

CALIFORNIA COASTAL COMMISSION

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Staff Report: 5/22/02
Hearing Date: June 11, 2002
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-01-261**APPLICANT:** Los Angeles County, Department of Beaches and Harbors**PROJECT LOCATION:** Will Rodgers State Beach, Pacific Palisades, City/County of Los Angeles

PROJECT DESCRIPTION: Improvements throughout Will Rodgers State Beach that include demolition and reconstruction of four restroom facilities, four public parking lots, a bike and pedestrian path, one concession stand, one lifeguard substation, access ramps, an entry kiosk, and highway barriers; remodel of the existing lifeguard headquarters; construct three new observation decks with associated access ramps and an ADA access ramp across the bluff slope; and the use of 9,600 square feet (36 parking spaces) to house a temporary inner city youth water education program.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission approve a coastal development permit for the proposed development with nine (9) special conditions. The special conditions on this project are required to protect water quality, marine resources, coastal recreation, public views of the beach and ocean, and access along the shoreline. The proposed project is an extensive beach improvement project. It includes demolishing and reconstructing restrooms, parking lots, a lifeguard substation, access ramps, a concession stand, bike path, and chain link highway barriers. The recommended special conditions require the applicant to assume the risk of development, agree to not construct future shoreline protective devices, implement a plan to reduce impacts to public access and recreation during construction, incorporate construction and post-construction related Best Management Practices (BMPs), re-site the proposed developments landward of the slope that separates the parking lot area and the sandy beach area, and limit the temporary inner city youth water education program to two years, unless the Commission approves an amendment to extend the time limit.

The proposed project is located in the Pacific Palisades area of the City of Los Angeles. The major issues involved in the Will Rodgers State Beach improvements project are water quality impacts, development in a location susceptible to hazards/necessity of shoreline protective devices, visual impacts, and reduced access during the construction phase of the project.

LOCAL APPROVALS RECEIVED:

1. City of Los Angeles Zoning Administrator's Interpretation, Case No. 2001-3359(ZAI).

SUBSTANTIVE FILE DOCUMENTS:

1. Joint Powers Agreement No. 25273 between the City of Los Angeles and the County of Los Angeles
2. Preliminary Geotechnical Investigation for the Proposed Will Rodgers State Beach General Improvements, Project No. 1990052-01, by Leighton and Associates, April 19, 1999
3. Wave Run-Up Analysis, by Concept Marine Associates, Inc., June 25, 2001

STAFF NOTE:

Ownership

The property involved in Coastal Development Permit application No. 5-01-262, Will Rodgers State Beach, is owned by the State of California. The State leases the property within Will Rodgers State Beach to the City of Los Angeles. The City assigned to the County of Los Angeles the right to operate Will Rodgers State Beach pursuant to Joint Powers Agreement No. 25273 (JPA), as amended. Under the JPA the County of Los Angeles agrees to provide "all necessary lifeguard and beach maintenance at all beach areas bordering on the Pacific Ocean which are... leased by the City and situated within the limits of the City of Los Angeles...." Either party to the JPA (in this case the City of Los Angeles and the County of Los Angeles) can terminate the Agreement by giving a year's written notice.

Jurisdiction

Section 30600(b)(1) of the Coastal Act allows local government to assume permit authority prior to certification of a Local Coastal Program. Under this section, local government may establish procedures for the filing, processing, review, modification, approval, or denial of coastal development permits within its area of jurisdiction in the coastal zone. Section 30601 establishes that in certain areas, and in the case of certain projects, a permit from both the Commission and local government is required. Section 30602 states that any action taken by a local government on a coastal development permit application prior to the certification of a Local Coastal Program can be appealed by the Executive Director of the Commission, any person, or any two members of the Commission to the Commission within 20 working days from the receipt of the notice of City action.

In 1978, the City of Los Angeles opted to administer the issuance of coastal development permits in areas within the City. The Commission staff prepared maps that indicate the area in which Coastal Development Permits from both the Commission and the City are required.

This area is commonly known as the "Dual Permit Jurisdiction." Areas in the coastal zone outside the dual permit jurisdiction are known as the "Single Permit Jurisdiction". The City assumes permit jurisdiction for projects located in the single permit jurisdiction. This project (5-01-261) is located within the "Dual Permit Jurisdiction." Therefore, an action on a coastal development permit must be taken from both the City of Los Angeles and the Coastal Commission prior to development.

The applicant received a City of Los Angeles Zoning Administrator's Interpretation, Case No. 2001-3359(ZAI), which allowed the applicant to apply directly to the Coastal Commission without receiving a coastal development permit from the City of Los Angeles.

The City of Los Angeles does not have a certified Local Coastal Program for the Pacific Palisades area. Therefore, the standard of review is the Chapter 3 policies of the coastal Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-01-261 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 coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 alternatives 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. **Assumption of Risk, Waiver of Liability and Indemnity**

A) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm events, flooding, and erosion; (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 secure in writing and submitted to the Executive Director the following:

- a. The applicant shall secure a written agreement from the City of Los Angeles (lessee) that the City acknowledges and agrees to the four items in subsection A) of this condition and that the City will require any other agent

acting on its behalf to acknowledge and agree to the four items in subsection A) of this condition.

b. The applicant shall secure a written agreement from the State of California Department of Parks and Recreation (property owner) that upon expiration or other termination of the lease agreement with the City covering the subject lands, the State will bind any subsequent lessee to the same terms of subsection A) of this condition.

c. The applicant shall secure a written agreement from the State of California that, prior to conveyance of the property, the State shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A) of this condition. The restriction shall include a legal description of the entire parcel conveyed. 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 itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-01-261 including, but not limited to restrooms, concession stands, lifeguard substations, parking lots, bike and pedestrian paths, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, flooding or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee, landowner, and/or whoever has authority over this site and the development authorized by this permit shall remove the development authorized by this permit, including, but not limited to restrooms, concession stands, lifeguard substations, bike and pedestrian paths, and parking lots, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the permittee, landowner, and/or whoever has authority over this site and the development authorized by this permit 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.

In the event the shoreline recedes to within 10 feet of the development authorized by this permit but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portion of the structures are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the development authorized by this permit without shoreline protection including, but not limited to, removal or relocation of portions of the structures. If the geotechnical report concludes that the development authorized by this permit or any portion of the development are unsafe, the permittee, landowner, and/or whoever has authority over this site and the development authorized by this permit shall, in accordance with a coastal development permit, remove the threatened portion of the structure.

B) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall secure in writing and submitted to the Executive Director the following agreements:

- a. The applicant shall secure a written agreement from the City of Los Angeles (lessee) that the City (1) agrees to all of the above terms in subsection A) of this condition to which the applicant agrees and (2) waives any rights analogous to those waived by the applicant; and that the City will require any other agent acting on its behalf to do the same.
- b. The applicant shall secure a written agreement from the State of California that the State Department of Parks and Recreation, as property owner, (1) agrees to all of the above terms of subsection A) of this condition to which the applicant agrees, and (2) waives, on behalf of itself and all successors and assigns, any rights to construct protective devices that may exist under Public Resources Code Section 30235.
- c. The applicant shall secure a written agreement from the State of California Department of Parks and Recreation (property owner) that upon expiration or other termination of the lease agreement with the City, the State will bind any subsequent lessee to the same terms of subsection A) of this condition.
- d. The applicant shall secure a written agreement from the State of California Department of Parks and Recreation that, prior to conveyance of the property, the State shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A) of this condition. The restriction shall include a legal description of the entire parcel conveyed. 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. **Revised Plans**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised plans to the Executive Director for review and approval. All plans associated with the project shall be revised to incorporate the following revisions to the project:

- a. All elements of the proposed project seaward of the existing bluff edge shall be removed from the project plans or relocated behind the bluff edge. Such project elements include, but are not limited to, observation decks, concession seating areas, new access ramps, and paving. The requirements in this condition do not apply to the reconstruction of existing access ramps, the addition to the lifeguard headquarters, and the construction of a new restroom, lifeguard substation, and ADA access ramp in Parking Lot #5.
- b. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Beach and Recreation Area Closures, Maintenance of Public Access, and Project Staging Areas**

A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final demolition schedule and detailed plans which identify the specific location of demolition staging and equipment storage areas, areas where any demolished structures and excavated soils are proposed to be temporarily stockpiled, and the access corridors to the project site. Said plans shall include the following criteria and limitations specified via written notes on the plan:

- a. In order to reduce adverse impacts on public access and recreation, the construction phase of the beach improvements project at Will Rodgers State Beach shall be limited during peak summer time months (between Memorial Day weekend and October 31 of each year). During the peak summer time months the following restrictions shall apply:
 - No construction of any kind shall take place during weekends or holidays

- Restroom facilities shall be maintained during the peak summer time months.
 - During the demolition and reconstruction of the parking lots, the project shall be phased to ensure that one-half ($\frac{1}{2}$) of each of the four parking lots is open for public use.
- b. During non-peak winter months (from November 1 through the Thursday before Memorial Day weekend) at least one-half ($\frac{1}{2}$) of two (2) of the four (4) parking lots shall be available for public use. Staging areas shall not be included in the available half of the parking lot. One of the parking lots shall be located in the western portion of Will Rodgers State Beach and one shall be located in the eastern portion of Will Rodgers State Beach. If restrooms are not available at the open parking lots, chemical toilets shall be provided. Appropriate signage shall be posted at remaining lots where public access is not provided, which directs the public to available parking spaces in the open parking lots.
- c. During all times of the improvement project beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 50 feet of the project). All beach areas and recreation facilities outside of the 50-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission-approved coastal development permit or permit amendment).
- d. During all times of the improvement project public access to and along the beach bicycle/pedestrian path shall be maintained, except for temporary interruptions (5 minutes or less) for truck and equipment crossing. In the event that the bicycle path must be closed for periods longer than five minutes, the applicant shall submit, for review and approval of the Executive Director, a beach bicycle path detour to bypass the project site during demolition and construction. No sand area may be paved for any detour. The detour plan approved by the Executive Director shall be implemented prior to closing the existing beach bicycle path.
- e. Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line. To the maximum extent practicable, the storage stockpile areas shall be located on existing paved surfaces. These areas shall be fenced-off to prevent any encroachments of equipment or debris within 100 feet of the mean high tide line
- f. Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and existing public parking areas.

B) The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

5. **Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris**

A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion.
- b. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.
- c. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters.
- d. All mechanized machinery shall be removed from the beach at the end of the working day. No storage of mechanized equipment is allowed on the beach.
- e. No disturbance or use of areas below the mean high tide line is permitted for the construction of the proposed development.
- f. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean
- g. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

- h. If the debris disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

B) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- a. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- b. The applicant shall develop and implement spill prevention and control measures.
- c. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.
- d. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- e. Temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales, and silt fencing.
- f. Stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.
- g. Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the sandy beach or any beach facility. If such residues are discovered in the beach area the residues and all contaminated sand shall be properly removed and disposed in an appropriate facility.
- h. These erosion control measures shall be required on the project site prior to or concurrent with the initial construction operations and maintained throughout the development process to minimize erosion and sedimentation

from the runoff waters during construction. The above requirements (Special Condition #5) as well as the below requirements found in Special Condition #6 shall be attached to all final construction plans.

C) The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

6. Water Quality Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

Water Quality Goals

- a. Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- b. Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- c. Runoff from all roofs, parking areas, and driveways shall be collected and directed through a system of appropriate structural and/or non-structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

Parking Lots

- a. The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must

include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.

- b. The applicant shall regularly sweep, using an appropriate mechanical sweeper, all parking lot surfaces and shall, at a minimum, sweep all parking lots on a weekly basis in order to prevent dispersal of pollutants that might collect on those surfaces.
- c. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
- d. The applicant shall not spray down or wash down any parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.

Kiosks and Food Stands

- a. Wash down areas for equipment and accessories shall be designed to meet the following:
 - The area shall be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. The grease trap shall be sized, to the maximum extent practicable, to remove grease with an appropriate flow rate in gallons per minute, using a drainage period between one (1) and two (2) minutes.
 - The grease traps shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.
 - If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer.
- b. The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.
- c. The applicant shall not use or distribute any polystyrene or foamed polystyrene product (including, but not limited to, foamed polystyrene cups, plates, and "to go" food boxes) throughout Will Rodgers State Beach.
- d. Upon expiration of the current lease, the above restriction on kiosks and food stands shall be incorporated into a new or amended lease agreement with

the concessionaire or operator of such facilities so that such requirements are binding to them.

B. Monitoring and Maintenance

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season (between April 16 and October 14).

- a. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- b. All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year. This report shall be submitted for the first three years following the completion of development, biannually thereafter unless the executive director determines that no additional reports are necessary.
- c. It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

C. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Permanent Construction Material

Project related fences, benches, walls, bollards, or support structures shall not contain any of the following: petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary products of petroleum, including creosote, or carbonaceous materials or substances.

8. Inner City Youth Water Education Program

This permit authorizes the use of 9,600 square feet of parking (up to 36 spaces) to erect one double-wide trailer and two storage containers for the W.A.T.E.R (inner city youth water education program) for no more than two years from the date of approval for coastal development permit 5-01-261. The area shall only be used for the W.A.T.E.R. program. No other storage or office use besides that which is required by the W.A.T.E.R program is authorized. After the two year period the applicant shall remove all containers, trailers, and equipment and restore the area

for public parking, unless an extension of time is approved by the Commission as an amendment to this permit.

