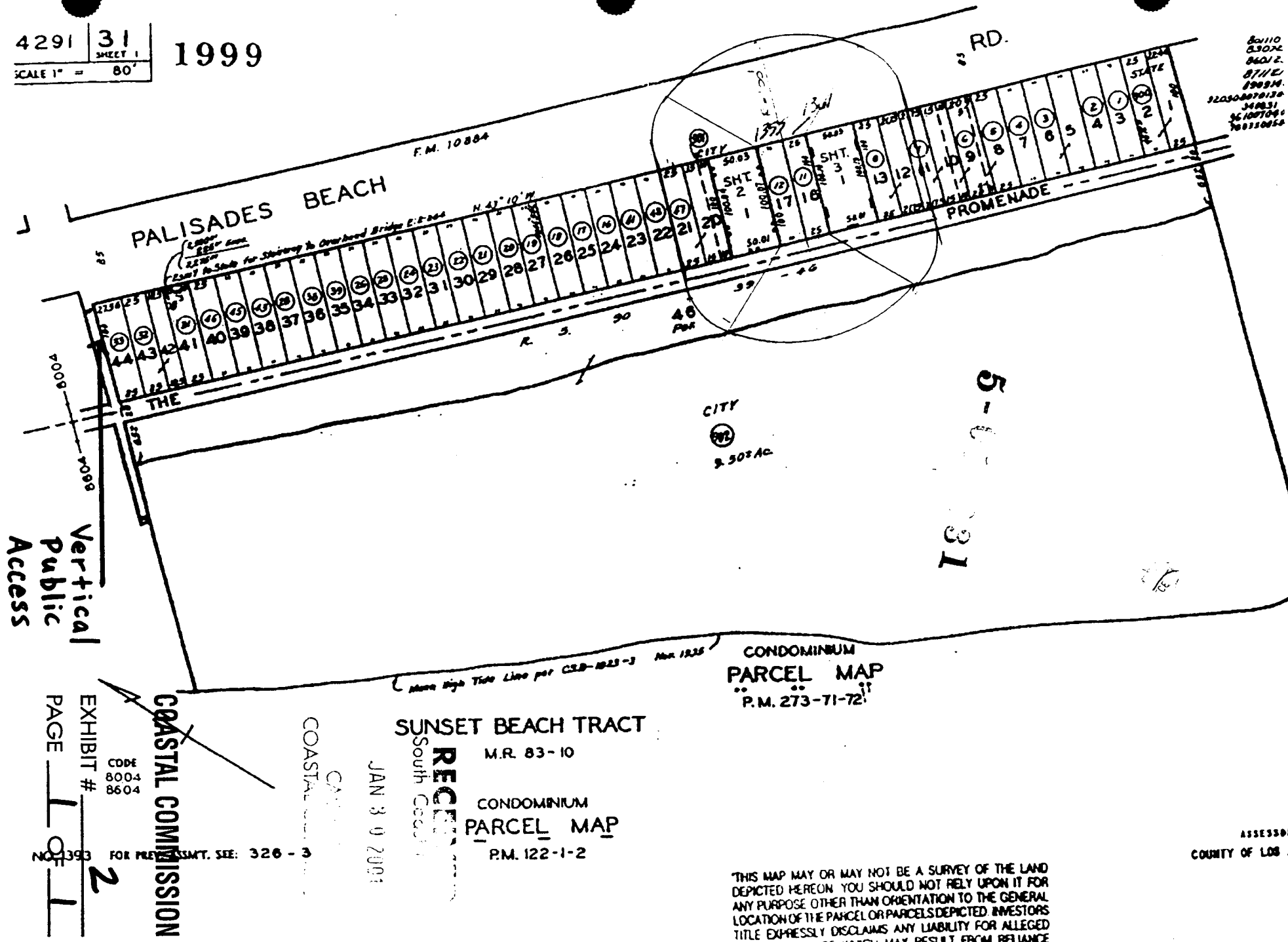
M.R. 83-10

CONDOMINIUM
PARCEL MAP
P.M. 122-1-2

CONDOMINIUM
PARCEL MAP
P.M. 273-71-72

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND
DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR
ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL
LOCATION OF THE PARCEL OR PARCELS DEPICTED. INVESTORS
TITLE EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED
LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE
ON THIS MAP.

ASSESSOR
COUNTY OF LOS AN



80110
53076
86012
87112
1999.04
920508076120
348831
361007041
708150650



Photograph 2. March 11, 2000 showing the beach under normal conditions. Note that the site is behind the protection of the breakwater.

Wave runup and overtopping is calculated using the US Army Corps of Engineers Automated Coastal Engineering System, ACES. ACES is an interactive computer based

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EXHIBIT # 3
PAGE 1 OF 1

JEFF GREENE RESIDENCE

1355 PALISADES BEACH ROAD, SANTA MONICA, CALIFORNIA

SHEET INDEX

A1	1-4000 OF PLAN
A2	SURVEY
A3	SECTION WITH VERT ENVELOPE CALC.
A4	GROUND LEVEL PLAN
A5	SECOND LEVEL PLAN
A6	THIRD LEVEL PLAN
A7	FOURTH LEVEL PLAN
A8	SECTION A-A
A9	NORTH ELEVATION
A10	SOUTH ELEVATION
A11	EAST & WEST ELEVATIONS
A12	ELEVATION OF THE BACK AREA CALC.

TOTAL

BUILDING TYPE

PHASE 1

PHASE 2

PHASE 3

PHASE 4

PHASE 5

PHASE 6

PHASE 7

PHASE 8

PHASE 9

PHASE 10

PHASE 11

PHASE 12

PHASE 13

PHASE 14

PHASE 15

PHASE 16

PHASE 17

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PHASE 92

PHASE 93

PHASE 94

PHASE 95

PHASE 96

PHASE 97

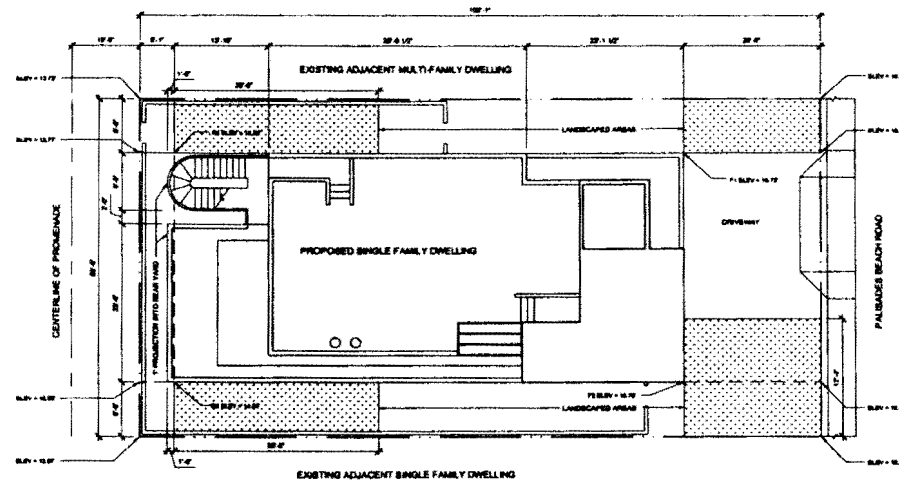
PHASE 98

PHASE 99

PHASE 100

AVERAGE NATURAL GRADE =

$$15.73' + 15.78' + 13.89' + 14.05' = 14.86' \text{ AVG}$$



SITE/ROOF PLAN
SCALE: 1/8" = 1'-0"

CALIFORNIA
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JAN 30 2001
South Coast Region
91

EXHIBIT # **4**
PAGE **1** OF **12**

PROPERTY ADDRESS

1000 A 1001 PALM BEACH BEACH RD.
SANTA MONICA, CA 90401

ADDRESS & PARCEL NO.'S

4001-001-011, 012 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION

LOTS 16 & 17 OF PALM BEACH TRACT IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP NO. 10 IN THE OFFICE OF THE RECORDER OF SAYS COUNTY.