9. **Landscaping Plan**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a landscaping plan prepared by a qualified biologist or licensed landscape architect. The plan shall include the following:

- a. New vegetation planted on the site shall consist of a mixture of native (Southern California coastal dunes and bluffs) and ornamental non-invasive plant species. The applicant shall not incorporate removed invasive plant species (e.g., *Washingtonia robusta*) anywhere on the project site. The landscaping shall be planted using accepted planting procedures required by a professionally licensed landscape architect.
- b. The subject property shall be planted and maintained for slope stability, erosion control, and the protection of structures located in an area susceptible to wave run-up. The landscaping shall be planted within thirty (30) days of completion of the project. The landscaping shall provide 90% coverage within two years of planting.
- c. All disturbed areas from grading or construction activity on the bluff slope above the sandy beach shall be landscaped with native, salt tolerant plant species associated with coastal bluffs and dunes.
- d. All areas on the bluff slope, beneath the restroom facility, lifeguard substation, and ADA access ramp located at Parking Lot #5 shall be landscaped with native, salt tolerant plant species associated with coastal bluffs and dunes to protect against potential wave run-up hazards.
- e. No new invasive species (with the exception of existing landscaping left in place) shall be employed anywhere on the subject site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains*, January 20, 1992, those species listed by the California Exotic Pest Plant Council on any of their watch lists as published in 1999, and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.
- f. The site shall be stabilized immediately with jute matting or other BMPs after any grading occurs to minimize erosion during the raining season (November 1 to March 31) if plantings have not been fully established.

B. The plan shall include, at a minimum, the following components:

- a. A map showing the types, size, and locations of all plant materials that will be on the site, the temporary irrigation system, topography of the developed site, and all other landscape features.
- b. A schedule for installation of native plants/removal of non-native plants.
- c. An identification of seed sources and plant communities of the plants planned to be employed.

C. Five years from the date of approval for Coastal Development Permit No. 5-01-261 the applicant or successor in interest shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

D. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is a major facilities improvement to Will Rodgers State Beach (Exhibit #1 & #2). Will Rodgers State Beach is an approximately 3.2 mile stretch of beach. The project location is bounded by Pacific Coast Highway (PCH) to the north and the Pacific Ocean to the south. The footbridge defines the western boundary of the project over PCH and parking lot #5 and the Chautauqua Parking Lot #1 defines the eastern boundary. The existing beach facilities located in Will Rodgers State Beach include 5

separate restrooms, 3 concession buildings, 4 separate parking lots (with a total of 1,794 parking spaces), 1 lifeguard headquarters, 1 lifeguard substation, 1 service and maintenance yard, 26 paved access ramps across a gently sloping bluff, access roadways, a bike and pedestrian path, and an entry kiosk, (as further discussed below). Currently, the Marvin Braude Bike Path, a regional bike path with terminating points at Torrance Beach and Will Rodgers State Beach, parallels the shoreline of Will Rodgers State Beach. The bike path is located above a gently sloping bluff, approximately four to ten feet above the sandy beach. The bike path terminates at the eastern portion of Parking Lot #3 East. At this point portions of the beach become private land, comprising the area of the Bel Air Bay Club. The bike path does not continue past this point, through the eastern portion of Will Rodgers State Beach.

The major transportation corridors or regional connections including the 10 Freeway, Sunset Boulevard, and Pacific Coast Highway, link inland areas directly to the State Beach (Exhibit #1). Surrounding communities and Cities include Pacific Palisades to the north, the County of Los Angeles and Malibu to the west, and the City of Santa Monica to the east.

The applicant has stated that the beach facilities are in need of repair and replacement due, in part, to their age, which is, in some cases approximately 50 to 60 years old. The improvement project, for simplicity's sake, can be divided into six sections: Parking Lot #1 (Chautauqua), Parking Lot #2 East (Temescal), Parking Lot #2 West (Temescal), Parking Lot #3 East (Temescal), Parking Lot #3 West (Temescal), and Parking Lot #5 (Castle Rock) (Exhibit #2). Below is a summary of the proposed beach improvements by section, from the eastern boundary of the proposed project to the western boundary.

- Parking Lot #1 (Chautauqua)
 - Demolish and repave parking lot (restriping same number of spaces)
 - Remove and replace handrail around parking lot
 - Remove barrel and chain highway barrier and construct metal beam guardrail
 - Add concrete paving in front of the existing restroom and concession stand
 - No work is proposed for the existing restroom and concession stand

- Parking Lot #2 East (Temescal)
 - Demolish and repave parking lot (restriping same number of spaces)
 - Demolish restroom and construct a new restroom
 - Interior remodel of the Lifeguard Headquarters and enclose existing exterior framing
 - Demolish bike and pedestrian path and construct a new bike and pedestrian path (the bike path would be relocated behind the restroom and lifeguard headquarters)
 - Remove barrel and chain highway barrier and construct metal beam guardrail
 - Demolish 3 paved access ramps from the parking lot level to the beach level and construct 3 new paved access ramps
 - Add paving around restroom facility

- Construct an observation deck and access ramp seaward of previous paving and over slope edge
- Place a double-wide trailer and two storage sheds in the parking lot for the Inner City Youth Water Education Program (the proposal would require 9,600 square feet of the parking lot – 36 parking spaces)
- Parking Lot #2 West (Temescal)
 - Demolish and repave parking lot (restriping same number of spaces)
 - Demolish restroom and construct a new restroom
 - Demolish Concession stand and construct a new concession stand
 - Demolish bike and pedestrian path and construct a new bike and pedestrian path (the bike path would be relocated behind the restroom and concession stand)
 - Remove barrel and chain highway barrier and construct metal beam guardrail
 - Demolish 11 paved access ramps from the parking lot level to the beach level and construct 11 new paved access ramps
 - Add paving around restroom facility and concession stand
 - Construct a new observation deck and new access ramp seaward of previous paving and over the slope edge
 - Construct a new deck area with concrete tables and seats, located seaward of the previous paving and over the slope edge
- Parking Lot #3 East (Temescal)
 - Demolish and repave parking lot (restriping same number of spaces)
 - Demolish restroom and construct a new restroom
 - Demolish bike and pedestrian path and construct a new bike path and pedestrian (the bike path would be relocated behind the restroom facility)
 - Remove barrel and chain highway barrier and construct metal beam guardrail
 - Demolish 6 paved access ramps from the parking lot level to the beach level and construct 4 new paved access ramps
 - Demolish parking kiosk and construct a new parking kiosk
 - Add paving around restroom facility and existing concession stand
 - Construct a new observation deck and new access ramp seaward of previous paving and over the slope edge
- Parking Lot #3 West (Temescal)
 - Slurry coat and restripe existing parking lot
 - Demolish bike and pedestrian path and construct a new bike and pedestrian path
 - Remove barrel and chain highway barrier and construct metal beam guardrail
 - Demolish 4 paved access ramps from the parking lot level to the beach level and construct 4 new paved access ramps
- Parking Lot #5 (Castle Rock)
 - Demolish and repave parking lot
 - Demolish restroom and construct a new restroom east of the existing location
 - Demolish lifeguard substation and construct a new two-story, 21' 9" lifeguard substation east of the existing location

- Demolish 2 paved access ramps and wooden stairs from the parking lot level to the beach level and construct 2 new paved access ramps
- Construct a new ADA access ramp located in the existing restroom location
- Remove barrel and chain highway barrier and construct metal beam guardrail
- The construction of the new restroom and new lifeguard substation will take away 31 parking spaces from the existing parking lot

B. Public Access

Sections 30210, 30211, 30213, and 30220 of the Coastal Act require that new development provide maximum public access and recreation and avoid interference with the public's right of acquired 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 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Will Rodgers State Beach is an easily accessible beach area. Regional connectors, such as the 10 Freeway and Sunset Boulevard, link inland areas directly to PCH and the beach (Exhibit #1). Pacific Coast Highway (PCH) parallels the beach and allows constant views of the ocean along the entire length of the State beach, with the exception of the area behind the Bel Air Bay Club. Four large parking lots, with a total of 1,794 public parking spaces, are located directly between PCH and the sandy beach. 26 paved access ramps are located throughout the beach area and connect the upper parking lot level to the sandy beach (a vertical height of approximately four to ten feet in most locations). In most

locations the bluff area is gently sloping and access is achieved without the need for the access ramps.

Will Rodgers State Beach contains restroom and concession facilities, playground areas, volleyball courts, and a regional bike and pedestrian path. The regional bike path, the Marvin Braude Bicycle Trail, connects Torrance Beach to the Pacific Palisades, crossing every coastal city/town in Santa Monica Bay (with the exception of Malibu). The proposed project includes major structural and grading work along this stretch of Will Rodgers State Beach. The proposal includes demolition of restroom facilities, parking lots, access roads, access ramps, the bike and pedestrian path, a concession stand, parking kiosk, highway barrier and lifeguard substation located on or adjacent to the beach. The project also includes the remodel and addition to the lifeguard headquarters and construction of new observation decks with associated access ramps and concession eating areas. The project will temporarily disrupt public access to this recreational area by the demolition of beach facilities and the stockpiling of debris and equipment storage. The anticipated schedule for the proposed improvements project is approximately eight months.

The Commission requires special conditions for this project to limit the disruption of coastal access and ensure that public access to this beach remains open and clear for recreational uses. The peak beach use season runs through the summer from May to October (typically from the start of Memorial Day weekend to October 31). As previously stated, the proposed project requires the demolition or repair of portions of all the beach facilities. Mechanized equipment is required for the project, as well as disposal routes and staging and stockpile areas. It is anticipated that construction staging will take place immediately adjacent to each construction site. Therefore, during the construction phase of the project there would be a temporary impact to public access through a loss of parking spaces and beach facilities.

The applicant has stated that the construction phase will take approximately 8 months. The Commission has, in past permit approvals, limited construction during the peak summer months. The tentative schedule of construction would begin in October and end in May. While the applicant has stated that the construction period will not take place during the peak summer time months, unforeseen changes in project plans or the inability to meet prior to issuance conditions in timely manner could lead to construction phasing during the peak summer months. Therefore, in order to reduce the project's impacts on coastal access and limit the disruption of the recreational uses at Will Rodgers State Beach a condition of approval that restricts demolition and construction during certain times is required.

Special Condition #4 requires the applicant to submit a final demolition schedule and detailed plans identifying the specific location of demolition staging and storage areas and stockpile fill areas. Special Condition #4 also limits the construction period during both peak summer months and non-peak winter months. During the peak summer months (between Memorial Day weekend and October 31) no construction of any kind shall take place during the weekends or holidays. The restroom facilities shall not be demolished during this time and shall be open for the public use throughout the peak summer time

months. Also, during the demolition and construction of parking lots, the project shall be phased to ensure that one-half of each of the four parking lots is open for public use. This allows the applicant to continue constructing half of each of the parking lots while maintaining public beach parking in the other half. The portion of the lot available for public use shall not be used for storage or stockpiling of construction material or equipment.

Between November 1 and the Thursday before Memorial Day weekend (non-peak winter months) at least one-half of two of the four parking lots shall be available for public parking. One of the lots shall be located in the western section of Will Rodgers State Beach and the other parking lot shall be located in the eastern section of Will Rodgers State Beach. Therefore, no more than two of the lots at any given time could be completely restricted from the public. The two remaining parking lots would then only need to provide one-half the existing parking spaces. This would allow for adequate parking for winter demand for this area as, through staff observation, these parking lots are underutilized during the non-peak winter months. Appropriate signage shall then be posted directing the public to available parking spaces in open parking lots. In addition, during the non-peak winter months, chemical toilet facilities shall be placed at open parking lots if existing restrooms are not available.

In order to further reduce the temporary impacts to public access and recreation Special Condition #4 requires the following:

- During all times of the improvement project beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 50 feet of the project). All beach areas and recreation facilities outside of the 50-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment).
- During all times of the improvement project public access to and along the beach bicycle and pedestrian path shall be maintained at all times, except for temporary interruptions (5 minutes or less) for truck and equipment crossing. In the event that the bicycle path must be closed for periods longer than five minutes, the applicant shall submit, for review and approval of the Executive Director, a beach bicycle path detour to bypass the project site during demolition and construction. No sand area may be paved for any detour. The detour plan approved by the Executive Director shall be implemented prior to closing the existing beach bicycle path.
- Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line. To the maximum extent practicable, the storage stockpile areas shall be located on existing paved surfaces. These areas shall be fenced-off to prevent any encroachments of equipment or debris within 100 feet of the mean high tide line

- Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and existing public parking areas.

The applicant has also requested to use 9,600 square feet (36 spaces) for the temporary location of the County's inner city youth water education program (W.A.T.E.R Program). Currently the program is housed in Marina del Rey. The applicant has stated that the proposal allows room for expansion of the youth program. The facility would include one double-wide trailer and two storage containers. The placement of these facilities in the public beach parking lot would reduce the total number of parking available. However, the selected parking lot (parking lot #2 East) contains a total of 313 spaces. The reduction of 36 spaces will leave a total of 277 public parking spaces in this parking lot and an overall parking supply of 1,758 spaces in Will Rodgers State Beach. In addition, the education program will allow inner city youth to experience and enjoy this coastal area that otherwise may not be available without the facility.

As indicated above, the inner city youth water education program would decrease the number of available public parking spaces. The facility would also allow inner city youth to enjoy and experience Will Rodgers State Beach. However, the program could impact public access. Therefore, the Commission imposes Special Condition #8, which authorizes the use of 9,600 square feet of parking (up to 36 spaces) to erect one double-wide trailer and two storage containers for the W.A.T.E.R program (inner city youth water education program) for no more than two years from the date of approval of coastal development permit 5-01-261. Special Condition #8 further requires that the area only be used for the W.A.T.E.R. program and no other storage or office use besides that which is required by the W.A.T.E.R program is authorized. After the two year period the applicant shall remove all containers, trailers, and equipment and restore the area for public parking, unless an extension of time is approved by the Commission as an amendment to this permit.

The applicant has proposed an "observation deck" seating area seaward of the proposed concession stand in Parking Lot #2 West. The applicant has proposed this as a public seating area. However, such concession seating areas have become privatized by the operators of the concession stands, as in the case of the Gladstone's Restaurant located east of Parking Lot #5. In this case, the Commission approved a public observation deck adjacent to an existing restaurant. The area was to remain open for public use and did not require those using the seating area to purchase food from the restaurant. As the restaurant expanded the seating area was increasingly used for restaurant patrons only. On several occasions, Commission staff confirmed that the public was excluded from the seating area unless food was purchased. The commission has, in past permit decisions, required conditions to ensure that such seating areas remain open to the public. For reasons described further in this staff report, the Commission requires that all proposed observation decks, seating areas, and paving seaward of the bluff edge be removed from the proposed project. Therefore, since the Commission has conditioned the permit to remove the "observation deck" seating area there is not the necessity to include a further condition restricting private use of the seating area.

Therefore, only as conditioned to reduce the impacts that temporary construction of the beach improvements project and the temporary W.A.T.E.R. Program would have on public access and recreation is the proposed project consistent with Section 30210, 30211, 30213, and 30220 of the Coastal Act.

C. Hazards/Future Shoreline Protective Devices

Section 30253 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.

Wave Impact, Storm Events, and Flooding Hazards

The subject property is located in the northwest portion of the Santa Monica Bay, between the City of Santa Monica to the east and Los Angeles County and the City of Malibu to the west (Exhibit #1 & #2). The subject beach varies in width from approximately 50 feet to approximately 275 feet. The proposed project is an extensive beach improvement project that includes most all of the amenities at Will Rodgers State Beach. The width of the beach provides this area some measure of protection from wave hazards. However, beach erosion is seasonal and is subject to extreme storm events that may expose the project to wave up-rush and subsequent wave damage.

The especially heavy wave action generated during the 1982-83 El Nino winter storms and again in 1988 caused extensive beach erosion throughout Southern California. In both years Will Rodgers State Beach was eroded but wave action and water did not cause extensive damage to the beach facilities (restrooms, concession stands, and parking lots).

As indicated above, beach areas are dynamic environments, which may be subject to unforeseen changes. Therefore, the presence of a wide sandy beach does not preclude wave up-rush damage and flooding from occurring on this beach in the future. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983, 1988 and 1998, resulting in future wave and flood damage to the proposed development.

Section 30253 requires that projects be sited to lessen the risks due to hazards. In this case those risks are from waves, storm events, erosion, and flooding. The project includes demolishing four restrooms and constructing new restrooms, remodeling one restroom,

demolishing one concession stand and constructing a new concession stand, demolishing and repaving parking lots, remodeling the lifeguard headquarters, and demolishing and constructing a new lifeguard substation. The proposed project also includes the construction of three observation decks with paved access ways to the beach, a concession seating area, and a new ADA access ramp. The decks, concession seating area, and access ways would be located seaward of the existing paving and across the bluff slope.

The applicant has submitted a Wave Run-Up Analysis by Concept Marine Associates, Inc, dated June 25, 2001. The analysis used an extreme high water level for the shoreline (recorded during a 1982 El Nino storm event) and included an additional 0.75 feet for possible sea level rise. The analysis concluded that the predicted wave run-up using a 25-year storm event and an extreme water level for the Will Rodgers State Beach shoreline is 13.3 feet using the National Geodetic Vertical Datum (NGVD).

The narrow beaches allow more wave energy to reach the bluff slope causing the potential for erosion of the bluff. This is of particular concern at Parking Lot No. 5 (Castle Rock) and near the Lifeguard Headquarters where the beaches are narrowest.... The location of the existing Chautauqua restroom is currently below the predicted run-up level due to being shoreward of the existing bluff. Plans should be made to elevate this structure or protect it from wave run-up....

The remaining buildings appear to be in locations that will put them above the 25-year run-up elevation. However, due to the limited space available for development along this shoreline, the buildings and associated improvements are positioned along the bluff. In a number of areas the improvements (walkways and observation decks) overhang the bluff slope.... The new restroom at Castle Rock also overhangs the slope.... In areas where the run-up level extends to or beyond the toe of the bluff slope, erosion is expected. Therefore, provisions should be made to protect improvements in these areas. This can be accomplished through the installation of slope protection, cut-off walls, or pile foundations. Although any of these measures may provide adequate protection, a combination would be most affective.

In addition, the Wave Run-up Analysis sited conversations with the Chief of the Facilities and Property Maintenance Division for the Los Angeles County Department of Beaches and Harbors, Wayne Schumaker. Mr. Schumaker indicated that erosion of the bluff and associated slope areas have occurred at Will Rodgers State Beach. He further indicated that erosion of the bluff at Castle Rock caused areas of the walkway along the top of the bluff to be undermined.

The Wave Run-up Analysis states:

The temporary loss of sand [during the winter months] causes the beaches to recede, resulting in narrower beaches and the loss of material at the toe of the bluff

slope. Wayne Schumaker with DBH indicated that the recession of the beach along Will Rodgers State Beach ranges from 50 to 75 feet. (See Exhibit #7).

The Commission's coastal engineer has reviewed the wave run-up study and concurs with the analysis.

Because the project site may be subject to significant wave hazards, storms, flooding, or erosion through sea level rise, beach erosion, extreme storm events, etc. Special Condition #1 requires the applicant to acknowledge and agree that the project site (Will Rodgers State Beach) and improvements within the project site are located in an area that may be subject to flooding and wave run-up hazards and to assume the risks to the applicant and the property subject to this permit. With this standard waiver of liability condition, the applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development.

The State of California owns the subject property, Will Rodgers State Beach. The State, in turn, leases the beach area to the City of Los Angeles. The City assigned to the County of Los Angeles the right to operate Will Rodgers State Beach pursuant to Joint Powers Agreement No. 25273 (JPA), as amended. The County of Los Angeles, Department of Beaches and Harbors is the applicant, but only manages the property and does not own the property or lease the property from the State of California. Therefore, to further ensure that the owner (the State) and the lessee (the City) accept Special Condition #1 the applicant shall secure a written agreement from the City of Los Angeles (lessee) that the City acknowledges and agrees to the four items in Special Condition #1 A) and that the City will require any other agent acting on its behalf to acknowledge and agree to the four items in Special Condition #1 A) of this condition. The applicant shall also secure a written agreement from the State of California Department of Parks and Recreation (property owner) that upon expiration or other termination of the lease agreement with the City covering the subject lands, the State will bind any subsequent lessee to the same terms of Special Condition #1 A). Finally, the applicant shall secure a written agreement from the State of California Department of Parks and Recreation that, prior to conveyance of the property, the State shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the terms of Special condition #1 A).

Three observation decks with associated paved access ramps are proposed over and across the bluff slope, located between the parking lot area and the sandy beach (Exhibit #3, #9, #10, & #11). In addition to the observation decks with access ramps, the applicant has proposed a concession seating area with cement tables and benches and an ADA access ramp located in Parking Lot #5, which are also proposed over and across the bluff slope (Exhibit #3, #10, & #11). This slope, in most areas of Will Rodgers State Beach, is gently sloping with a height ranging from 4 to 10 feet above the sandy beach.

The applicant's wave run-up states:

Although the buildings [restrooms and concession stand] appear to be far enough away from the existing slope to avoid the need for pile foundations, the observation deck and access ramp extend beyond it. Fill is proposed to be placed five feet beyond the edge of the ramp prior to sloping down to the beach. Since the run-up level extends above the toe of the fill, slope-stabilizing vegetation or rock revetment is recommended where the fill material is placed.

Section 30253 requires, in part, that new development be sited to minimize the risk of life and property in areas of high flood hazards and to assure structural integrity without creating or contributing to erosion or the destruction of the site. As noted in the wave run-up analysis this beach area and the associated beach facilities are located in an area subject to wave run-up and high flood hazard, "[d]ue to the relatively narrow and low-lying beaches present along this shoreline...."

The analysis anticipates that, under extreme storm conditions, the bluff would be susceptible to erosion by wave run-up (the predicted wave run-up level is 13.3 feet and the predominant elevation of the toe of the bluff is between 10 and 11 feet). Therefore, the analysis recommends slope protective devices under the observation decks, new access ramps, and concession stand deck. Currently, the bluff slope areas are undeveloped, besides the existing paved access ramps and the lifeguard substation in Parking Lot #5. The proposed observation decks, new access ways, and concession stand deck have been sited in an area subject to high flood hazards. The proposal does not (1) minimize risks to life and property in an area of high flood, (2) assure stability and structural integrity, (3) site development to neither create nor contribute significantly to erosion or destruction of the site, and (4) would require the construction of protective devices that would substantially alter natural landforms along the bluff slope. As discussed further below, the new proposed project elements that are located over and across the bluff slope (not including the remodel of the Lifeguard Headquarters and repair of existing access ramps) are also inconsistent with Section 30235 of the Coastal Act.

Therefore, the Commission requires, in Special Condition #3, that the applicant submit revised plans that demonstrate all elements of the proposed project seaward of the existing bluff edge are removed from the project plans or relocated landward of the bluff edge. The project elements include, but are not limited to, observation decks, concession seating areas, new access ramps, and paving. This special condition does not apply to the reconstruction of existing ramps, the addition to the lifeguard headquarters, and the construction of the restroom, lifeguard substation, and ADA access ramp in Parking Lot #5. Only as conditioned to remove such elements of the proposed project is the project consistent with Section 30253 of the Coastal Act.

No Future Shoreline Protective Device

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

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 and coastal access. Under Section 30235 of the Coastal Act, 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.

Section 30235 requires 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.

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, a large portion of Will Rodgers State Beach is susceptible to wave run-up and flooding hazard. 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 a protective device 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.

The proposed project includes several project elements that would require some type of protective device (as recommended by the applicant's wave run-up analysis). These proposed project elements include observation decks with paved access ways, concession eating areas, an ADA access ramp, a restroom, and a lifeguard substation, all of which are located either over or across the bluff slope.

The construction of a lifeguard substation, restroom facility, and ADA access ramp are located in Parking Lot #5 (Castle Rock) (Exhibit #3, #12, & #13). Parking Lot #5 is located in the western most portion of Will Rodgers State Beach. The beach is isolated from the other beach areas by Gladstone's Restaurant, a rock groin and revetment, and the Bel Air Bay Club (a private beach club facility located on the beach). Currently, there is a restroom and lifeguard substation at Parking Lot #5. The proposed project would demolish these facilities and construct new facilities further east of their original location. The wave run-up analysis indicates that the predicted run-up level extends a few feet above the existing toe of slope, which is below the proposed building finished grade elevation. The analysis recommends that the new facilities be supported with a pile foundation with erosion protection around the slope and piles. Because of the isolation of this beach from other public facilities (lifeguard headquarters and public restrooms) the applicant has stated that the lifeguard substation and restroom are necessary to provide adequate public safety and amenities. Typically, the Commission requires that new development be sited away from hazards and in a location that does not necessitate protective devices. In this case, because of the small area between the bluff slope and Pacific Coast Highway and the narrowness of the beach, there is little room to locate the restroom and lifeguard substation landward of its proposed location. Therefore, the restroom, lifeguard substation, and ADA access ramp are necessary to enhance the public enjoyment of the beach and public safety. There are also no feasible alternatives to re-site the development in an area that is not susceptible to wave run-up.

In contrast, the observation decks with associated access ways and concession seating area with associated paving can be re-sited or removed where they would not be located in a flood hazard area and would not require protective devices. Currently, the bike and

pedestrian path is located adjacent to the top of the bluff slope, with the exception of Parking Lot #1 where the bike path is located seaward of the parking lot and on the sandy beach. Views from this path are unobstructed to the ocean and along the beach. The proposed project would relocate the bike and pedestrian path behind the restrooms, concession stands, and lifeguard headquarters, while maintaining the existing location of the path on the bluff top in all other locations. The areas between the proposed beach facilities (restrooms and concession stands) and the bluff edge would still provide lateral pedestrian access with unobstructed views of the ocean and along the beach. The proposed project includes boardwalk style walkways in this area. Therefore, it is not necessary to construct cantilevered observation decks with associated access ways and concession seating areas over and across the bluff slope that would require protective devices. One can enjoy the same public views from the area seaward of the restrooms and concession stand without the construction of observation decks and concession seating areas. In addition, there are currently 26 public access ramps and several unimproved trails across the bluff slope. The construction of new ramps from the observation decks across the bluff is not necessary for public access because there are access ways that exist (these access ways are proposed to be removed and replaced in the same location) adjacent or in close proximity to the proposed observation decks.

As an alternative, benches and seating areas could be placed landward of the slope edge. Such benches would provide the same amount of public views as the observation decks without having to develop the slope face or construct or implement protective devices at the toe of the slope. In addition, there are 26 existing access ramps that are proposed to be removed and repaved in the same location. These access ramps provide adequate access to the beach and ocean and further development along the bluff is not necessary for increased public access.

Therefore, the Commission imposes Special Condition #3 which requires the applicant to submit revised plans that requires the removal of all elements of the proposed project located seaward of the bluff edge from the project plans. Such elements include, but are not limited to, observation decks, concession stand seating areas, new access ramps, and paving. The condition does not include the reconstruction of existing ramps, the addition to the lifeguard headquarters, and the construction of a restroom, lifeguard substation, and ADA access ramp in Parking Lot #5.

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 also be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion (as mentioned above).