MAJOR OF RECORD

THE RECORD OF MAP NO. 10 OF 1907, ALONG THE CENTER LINE OF THE PALM BEACH TRACT, AS SHOWN ON MAP NO. 10 IN THE OFFICE OF THE RECORDER OF SAYS COUNTY, IS THE BASIS OF THE MAP HEREIN.

SECTION 1000

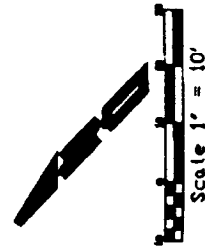
USED FOR THE PURPOSE OF 1/2 OF 1000, MAP NO. 10, THE LOT, BEING AS SHOWN ON MAP NO. 10, IS THE LOT, BEING AS SHOWN ON MAP NO. 10.

NOTES

1. THE PROPERTY IS SHOWN AS TWO LOTS OF 1000 EACH, BEING LOTS 16 & 17 OF PALM BEACH TRACT, AS SHOWN ON MAP NO. 10 IN THE OFFICE OF THE RECORDER OF SAYS COUNTY. THE PROPERTY IS SHOWN AS TWO LOTS OF 1000 EACH, BEING LOTS 16 & 17 OF PALM BEACH TRACT, AS SHOWN ON MAP NO. 10 IN THE OFFICE OF THE RECORDER OF SAYS COUNTY.

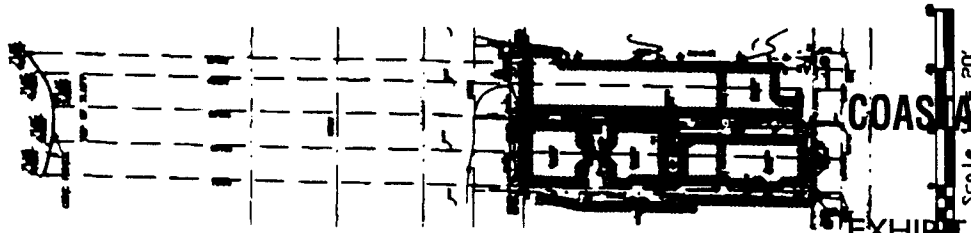
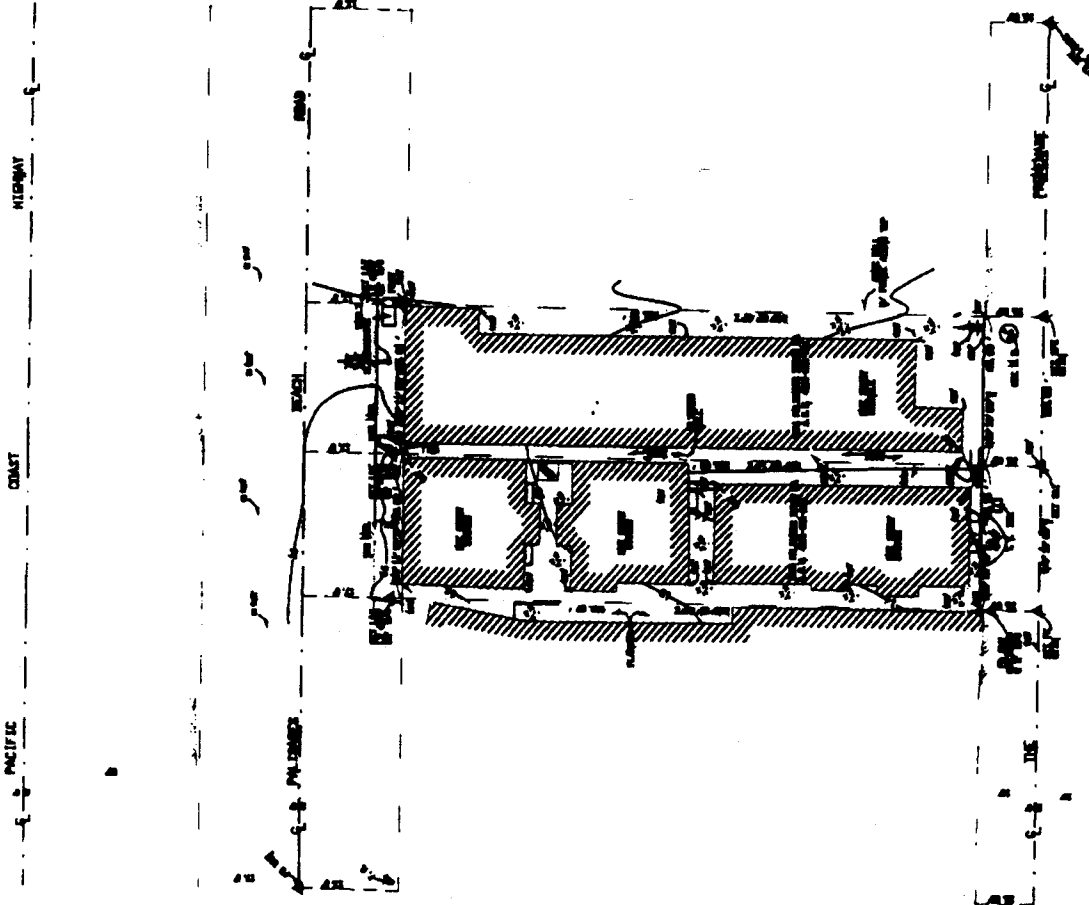
LEGEND

- PROPERTY LINE
- STREET CENTERLINE TO
- MONUMENT
- STREET LIGHT (ST. LT.)
- ASPHALT (A/P)
- BUILDING
- CHAIN LINK FENCE
- WOOD FENCE
- CONCRETE (CONC.)