To further ensure that the proposed project is consistent with Sections 30235, 30253, and the access and recreation policies 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 which requires the applicant to agree that no future shoreline protective device ever be constructed to protect any portion of the proposed

project including, but not limited to restrooms, concession stands, lifeguard substations, parking lots, bike and pedestrian paths, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, flooding, or other natural hazards in the future. Special Condition #2 also requires the permittee, landowner, and/or whoever has authority over the site and the development authorized by this permit to remove the development authorized by this permit, including, but not limited to restrooms, concession stands, lifeguard substations, bike and pedestrian paths, and parking lots, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the permittee, landowner, and/or whoever has authority over the site and the development authorized by this permit 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.

Finally, Special Condition #2 requires that in the event the shoreline recedes to within 10 feet of the development authorized by this permit, but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee. The report shall address whether any portion of the structures are threatened by wave, erosion, storm conditions, or other natural hazards. If the geotechnical report concludes that the development authorized by this permit or any portion of the development are unsafe, the permittee, landowner, and/or whoever has authority over the site and the development authorized by this permit shall, in accordance with a coastal development permit, remove the threatened portion of the structure.

The State of California owns the subject property, Will Rodgers State Beach. The State, in turn, leases the beach area to the City of Los Angeles. The City assigned to the County of Los Angeles the right to operate Will Rodgers State Beach pursuant to Joint Powers Agreement No. 25273 (JPA), as amended. The County of Los Angeles, Department of Beaches and Harbors is the applicant, but only manages the property and does not own the property or lease the property from the State of California.

Therefore, to further ensure that the owner (the State) and the lessee (the City) accept the terms of Special Condition #2 A) the applicant shall secure a written agreement from both the State of California (property owner) and the City of Los Angeles (lessee). The City shall agree to all of the terms in Special Condition 2 A) to which the applicant agrees and waives any rights analogous to those waived by the applicant; and that the City will require any other agent acting on its behalf to accept all of the terms of Special Condition #2 A). The applicant shall also secure a written agreement from the State of California Department of Parks and Recreation (property owner) that upon expiration or other termination of the lease agreement with the City, the State will bind any subsequent lessee to the same terms of Special condition #2 A). Finally, the applicant shall secure a written agreement from the State of California Department of Parks and Recreation that, prior to conveyance of the property, the State shall execute and record a deed restriction, in a form

and content acceptable to the Executive Director incorporating all of the terms of Special condition #2 A).

Erosion Control Measures

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion via rain, surf, tide, or wind could result in possible acceleration of erosion of the beach. Special Condition #5 requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The applicant shall follow both temporary and permanent erosion control measures to ensure that the project area is not susceptible to excessive erosion.

Therefore, the Commission imposes Special Condition #5, which requires the applicant to incorporate construction, related Best Management Practices (BMPs) prior to or concurrent with any development. Such requirements are discussed in more detail in the Water Quality section below.

Landscaping

Section 30253 (2) of the Coastal Act states, in part, that new development shall "assure stability and structural integrity, and neither create nor contribute significantly to erosion". The proposed project includes the demolition and construction of restrooms, a concession stand, a lifeguard substation, parking lots, and access ramps. The project also includes the construction of a new ADA access ramp located at Parking Lot #5. Portions of the project site are located on the face of a gently sloping bluff above the sandy beach. This slope is currently vegetated with a combination of native grasses and ornamental plants. If left unplanted, these slope areas could erode, threatening the stability of the bluff and generating increased sedimentation on the beach, which could potentially reach the ocean.

The applicant has submitted a landscape plan that includes Mexican Fan Palm (*Washingtonia Robusta*), California Sycamore (*Platanus Racemosa*), sod turf, unknown types of trees and shrubs, and maintaining existing native grasses. There is no indication, however, of landscaping graded areas along the bluff slope or any indication of landscaping in areas where demolished access ramps are not proposed for reconstruction. Therefore, to reduce the threat of erosion and maintain the stability of the bluff slope Special condition #9 requires the applicant to submit a landscaping plan that demonstrates all disturbed areas on the bluff slope above the sandy beach are landscaped with native, salt tolerant plant species associated with coastal bluffs. Native, salt tolerant plant species associated with coastal bluffs are required because they are fast growing, adapted to the surrounding coastal environment, have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts.

Native, salt tolerant plant species are also required to protect the bluff slope from wave run-up and impact. The applicant's wave run-up analysis states:

Due to the relatively narrow and low-lying beaches present along this shoreline, the predicted wave run-up level is able to extend beyond the toe of the bluff. This results in erosion of the bluff slope, particularly in areas where the beach is narrowest. Due to the limited area available for development along this shoreline, a majority of the improvements are located along the top of, or overhanging, the bluff. It is recommended that protective measures be taken to ensure that possible bluff erosion does not affect the proposed improvements.

The analysis further indicates that stabilizing vegetation could be used to help protect the bluff and the structures. Therefore, the landscaping plan also requires that all areas on the bluff slope, below the restroom, lifeguard substation, and ADA access ramp be planted with native, salt tolerant plant species associated with coastal bluffs.

The site shall also be stabilized immediately with jute matting or other BMPs to minimize erosion during the raining season (November 1 to March 31) if plantings have not been fully established. To further ensure the continued viability of the landscaping plan, the applicant shall submit a landscaping monitoring report five (5) years from the date of the approval for Coastal Development Permit No. 5-01-261. If the report concludes that the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director.

Therefore, by imposing Special Conditions #1, #2, #3, #5, and #9, which address development in a hazardous area, future protection devices, erosion control, the disposal of materials outside of the coastal zone, and removal of certain project elements from the project plans, the Commission finds that the project is consistent with Section 30253, 30235, and the access and recreation policies of the Coastal Act.

D. Environmentally Sensitive Habitat/Park and Rec. Area

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

The Coastal Zone is comprised of more than just the sandy beach area. There are a myriad of coastal resources within the coastal zone, such as environmentally sensitive habitat areas (ESHA), which are not necessarily located on the sandy beach. ESHA are

areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Section 30107.5 of the Coastal Act).

Section 30240 requires that ESHA be protected against disruption and projects be sited to prevent such impacts. The Commission has found, through prior permit actions, that invasive plant species can have an adverse affect on sensitive habitats (see Coastal Development Permit Nos. 5-01-262, 5-01-347, 5-01-374, 5-02-008). The Commission has also found that proposed projects that include invasive plant species do not necessarily have to be adjacent to the ESHA to impact such a resource. The project site is located across Pacific Coast Highway from Potrero Canyon and Las Pulgas Canyon (Exhibit #14). Las Pulgas Canyon contains a blue line stream, as indicated on a USGS quadrangle map. A blue line stream is designated for streams that have continuous or intermittent flowing water. This is a good indication that riparian habitat exists and thus increases the possibility of an ESHA.

Potrero Canyon, however, will contain ESHA after the completion of the Potrero Canyon fill project (as conditioned in Coastal Development Permits #5-86-958 and #5-91-286 and amendments). The Commission approved the fill with conditions that required the City to create an artificial stream with riparian habitat on top of the fill, build a public park and trails in the canyon, and revegetate the upper canyon sides and buttress fills with coastal sage scrub. There was a parallel CA Department of Fish and Game agreement regarding the alteration of the streambed in the bottom of Potrero Canyon.

At the completion of the fill project and compliance with the conditions imposed under the Commission's approved permit, Potrero Canyon will contain several millions of cubic yards of fill, a public park with trails, a stream and riparian habitat at the bottom of the canyon, and coastal sage assemblage on the canyon slopes.

Will Rodgers State Beach is separated from the sensitive habitat areas by the public parking lots and Pacific Coast Highway. Therefore, because of the distance between the beach and the sensitive area and the financial burden of removing a multitude of invasive palm trees, there is not a pressing need to remove established *Washingtonia robusta* or other invasive plant species from the Will Rodgers State Beach area. However, because *Washingtonia robusta* and other invasive plant species can spread via wind, bird or burrowing animal, it is crucial for the protection of the sensitive habitat areas near Will Rodgers State Beach that no new invasive plant species be planted anywhere in the project location. In addition, all invasive plants that are removed from the project site should not be replanted in the Will Rodgers State Beach area.

As mentioned in the previous paragraphs, Will Rodgers State Beach contains several mature palm trees (*Washingtonia robusta*). *Washingtonia robusta* is a slender palm and grows to a height of approximately 100 feet. The palm propagates through seed dispersal. Although the seeds are rather large, and are not dispersed great distances by the wind, seeds could be dispersed into adjacent areas and could easily be carried and dropped

within the ESHA by birds and other animals. The future seedlings produced by this dispersal would have the potential to adversely impact native flora and fauna through direct competition for space and through the trees providing habitat for pest species, such as starlings and rodents, that adversely impact the native habitat through increased competition and increased predation of native species.

The Commission has found that these trees are invasive and can supplant native habitat areas by spreading their seeds via wind or by animal. The applicant has proposed a landscaping plan that includes new *Washingtonia robusta*. In addition, the landscaping plan includes the removal of existing *Washingtonia robusta* and relocation in other locations of the project site. Some of the trees will remain in their existing location.

Sensitive habitat areas are highly susceptible to invasive plant species that could supplant the established native plant communities and spread to others. While Pacific Coast Highway separates Will Rodgers State Beach from Potrero Canyon and Las Pulgas Canyon, invasive plant species that are spread via wind, birds or burrowing animals can transport their seeds into the sensitive areas.

Because Will Rodgers State Beach is located in close proximity to an ESHA, the Coastal Act requires that the sensitive areas be protected against disruption of habitat values, that the development is designed to prevent impacts to the surrounding area, and is compatible with the continuance of those habitat values. The planting of *Washingtonia robusta* (either new planting or transplanted from on site) and other invasive plant species will have an adverse affect on the sensitive habitat found in the future Potrero Canyon Park and Las Pulgas Canyon. As noted above, the Commission does not require the applicant to remove any established landscaping that is not proposed to be removed and relocated, even if they are invasive.

Therefore, the Commission requires a revised landscaping plan for the entire project area to ensure the protection of the sensitive habitat located adjacent to Will Rodgers State Beach. Special Condition #9 requires the applicant to submit revised landscaping plans that incorporate no invasive species on the site (see additional requirements of Special Condition #9 in Section C. Hazards/Future Shoreline Protective Devices of this staff report. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20, 1992, those species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999, and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service. In addition, all new landscaping shall consist of a mixture of native (Southern California coastal dunes and bluffs) and ornamental non-invasive plant species. The landscaping plan shall not incorporate removed invasive plant species (e.g., *Washingtonia robusta*) anywhere on the project site. Only as condition is the proposed project consistent with Section 30240 of the Coastal Act.

E. Water Quality

Section 30230 of the Coastal Act states:

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

Section 30231 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.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Sections 30230, 30231, 30232, and 30240 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters (in this case the Santa Monica Bay) be maintained and restored by controlling polluted runoff.

The subject property is located in the northwest portion of the Santa Monica Bay shoreline. Santa Monica Bay has received recognition as an estuary of ecological importance. Under the Clean Water Act, 1977 and the Water Quality Act, 1987 Congress established the National Estuary Program (NEP). The Santa Monica Bay is an estuary participating in this program, which provides a mechanism for coordination action. The Santa Monica Bay Restoration Program (SMBRP) was created to develop a Comprehensive Conservation and Management Plan for the Bay. The Plan addressed habitat and water quality concerns within the Bay through a long-term watershed management strategy.

The Santa Monica Bay supports a wide array of species. The Bay provides habitat for marine mammals, waterfowl, shorebirds and endangered species, such as the California gray whale and the California least tern. The Bay also provides several water-related recreational activities such as fishing, boating, swimming, surfing, and scuba diving. Because of the extensive coastal recreation activities and the sensitivity of the Bay habitat, water quality issues are essential in the review of this project.

Pollutants such as sediments, toxic substances (e.g., grease, motor oil, heavy metals, and pesticides), bacteria, and trash and particulate debris are often contained within urban runoff entering via the storm water system or directly into the ocean. The discharge of polluted runoff into the Santa Monica Bay would have significant adverse impacts on the overall water quality of the Bay and Pacific Ocean.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition #5 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition No. 5 requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. This condition requires the applicant to submit a Construction Best Management Practice Plan. Special Condition #6 requires the applicant to include the following requirements:

- No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion.

- Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.
- Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters.
- All mechanized machinery shall be removed from the beach at the end of the working day. No storage of mechanized equipment is allowed on the beach.
- No disturbance or use of areas below the mean high tide line is permitted for the construction of the proposed development.
- Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean
- All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

In addition, Special Condition #5 requires the implementation of Best Management Practices designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity prior to the onset of construction. Such measures include the following:

- The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- The applicant shall develop and implement spill prevention and control measures.
- The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.

- The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- Temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales, and silt fencing.
- Stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.

Water Quality Management Plan

The proposed project includes the demolition of parking lots, four restroom facilities, two lifeguard substations, and paving and construction of new parking lots, restrooms, and lifeguard substations and the remodel and addition to one restroom, a concession stand, and a lifeguard headquarters and maintenance facility.

As stated previously, the beach facilities at Will Rodgers State Beach are approximately 50 years old and, as stated by the applicant, in need of repair. Most of the beach facilities would be demolished and rebuilt. Currently, water runoff drains either by sheet flows across the beach facilities onto the beach and into the ocean or through catch basins and into the storm drain system. Since these beach facilities were constructed decades ago, the project site is lacking in water quality measures to treat or filtrate storm water runoff that leaves the site and enters the coastal waters. Typically, runoff from parking lots and concession stand areas contain high concentrations of oils, grease, heavy metals, and other automobile fluids, as well as trash and particulate debris. When contaminated runoff drains into the storm drain system or through sand, the pollutants may still reach ocean waters; therefore, it is necessary to treat or filter the water runoff prior to discharging onto sandy areas.

The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require Special Condition #6. This special condition requires the incorporation of a Water Quality Management Plan designed to treat, infiltrate, or filter the runoff from all surfaces and

activities on the development site. The Water Quality Management Plan (Special Condition #6) requires the implementation of appropriate Best Management Practices for all aspects of the project including parking lots, access roads, concession stands, and restrooms.

Sewer line blockages from restaurant's fats, oils, and greases are one of the leading causes of sewage spills in Southern California. Substances, such as fats, oils, and greases, are a nuisance to sewer systems and water quality because they adhere to the insides of pipes causing blockages. By separating water from grease, oils, and other hydrophobic substances prior to them reaching the sewer system, a grease trap can help ensure that as little fats, oils, and grease reach the sewer lines as possible. Grease traps are devices that are installed in sinks or plumbing of restaurants or food preparation facilities.

Therefore, Special Condition #6 requires the installation of a grease trap in the concession stand wash down area for equipment and accessories. The area shall be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. The grease trap shall be sized, to the maximum extent practicable, to remove grease with an appropriate flow rate in gallons per minute, using a drainage period between one (1) and two (2) minutes.

Critical to the successful function of post-construction structural BMPs in removing pollutants in storm water to the Maximum Extent Practicable (MEP) is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small in scale. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. Therefore, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

The Commission notes that BMPs are very new in design and some are still in the experimental stage and the applicant may determine that another method is more effective after the completion of the project. A key factor in the continued effectiveness of structural BMPs is regular and adequate maintenance and monitoring of the implemented system. Also, by implementing a monitoring program the applicant can ensure, through an annual report submitted to the Executive Director for no less than three years, that the proper type and design of BMPs were selected to comply with the Water Quality Management Plan (Special Condition #6).

Special Condition #6 requires that all BMPs be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and when necessary, repaired at the following minimum frequencies: (1) prior to

October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season. Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner. Where feasible and appropriate provisions addressing the kiosks and concession stands shall be incorporated within the concessionaires lease agreement. This may not be possible until a new lease is required (as late as 2005). At this time such provisions shall be incorporated into the new lease agreement.

Permanent Construction Material

The applicant has proposed to construct benches, playground areas, walkways, a lifeguard substation, concession stand, restrooms, and other beach facilities located adjacent to the sandy beach. During construction certain construction materials are used that were unforeseen during project development. In some cases items such as telephone poles, railroad ties, and other oil based materials are used. Water and sand contact could leach out contaminants from such items and direct them into the ocean. According to the California Department of Fish and Game, the use of any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous materials is typically prohibited for use in State Waters. Creosote is included in this category. Special Condition #7 prohibits the applicant to use any of the following materials in the proposed structures: petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, including creosote, or carbonaceous materials or substance.

Only as conditioned to comply with construction related requirements, dispose of all debris at an approved disposal site, incorporate and maintain Best Management Practices during construction and after construction, and forbid the use of structures containing petroleum based material is the proposed project consistent with the water quality provisions of the Coastal Act.

F. 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 the surrounding areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas.

The Coastal Act protects the visual quality of scenic coastal areas. In this case the proposed project is on and adjacent to Will Rodgers State Beach, a heavily visited beach area. The scenic and visual qualities that must be protected in this area consist of the views to and along the beach, the public views from Pacific Coast Highway (the major coastal route directly above and parallel to this stretch of beach) to the beach and ocean,

and the views across the beach to the ocean. Currently, there are five restroom facilities (four of which are subject to the proposed project) approximately 9 to 10 feet high, three concession stands (one of which is subject to the proposed project) approximately 10 feet high, a two-level lifeguard substations located on the bluff at Parking Lot #5, a lifeguard headquarters, a service and maintenance yard (not included in this proposed project), four parking lots, a bike and pedestrian path, 26 access ramps, volleyball courts, and rock groins and storm drains.

There currently exist long stretches of open sandy beach area between the beach facilities. Will Rodgers State Beach and the beach facilities are located directly adjacent to Pacific Coast Highway. Besides view blockage from the private Bel Air Bay Club facility, coastal views to the ocean are uninterrupted along this stretch of Highway 1. Beach facilities, such as parking lots, restrooms, concession stands, and lifeguard headquarters are separated from the sandy beach by a 4 to 10-foot high bluff, with the exception of Parking Lot #1 and Parking Lot #5. Parking Lot #1 is located directly above the sandy beach with a restroom, concession stand, and bike path on the sandy beach. Parking Lot #5 is located above a steeply sloping bluff, approximately 15 feet high. The existing restroom and lifeguard substation at Parking Lot #5 are located at the edge and partially down the face of this bluff slope.

The project entails several beach improvements. The four-restroom facilities that are a part of the proposed project currently have a flat roof and are approximately 9 to 10 feet high. The proposed restroom design includes a pitched roofline increasing the height of the restrooms by approximately four (4) feet (Exhibit #5). The applicant has also proposed to demolish the existing, approximately 10-foot high concession stand and construct a new concession stand. The new roof would also have a pitched roofline and would increase by approximately six (6) feet with an additional seven-foot high cupola above the roofline (Exhibit #4). Finally, the applicant has proposed to demolish an existing two-level lifeguard substation and construct a new, two-level, 21' 9" lifeguard substation (Exhibit #6).

Temporary Construction Related Impacts

The complete project will benefit the public and will lead to an overall improvement to this scenic coastal area, as the current facilities are 50 to 60 years old and in need of repair. However, there will be temporary impacts to the visual quality of the area during the construction phase of the project. The project will require the use of heavy equipment and will entail the removal of an extensive amount of paving and building materials. To offset some of the impacts during the construction phase of the project the Commission requires Special Condition #4, which, in part, prohibits any development from taking place during the peak summer months (start of Memorial Day weekend through October 31) (see Section B Public Access).

Post Construction Impacts

The height, location, and siting of the proposed project could have an effect on the visual and scenic values of this coastal area. The Coastal Act states that development shall be

sited and designed to protect views to and along the ocean and scenic coastal areas. The proposed project would increase the height of the restroom facilities and concession stand by adding a pitched roofline instead of the existing flat roof. The increase in height would be approximately four feet for the restroom facilities and six feet for the concession stand (with an addition seven-foot high cupola). While this increase would add to the bulk of the structure it would not block existing views from the roadway above or along the sandy beach. Thus, the increase would not lead to a negative visual impact to the overall scenic value of this coastal area.

The applicant has not proposed an increase in the height or size of the lifeguard headquarters. The only proposed beach facility improvements located on the sandy beach are the concession stand and restroom facility at Parking Lot #1 (Chautauqua). However, the only proposed improvements in this area are the expansion of paving around the restroom and concession stand area and the refurbishment of the parking lot.

As previously indicated, there are four restrooms, one concession stand, one lifeguard substation, and one lifeguard headquarters that will either be demolished and reconstructed or remodeled along this 3.2 mile stretch of beach. The height of the restroom facilities and concession stand will increase to allow for a pitched roofline (the lifeguard headquarters would not increase from the existing height under the proposed project. Partial views to portions of the beach and ocean from directly landward of these facilities would be blocked. However, these views would only be blocked if standing or driving in the parking lot or on the access roads and not from the sandy beach area. While adding the pitched roofline would block a small portion of the view to the ocean, the proposed restroom and concession building would not impact the scenic and visual qualities of this coastal area.

G. 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 to 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 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land), which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

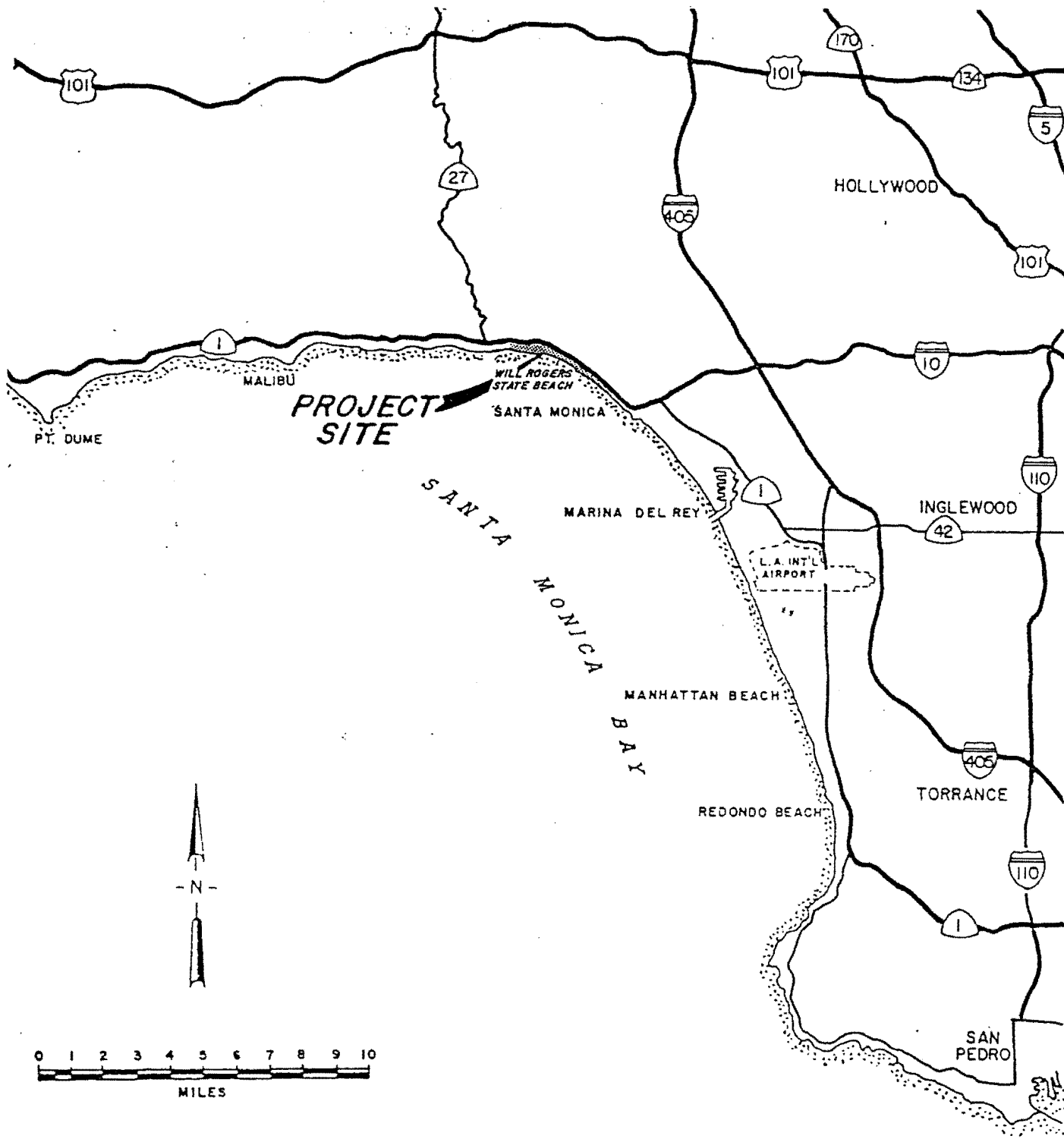
Based upon the findings presented in the preceding sections, the Commission finds that the proposed development, as conditioned, will not create adverse impacts on coastal resources. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. California Environmental Quality Act (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)(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 has been conditioned for consistency with the marine resource protection policies, hazards policies, and public recreation and access policies of the Coastal Act. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available that will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the Coastal Act.