ARCHITECTURAL SURVEY

DATE	10-1-10
BY	J. H. H. H.
CHECKED BY	J. H. H. H.
APPROVED BY	J. H. H. H.
1 OF 1	



COASTAL COMMISSION

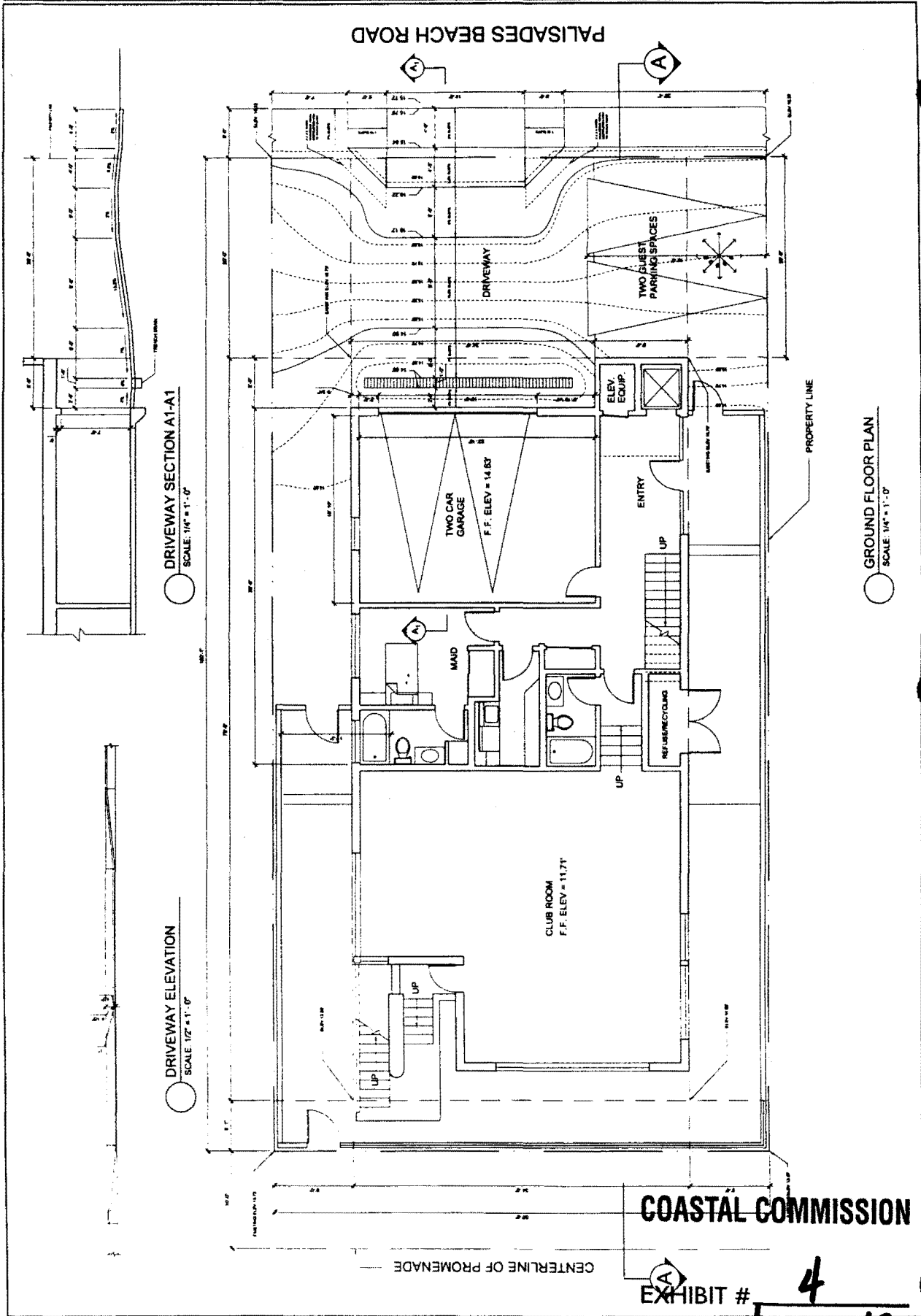
EXHIBIT #

PAGE 2 OF 12

4



EXHIBIT # 4
PAGE 3 OF 12



COASTAL COMMISSION

EXHIBIT #

4

PAGE 4 OF 12

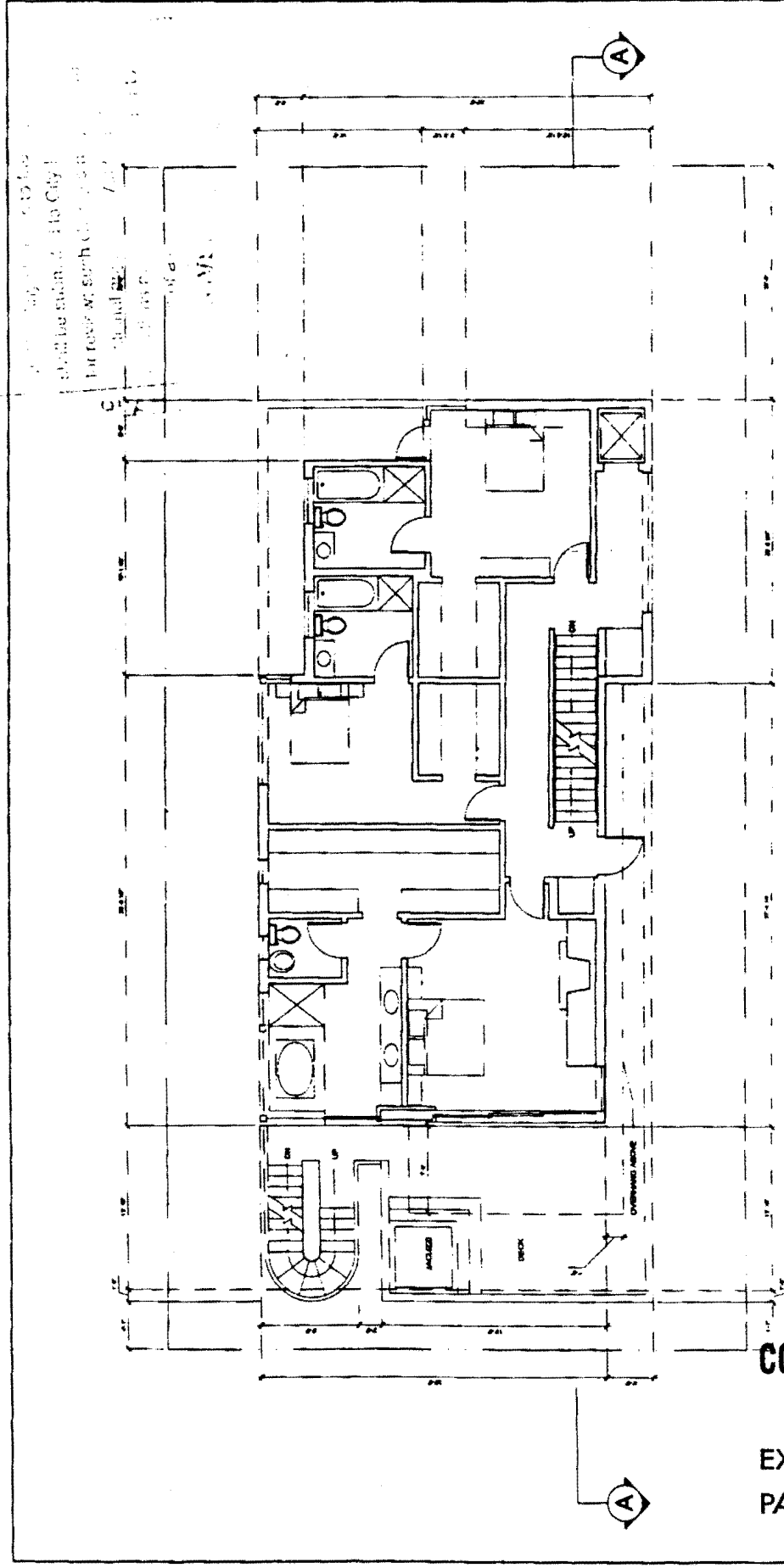
8017 (00000) - BOSTON AND AVERAGE 1200 HOURS (CA 1-0000) 0000
 VOICE 30-00-1200 FAX 30-00-1200