End/am

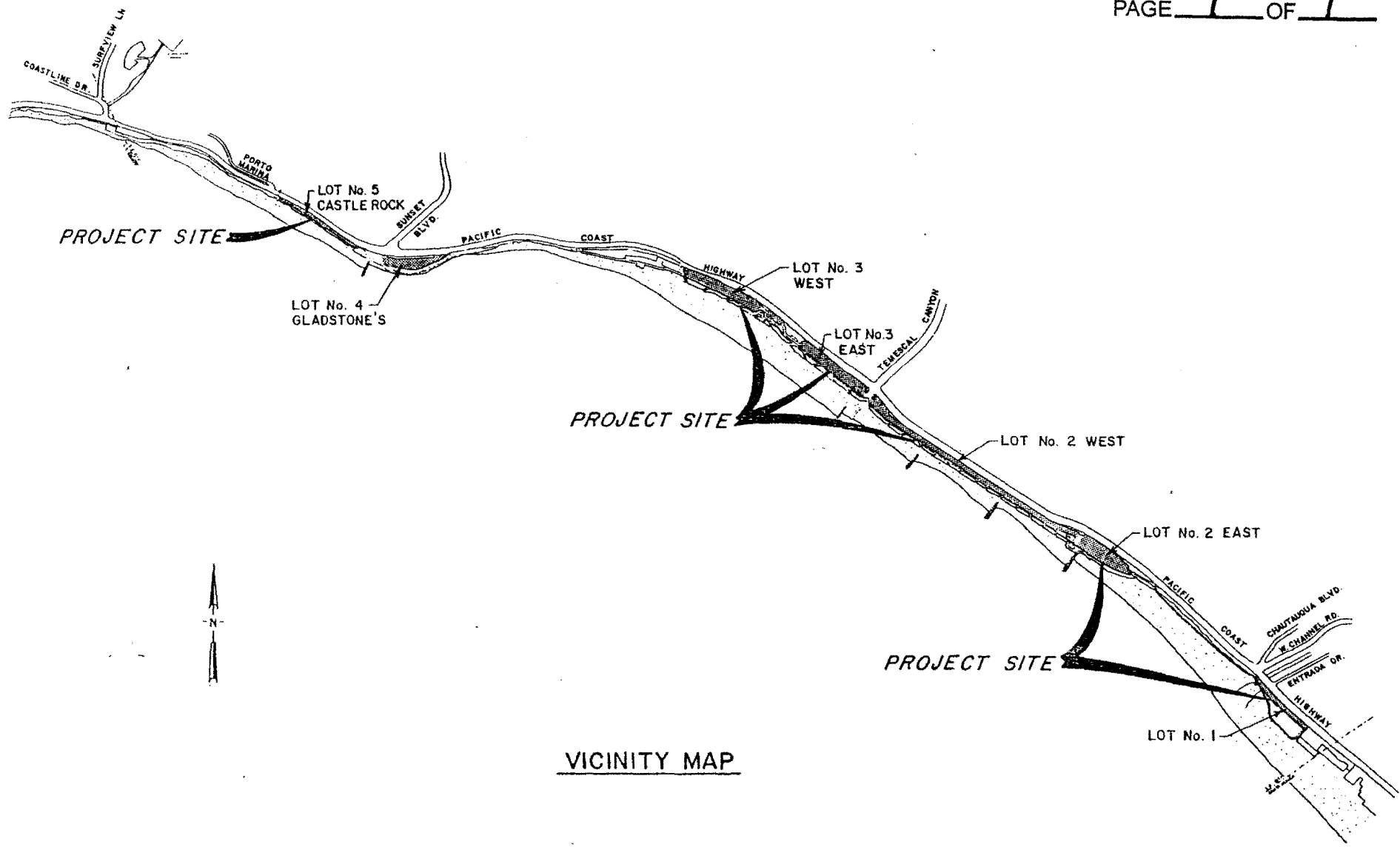


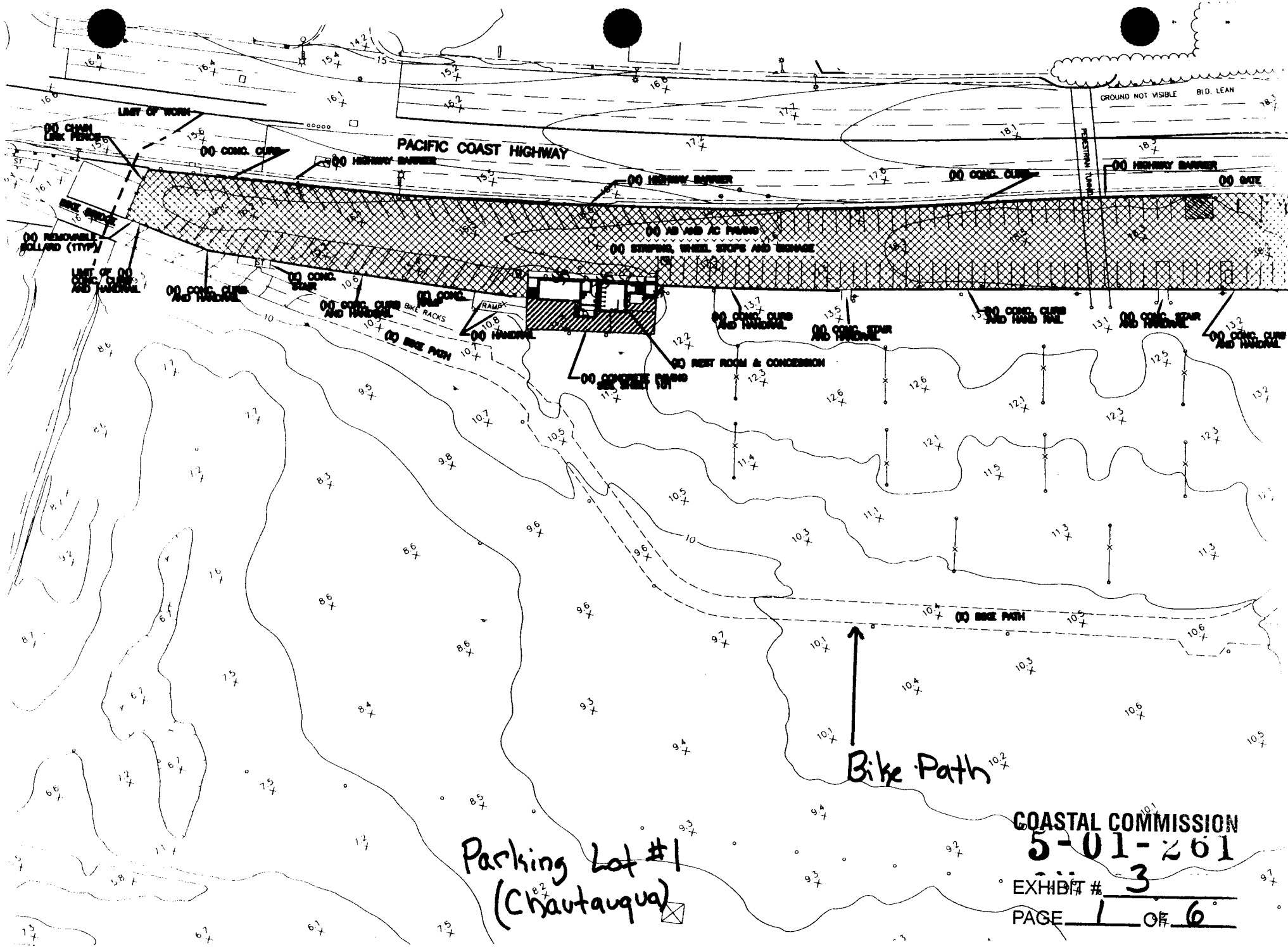
COASTAL COMMISSION
5-01-261

EXHIBIT # 1
 PAGE 1 OF 1

LOCATION MAP

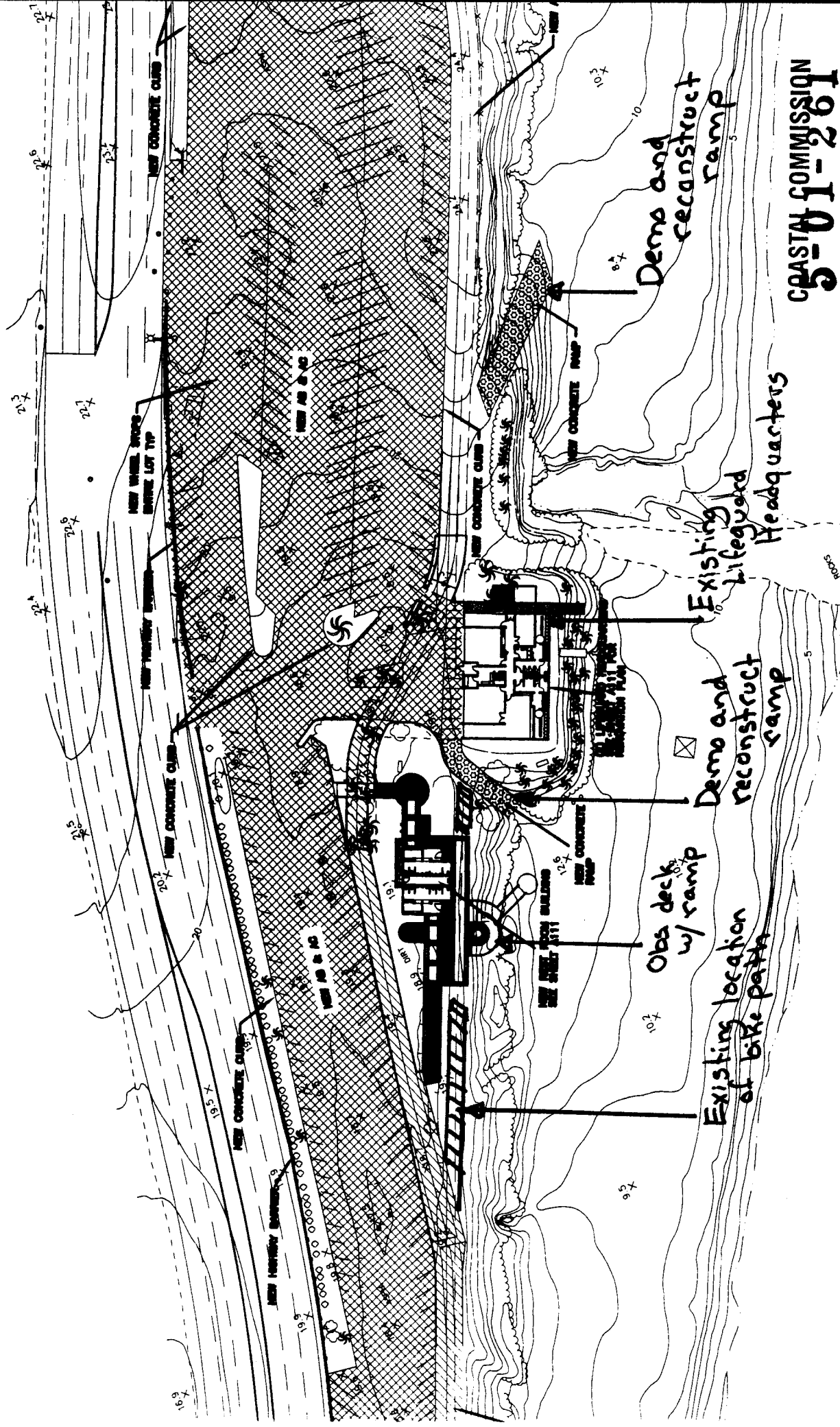
RECEIVED
 South Coast Region
 JUL 9 2001
 COASTAL COMMISSION



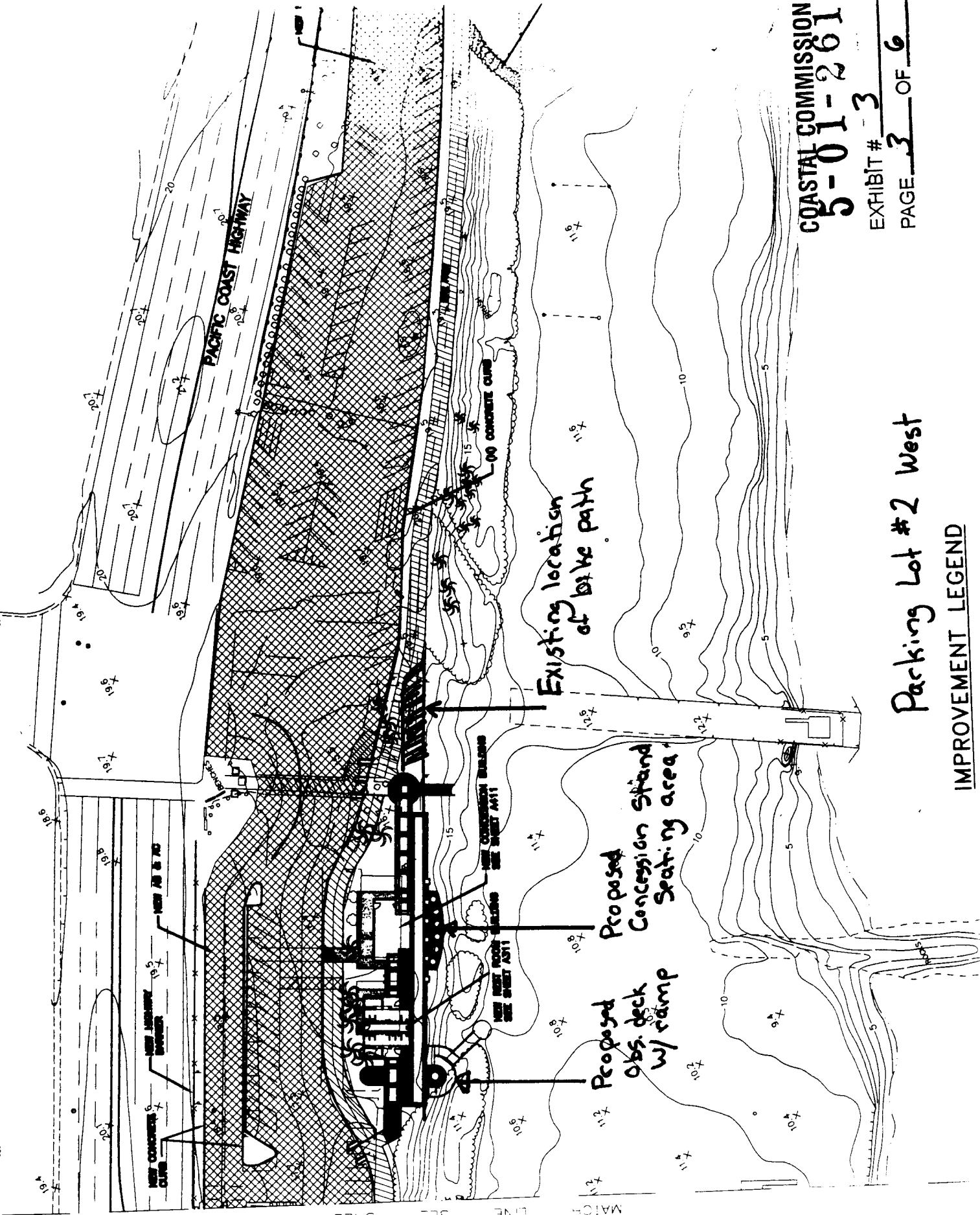


Parking Lot #1
(Chautauqua)

COASTAL COMMISSION
 5-01-201
 EXHIBIT # 3
 PAGE 1 OF 6

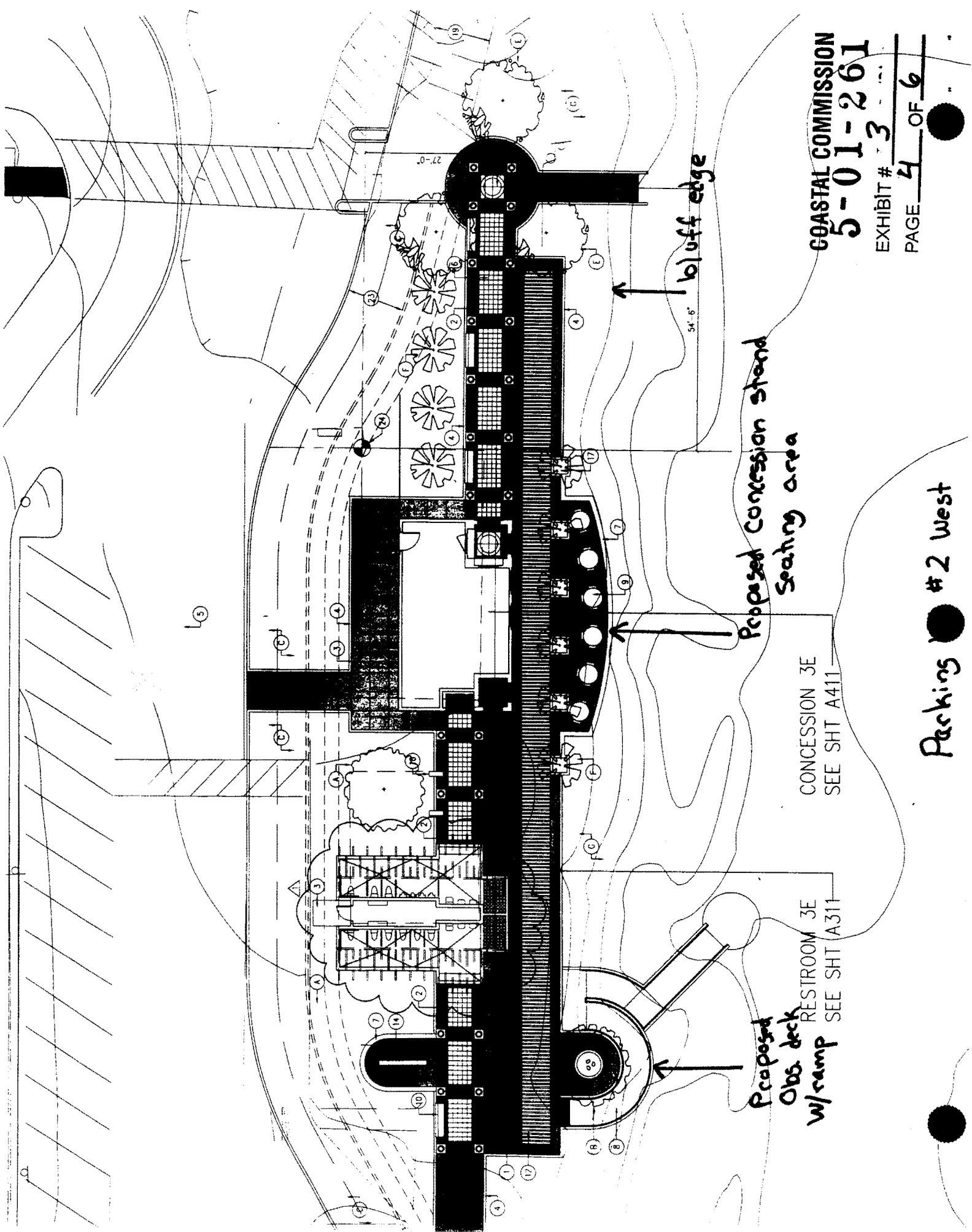


Parking Lot #2 East

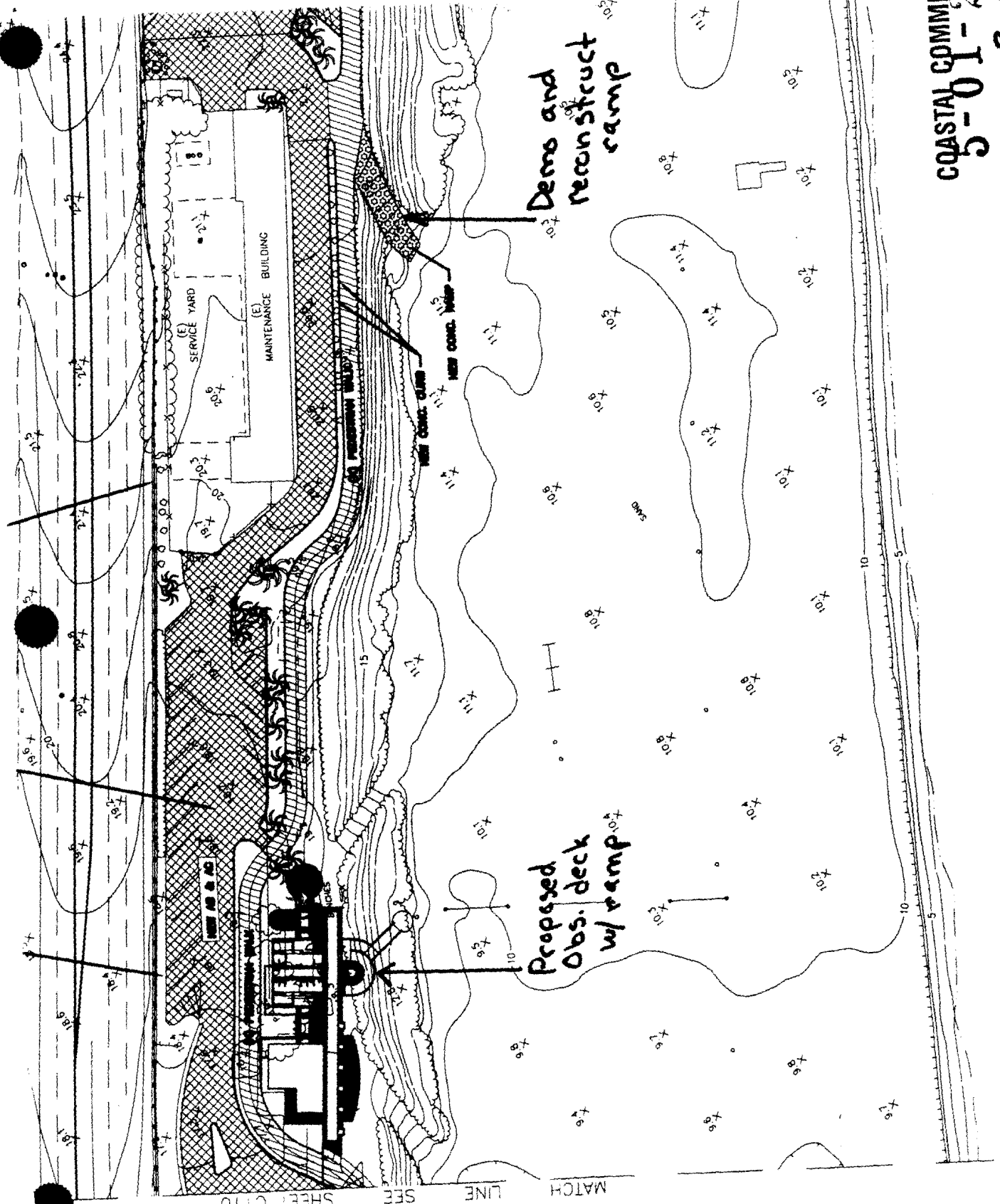


Parking Lot #2 West

IMPROVEMENT LEGEND



Parking #2 West



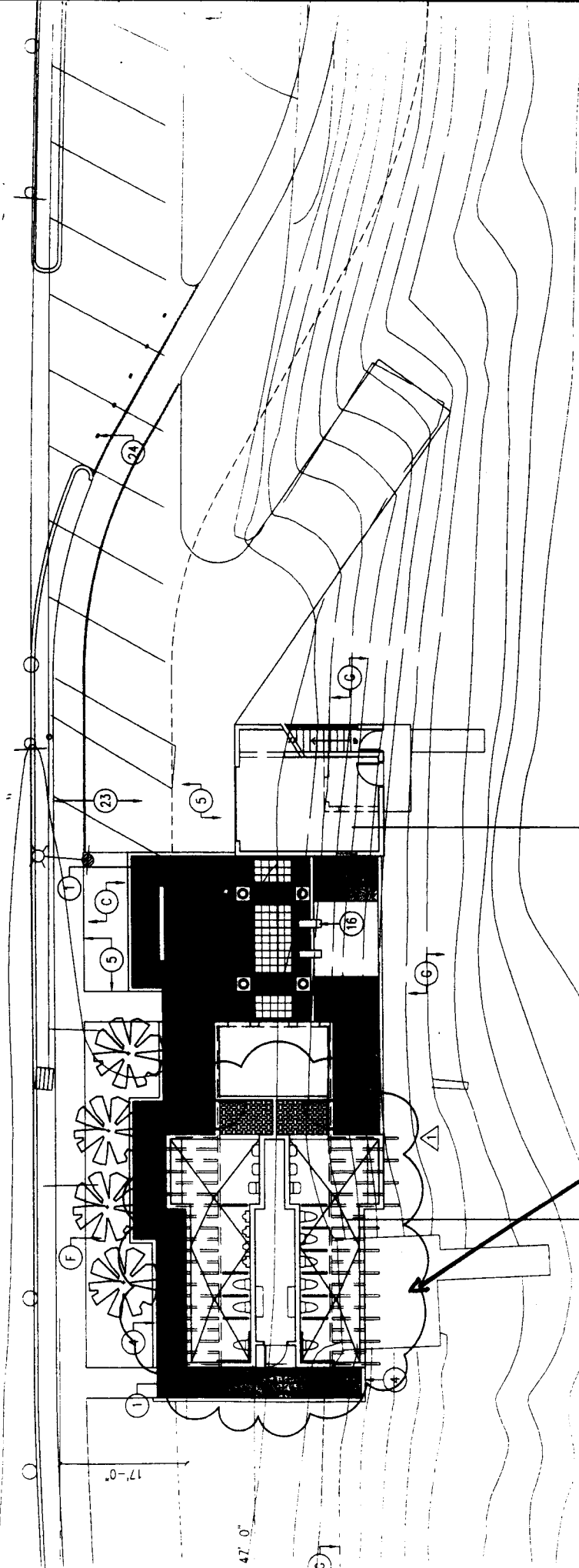
Demo and
reconstruct
camp

Proposed
Obs. deck
w/ ramp

COASTAL COMMISSION
5-01-261

EXHIBIT # 3
PAGE 5 OF 6

Parking Lot #3 East



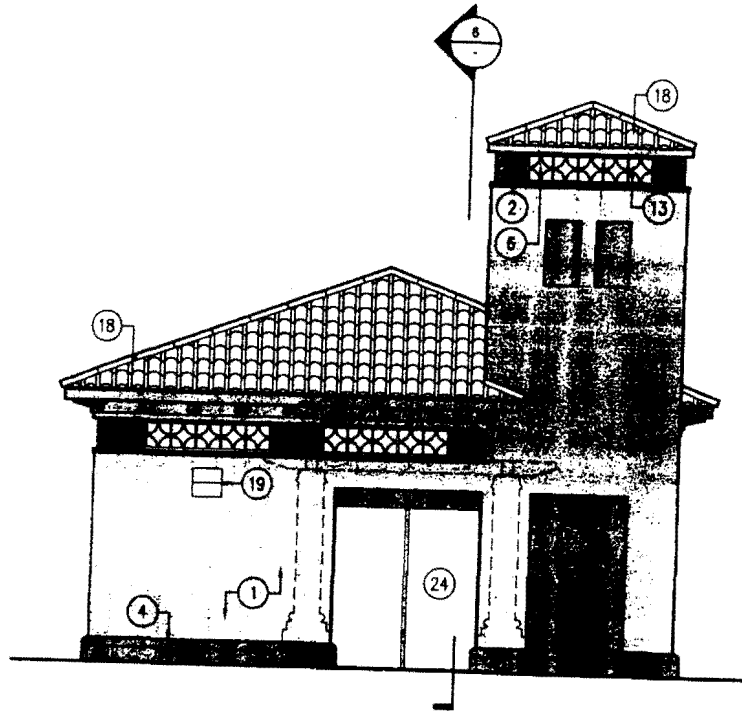
New
LIFEGUARD STATION
SEE SHT A611

Existing Lifeguard
Substation

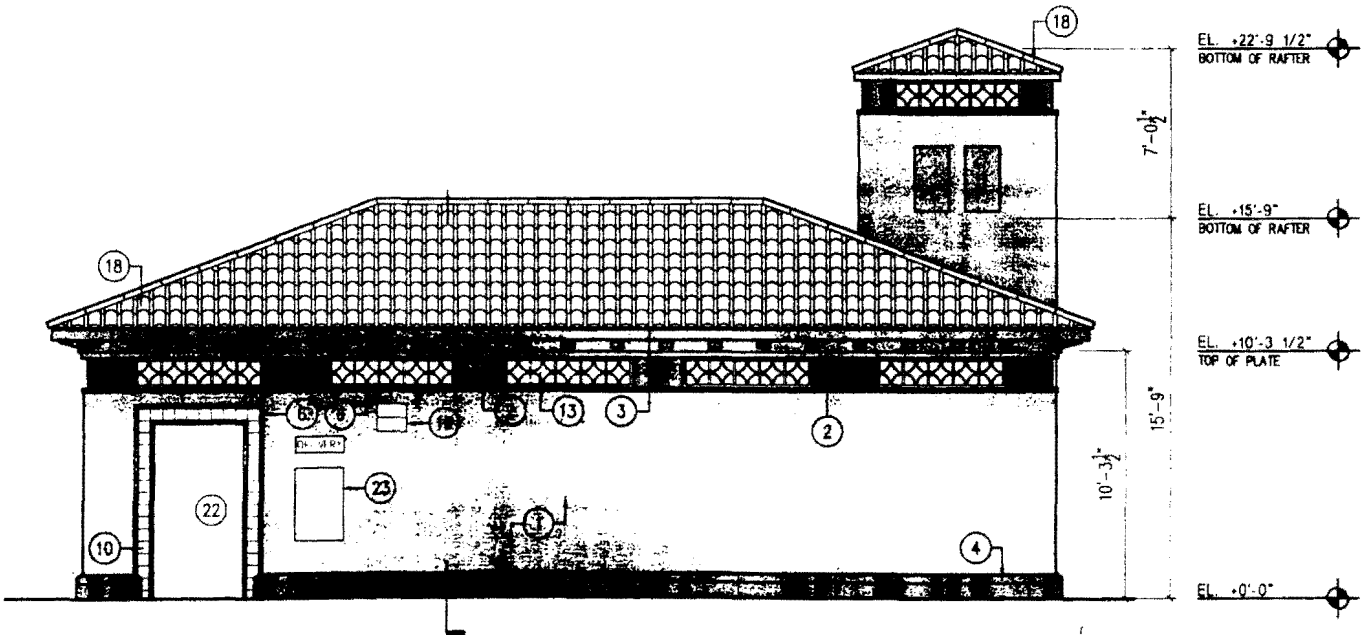
RESTROOM 5
SEE SHT A111

17'-0"