11

EXHIBIT # 4
PAGE 5 OF 12

03.12.1
9A

APPROVAL IN
CONCEPT



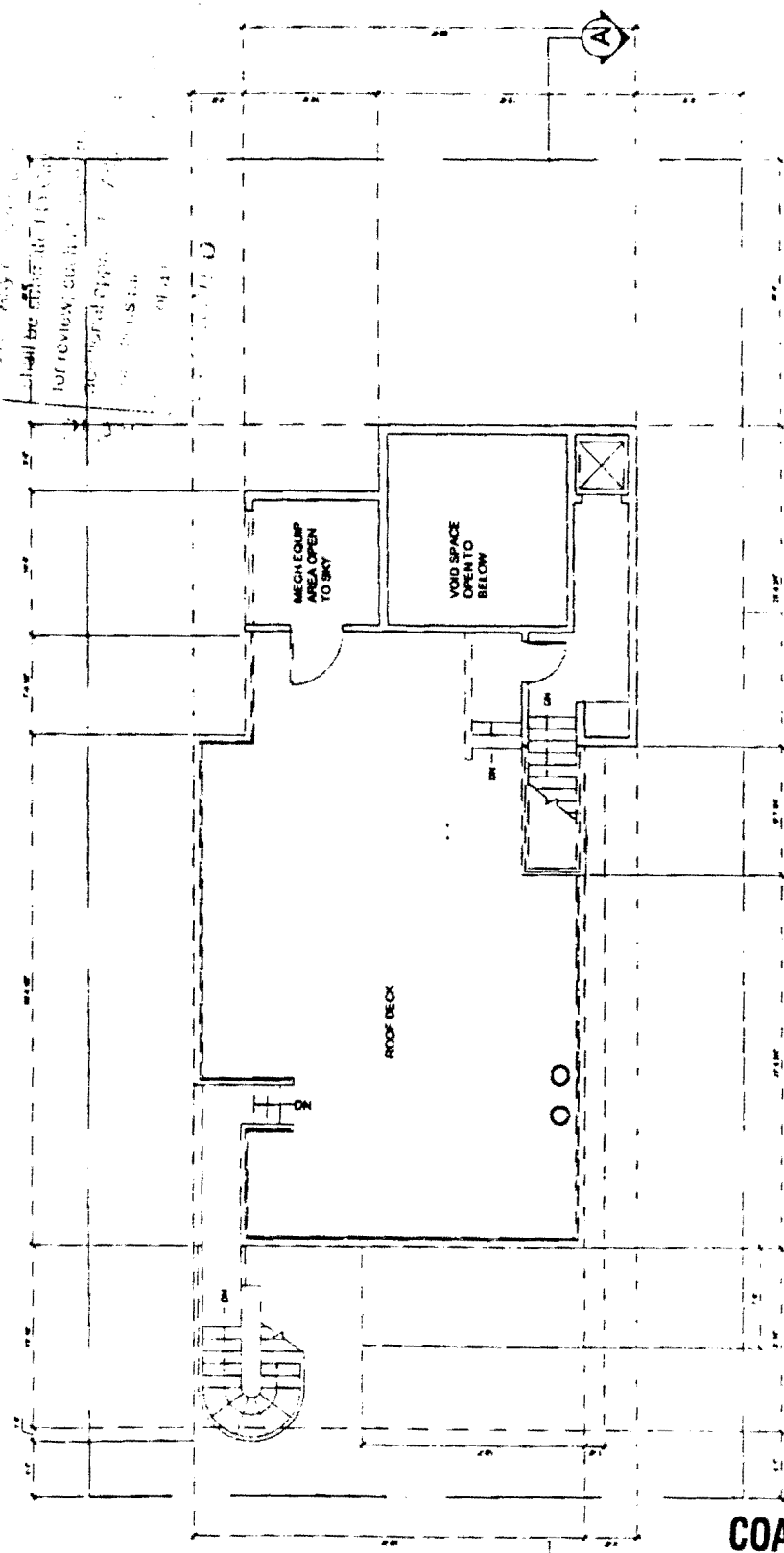
THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 4
PAGE 6 OF 12

03.12.01
TR

APPROVAL IN CONCEPT

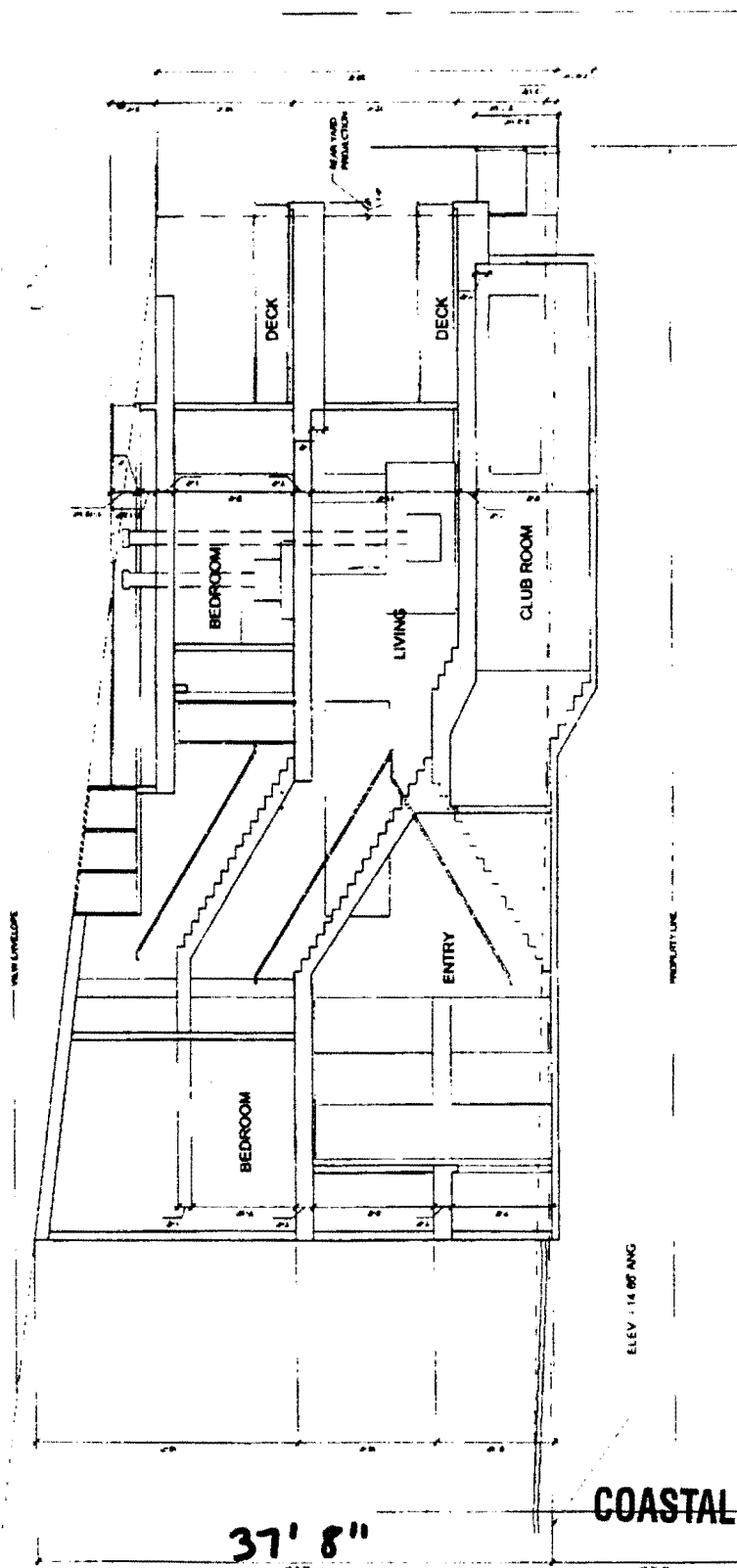


ROOF DECK PLAN
SCALE 1/4" = 1'-0"

COASTAL COMMISSION

03.12.01
TK

APPROVAL
CONCEPT

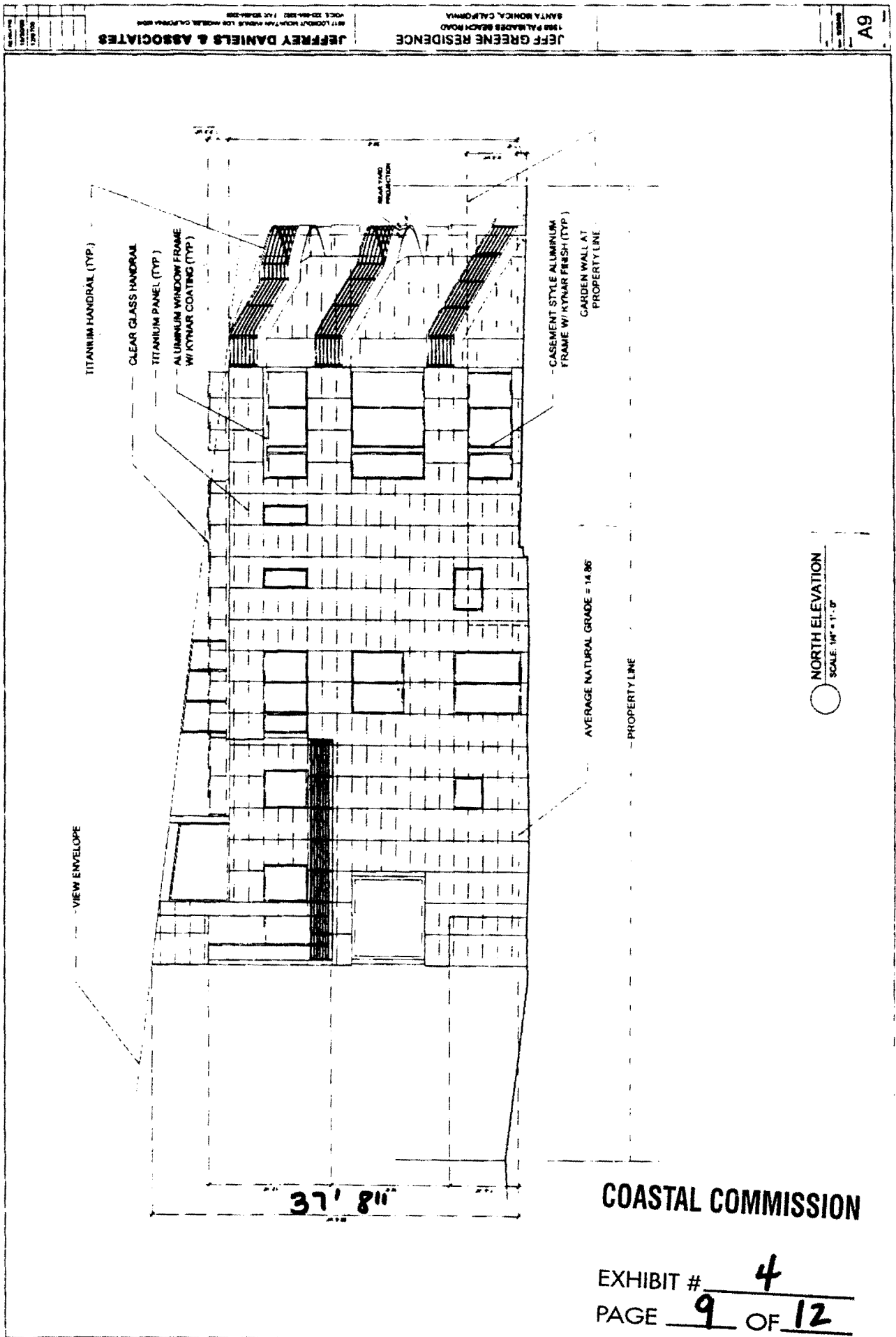


SECTION A-A
SCALE: 1/4" = 1'-0"

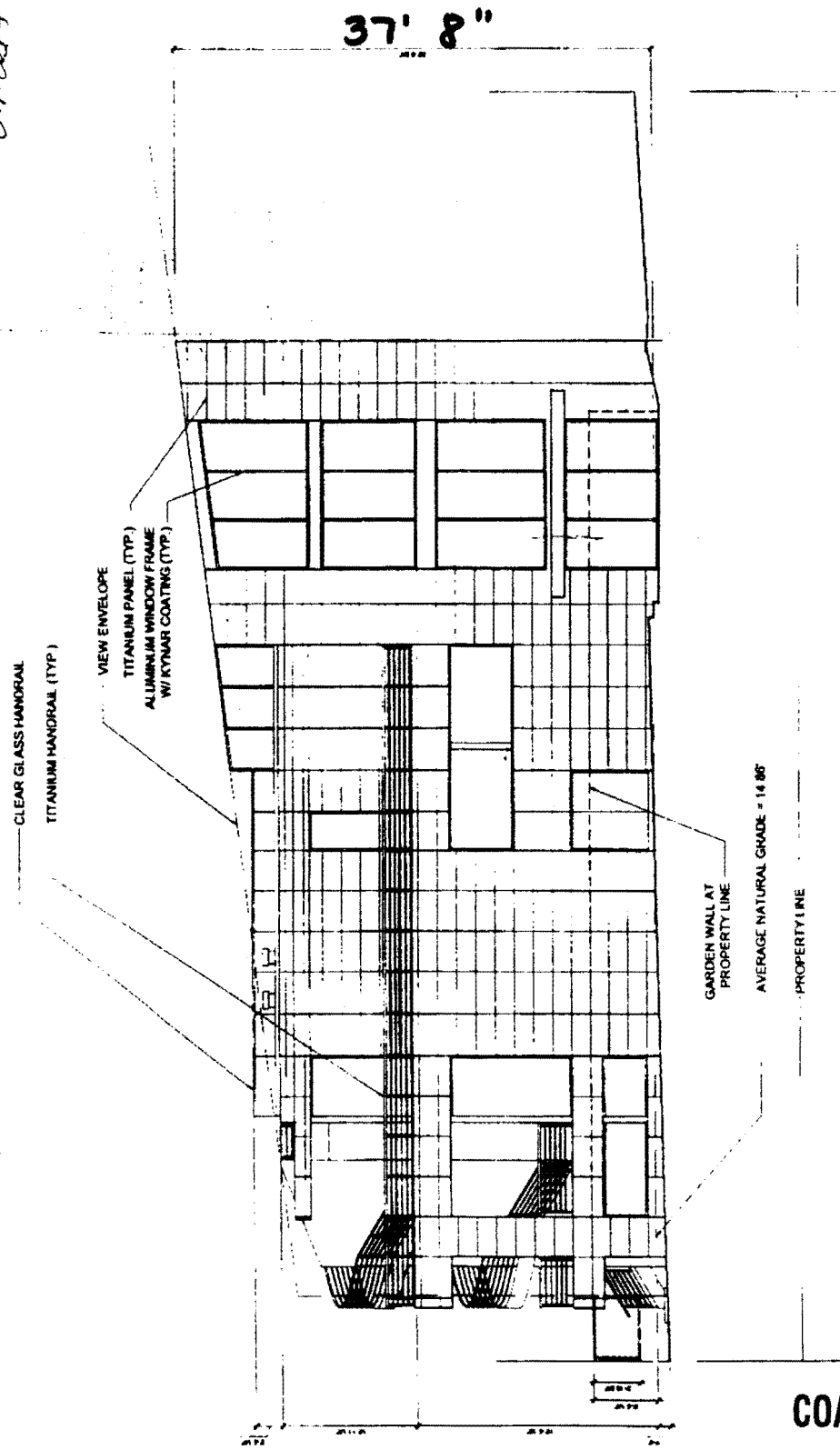
COASTAL COMMISSION

EXHIBIT # 4
PAGE 8 OF 12

03/02/01
JK
APPROVAL IN
CONCEPT



03.12.21
TR
APPROVAL IN
CONCEPT



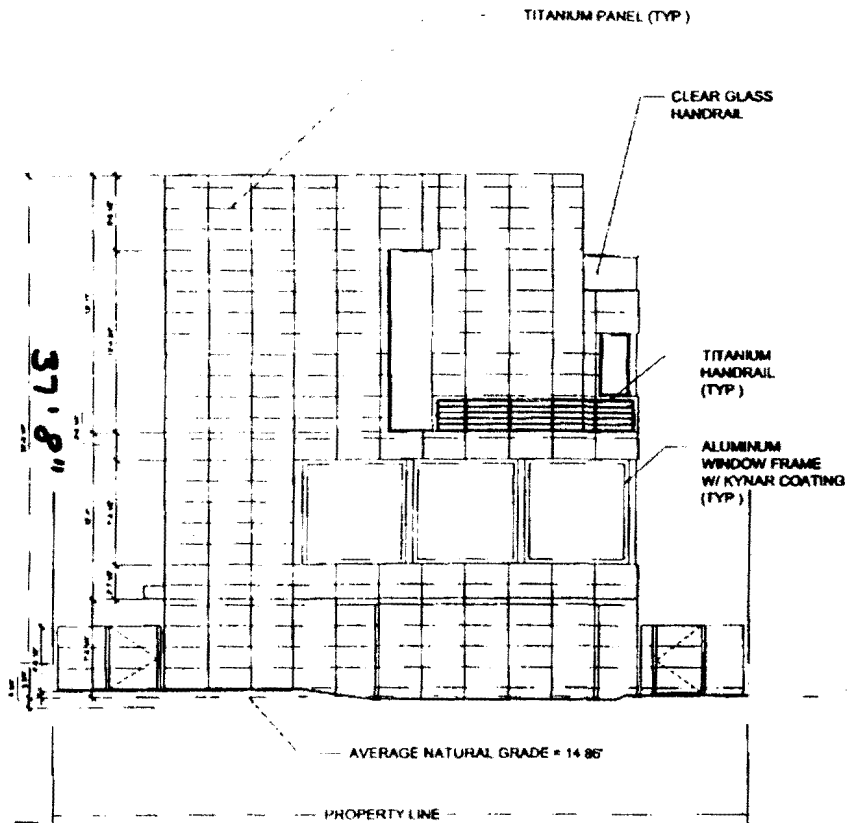
SOUTH ELEVATION
SCALE 1/4" = 1' - 0"

COASTAL COMMISSION

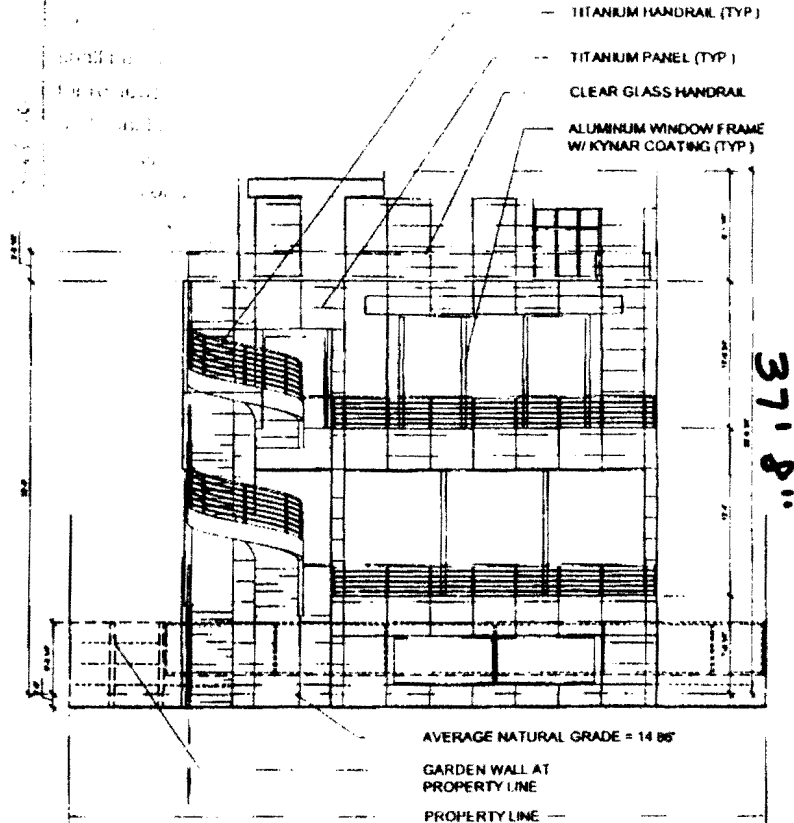
EXHIBIT # 4
PAGE 10 OF 12

03.12.01
TK

APPROVAL IN CONCEPT



EAST ELEVATION
SCALE 1/4" = 1' - 0"



WEST ELEVATION
SCALE 1/4" = 1' - 0"

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4

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JEFFREY DANIELS & ASSOCIATES
1001 GARDEN AVENUE, SUITE 100, SAN ANTONIO, TEXAS 78205
PHONE (214) 343-1100 FAX (214) 343-1101

JEFF GREENE RESIDENCE
1300 PALM BEACH ROAD
SANTA MONICA, CALIFORNIA 90401

A11

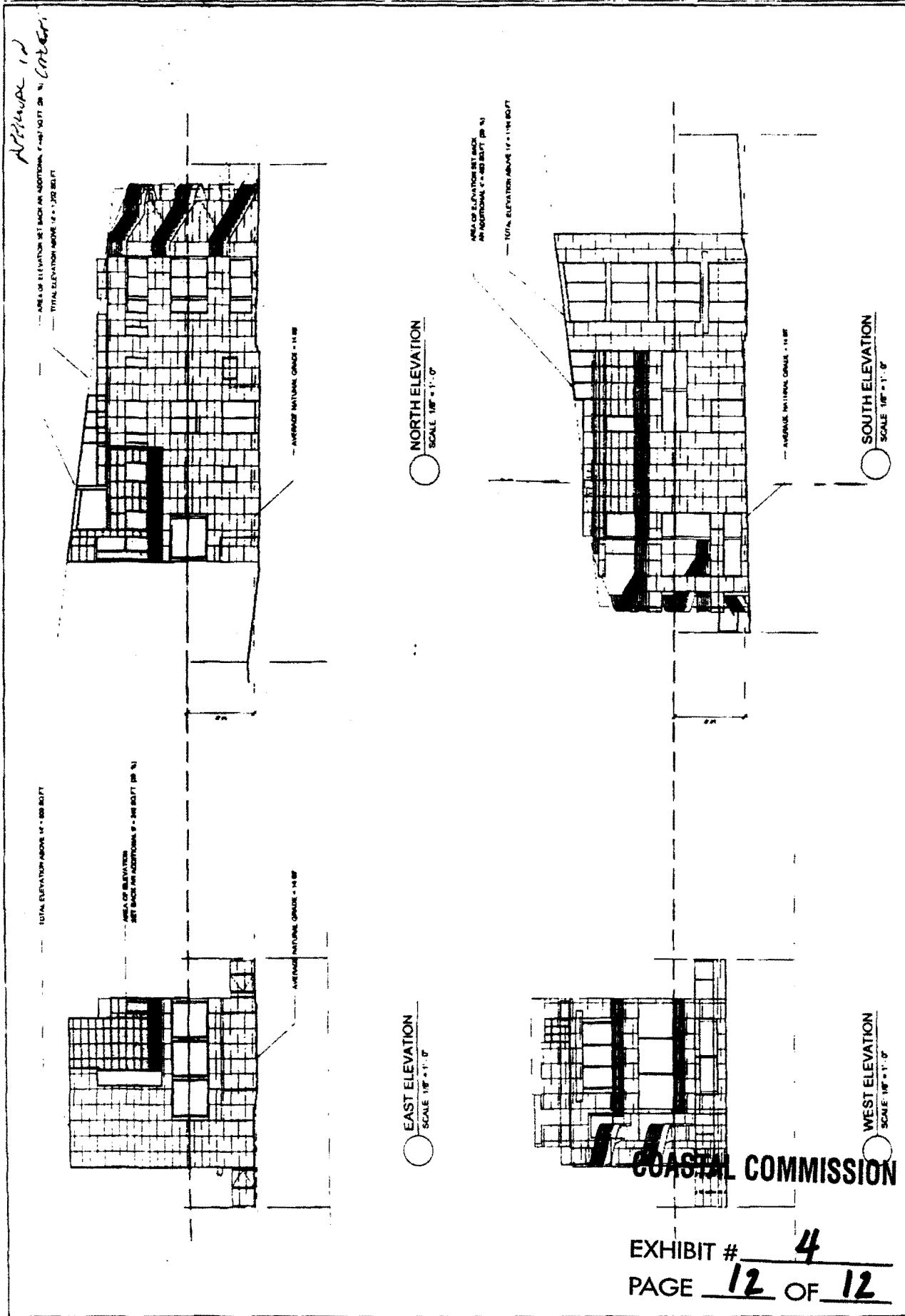


TABLE 3
Estimates of Sea Level Rise at Various California Locations, through the Year 2100⁴
(with Probability that Threshold will be met or exceeded)

LOCATION	cm Rise by 2025 (Probability)		cm Rise by 2050 (Probability)		cm Rise by 2100 (Probability)	
San Diego	7.4 (90%)	3.0"	12.6 (90%)	5.0"	24.1 (90%)	9.5"
	12.4 (50%)	4.8"	22.6 (50%)	8.9"	49.1 (50%)	19.3"
	19.4 (10%)	7.6"	35.6 (10%)	14.0"	90.1 (10%)	35.5"
La Jolla	7.0 (90%)	2.8"	12.0 (90%)	4.7"	23.0 (90%)	9.0"
	12.0 (50%)	4.7"	22.0 (50%)	8.7"	48.0 (50%)	18.9"
	19.0 (10%)	7.5"	35.0 (10%)	13.7"	89.0 (10%)	35.0"
Newport	6.7 (90%)	2.6"	11.4 (90%)	4.5"	21.9 (90%)	8.6"
	11.7 (50%)	4.6"	21.4 (50%)	8.4"	46.9 (50%)	18.5"
	18.7 (10%)	7.4"	34.4 (10%)	13.5"	87.9 (10%)	34.6"
Los Angeles	2.8 (90%)	1.0"	4.8 (90%)	2.0"	9.8 (90%)	3.9"
	7.8 (50%)	3.0"	14.8 (50%)	5.8"	34.8 (50%)	13.7"
	14.8 (10%)	5.8"	27.8 (10%)	10.9"	75.8 (10%)	29.8"
Santa Monica	6.3 (90%)	2.5"	10.8 (90%)	4.3"	20.8 (90%)	8.1"
	11.3 (50%)	4.4"	20.8 (50%)	8.2"	45.8 (50%)	18.0"
	18.3 (10%)	7.3"	33.8 (10%)	13.3	86.8 (10%)	34.2"
San Francisco	4.6 (90%)	1.8"	7.8 (90%)	3.1"	15.3 (90%)	6.0"
	5.6 (50%)	2.2"	17.8 (50%)	7.0"	40.3 (50%)	15.9"
	16.6 (10%)	6.5"	30.8 (10%)	12.1"	81.3 (10%)	32.0"
Alameda	3.5 (90%)	1.4"	6.0 (90%)	2.4"	21.0 (90%)	8.3"
	8.5 (50%)	3.4"	16.0 (50%)	6.2"	46.0 (50%)	18.1"
	15.5 (10%)	6.1"	29.0 (90%)	11.4"	87.0 (10%)	34.3"
Crescent City	-2.1 (90%)	-0.8"	-3.6 (90%)	-1.4"	-5.6 (90%)	-2.2"
	2.9 (50%)	1.1"	6.4 (50%)	2.5"	19.4 (50%)	7.6"
	9.9 (10%)	3.9"	19.4 (10%)	7.6"	60.4 (10%)	23.8"

⁴ Developed from EPA estimates of historic rates of sea level rise and estimated sea level rise, both provided in Titus and Narayanan (1995) "The Probability of Sea Level Rise (EPA 230-R-95-008).

SE SKELLY ENGINEERING

I. INTRODUCTION

The purpose of this wave runup study is to determine if the proposed development will be subject to wave runup or wave attack over the typical life (75 years) of the development. If the site will be subject to wave runup the analysis will discuss how frequently it will occur, what the predicted water volume and water height will be on the property, and how, if necessary, to manage the overtopping waters. The analysis also will determine if the property will be subject to direct wave attack over the project life. If the property is subject to wave attack then the analysis will include design parameters for wave forces. The analysis uses design storm conditions typical of the January 18, 1988 and winter of 1982-83 type storm waves and beach conditions.

The subject site, 1355-61 Palisades Beach Road in Santa Monica, is a rectangular parcel approximately 50' X 100' (two 25'X100' lots). There are currently two structures on the two lot parcel that are proposed to be removed and replaced with a single family residence. The site is fronted by The Promenade, a coastal boardwalk, which is adjacent to a very wide sandy beach (approximately 800 feet wide) and the Pacific Ocean. This shoreline is located at the central section of the Santa Monica Littoral Cell. A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways and sediment sinks. The Santa Monica Littoral Cell extends from Point Dume to Palos Verdes Point, a distance of 40 miles. Most of the shoreline in this littoral cell has been essentially stabilized by man. The local beaches were primarily made by man through nourishment as a result of major shoreline civil works projects (Hyperion Treatment Plant, Marina Del Rey, King Harbor, etc.). The up-coast and down-coast movement of sand along the shoreline is mostly controlled by groins, breakwaters, and jetties and is generally to the south. A major sink for the beach sands is the Redondo Submarine Canyon located at the entrance to King Harbor.

The Santa Monica Bay shoreline, including the section of beach where the site is situated, has been the subject of several studies by the U.S. Army Corps of Engineers since 1962 (see reference list). The County of Los Angeles in 1992, commissioned a study by Coastal Frontiers entitled "Historical Changes in the Beaches of Los Angeles County: Malaga Cove to Topanga Canyon 1935- 1990." This study relied upon the previous U.S. Army Corps studies cited in the references and other data, and determined that this section of shoreline is relatively stable and possibly accreting. One of the primary reasons cited in that study for this long term stability is the Santa Monica breakwater and the Santa Monica Municipal Pier. The Santa Monica breakwater is directly offshore from this site and provides significant protection wave energy reaching the site and from shoreline erosion. The pier is about 800 feet south of the site and the landward end of the breakwater is

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EXHIBIT # 6
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groin and holds the beach in front of the site in place.

II. DATUM & DATA

The datum used in this report is Mean Sea Level (MSL), which is +0.14 feet National Geodetic Vertical Datum (NGVD). The units of measurement in this report are feet (ft), pounds force (lbs), and second (sec). A recent topographic map provided by the Architect Jeff Daniels & Associates was used for site elevations. The NOAA Nautical Chart #18744 was used to determine bathymetry. Aerial photographs, from the early 1960's to 1981 and aerial photographs taken annually from 1982 thru 2000, were reviewed for shoreline changes. Architectural drawings of the proposed development prepared by Jeff Daniels & Associates were also reviewed.

III. SITE BEACH EROSION & WAVE ATTACK

In order to determine the potential for wave runup to reach the site historical aerial photographs over the last four decades were reviewed along with the above referenced reports. None of the photographs showed that wave runup reached anywhere near The Promenade over the four-decade time frame. Photograph 1, taken on January 19, 1988 the day after the "400 year" wave event, shows the beach in front of the site. The beach is about 700 feet wide even after this extreme storm. The beach did not erode back to The Promenade and wave runup did not reach within several hundred feet of the site. Photograph 2, taken May 11, 2000, shows what could be described as the normal beach width (over 800 feet). A review of the annual aerial photographs over the last 20 years shows a very wide beach even though the photos were taken in the winter and spring, when the beach is seasonally the narrowest. Based upon review of the aerial photographs, review of the Coastal Frontiers erosion study, and the presence of the breakwater and pier structure, it is extremely unlikely that the shoreline will erode. The shoreline will not erode back to The Promenade allowing wave runup to reach the property. Even though wave runup will not reach the site over the next 100 years a runup and overtopping analysis will be performed as required by the California Coastal Commission.

IV. WAVE RUNUP AND OVERTOPPING

As waves encounter the beach in front of the property water rushes up, and sometimes over, the beach berm towards the site. Wave runup is defined as the vertical height above the still water level to which a wave will rise on a structure (beach slope) of infinite height. Overtopping is the flow rate of water over the top of a finite height structure (the steep beach berm) as a result of wave runup.

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overtopping waters will most likely not reach the seaward side of The Promenade even under the extreme conditions in the next 75 years. The Promenade is at about elevation +13.5' MSL which is three feet above the height of the beach berm (+10' MSL) and the additional 0.5' of overtopping water.

VI. CONCLUSIONS AND RECOMMENDATIONS

Prediction of runup and overtopping on a beach during extreme storm events is a very complex problem. The flow rates presented here represent what is defined as flow which is sustained by continuous volume flow, even though it will actually occur with the cycle of the waves. The calculations made herein use state of the art methods, yet they are based on several simplifying assumptions (see Chapter 7 of SPM). There are several facts that indicate that wave runup and overtopping will not reach the property or adversely impact the property over the life of the structure.

- There is a very wide (> 700 feet) sandy beach in front of the property 100% of the time.
- A review of aerial photographs over the last four decades shows no overall shoreline retreat in general and a wide sand beach even at times when the beach is seasonally at its narrowest.
- The shoreline in this area has been determined to be stable by Coastal Frontiers. The site is protected by the offshore breakwater and the beach is held in place by the shoreward end of the Santa Monica Pier.
- The property has not been subject to any wave runup attack in the past.
- The runup analysis shows that the 100 year recurrence wave runup event will not reach the property.
- The Promenade is at elevation +13.5' MSL which is well above any potential wave runup and overtopping elevation given the stability of the shoreline location.

In conclusion, wave runup and overtopping will not impact this property over the life of the proposed improvement. The proposed development and existing development will neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding. However, the property is relatively low-lying and proper site drainage and drainage control will be necessary.

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Photograph 1. January 19, 1988 after the "400" year storm. Note wave runup reached the parking lot at the pier but was several hundred feet from the site.

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