47'-0"

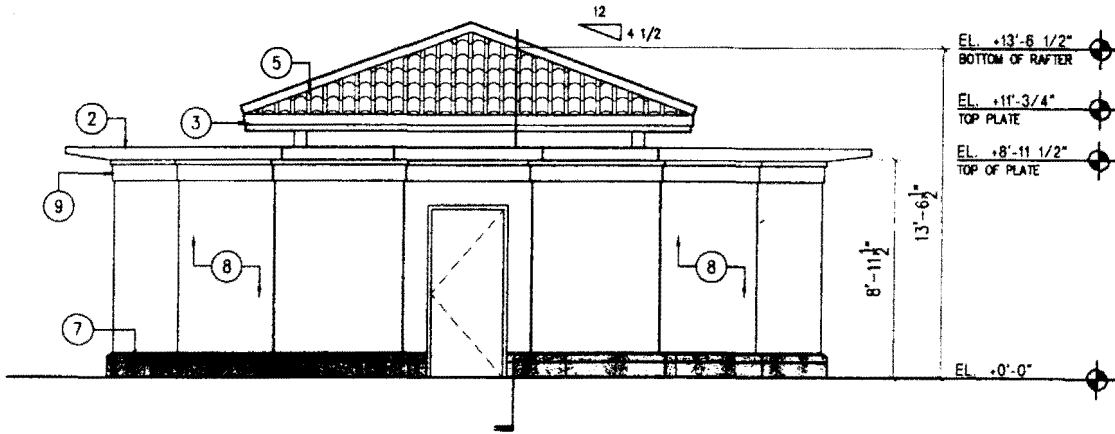


5 WEST ELEVATION
 @ CONCESSION 3E
 1/4"=1'-0"

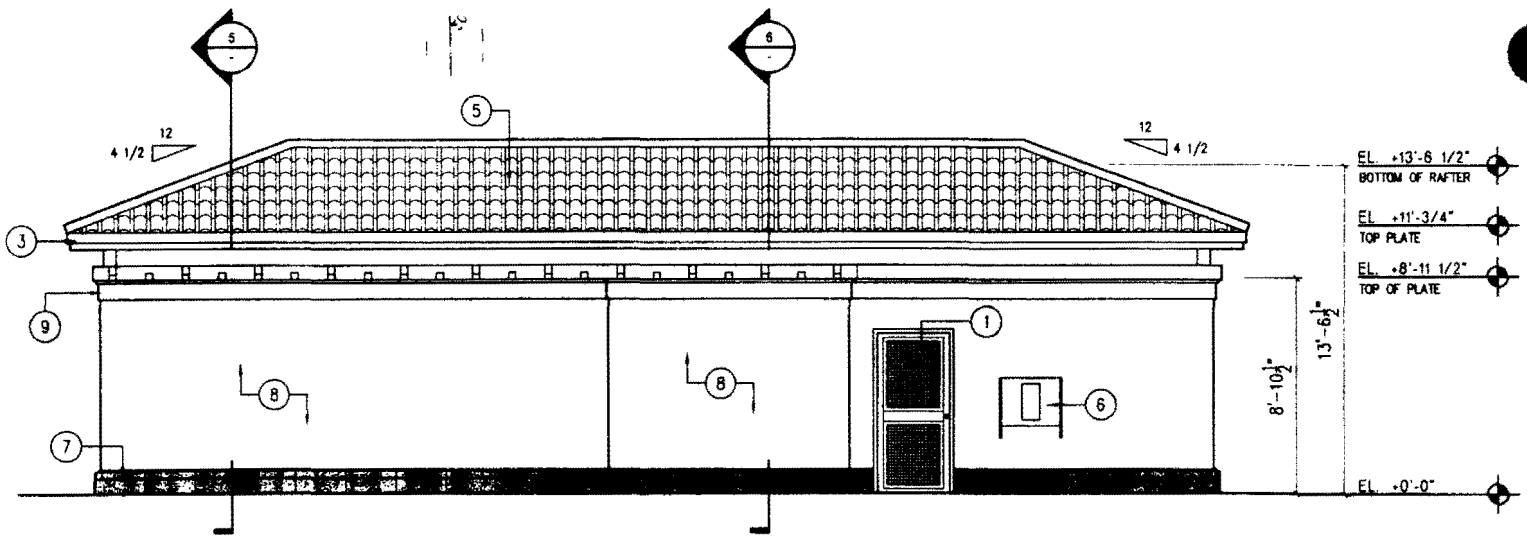


2 NORTH ELEVATION
 @ CONCESSION 3E
 1/4"=1'-0"

COASTAL COMMISSION
 5-01-261
 EXHIBIT # 4
 PAGE 1 OF 1



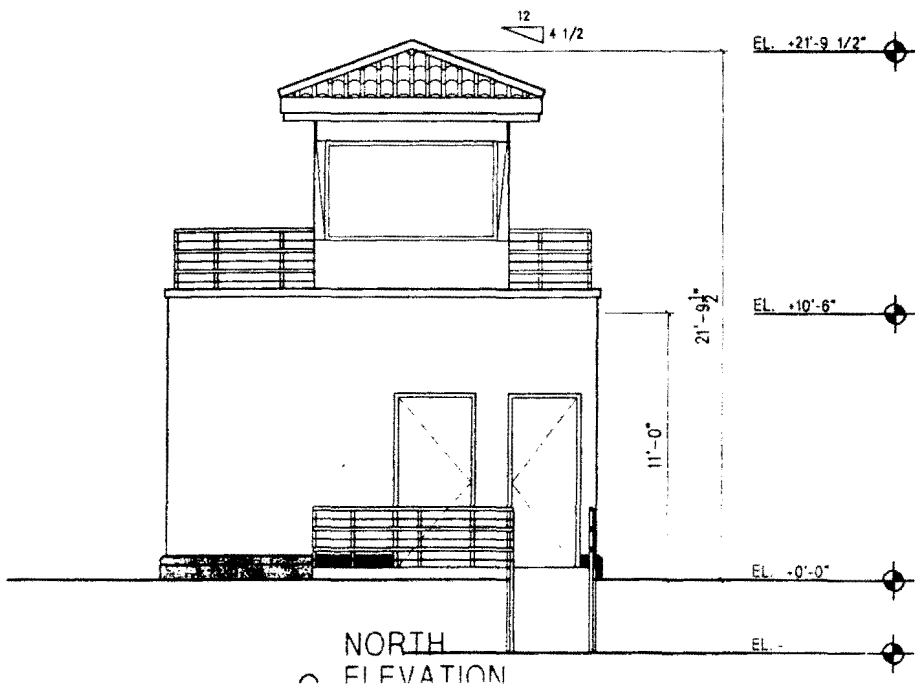
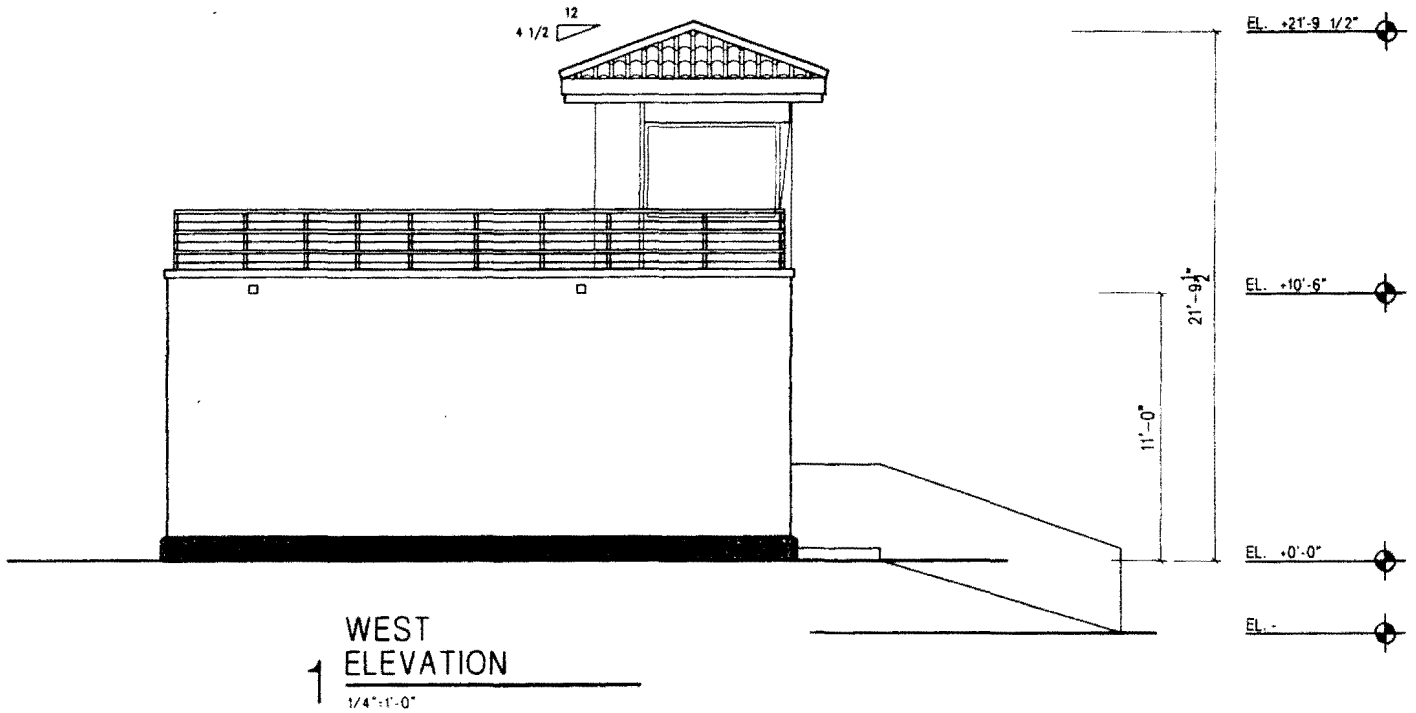
2 REAR ELEVATION
 @ TYPICAL RESTROOM
 1/4" = 1'-0"



3 FRONT ELEVATION
 @ TYPICAL RESTROOM
 1/4" = 1'-0"

COASTAL COMMISSION
 5-01-261

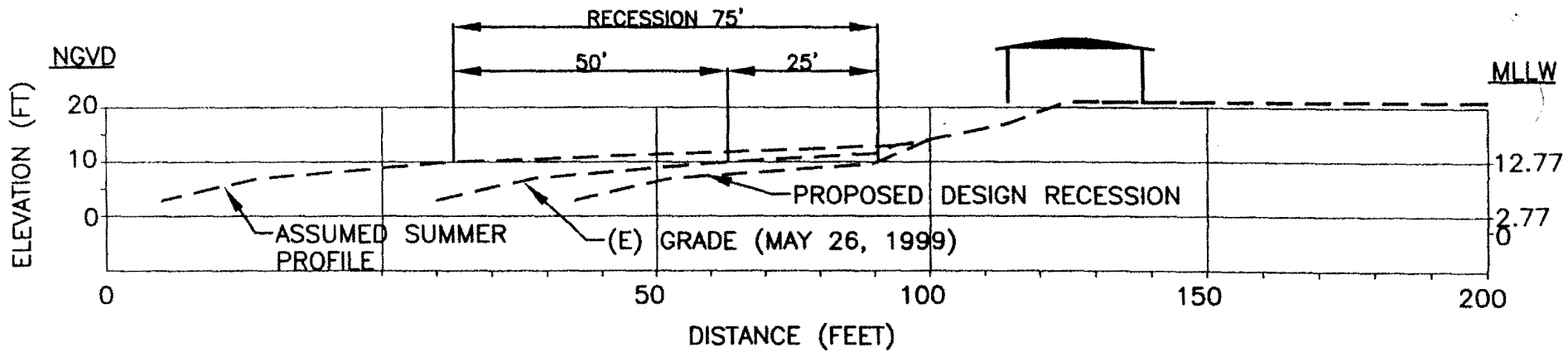
EXHIBIT # 5
 PAGE 1 OF 1



Lifeguard Substation

COASTAL COMMISSION
5-01-261
EXHIBIT # 6
PAGE 1 OF 1

11



COASTAL COMMISSION

5-01-261

EXHIBIT # 7

PAGE 1 OF 1

WILL ROGERS STATE BEACH

BEACH RECESSON

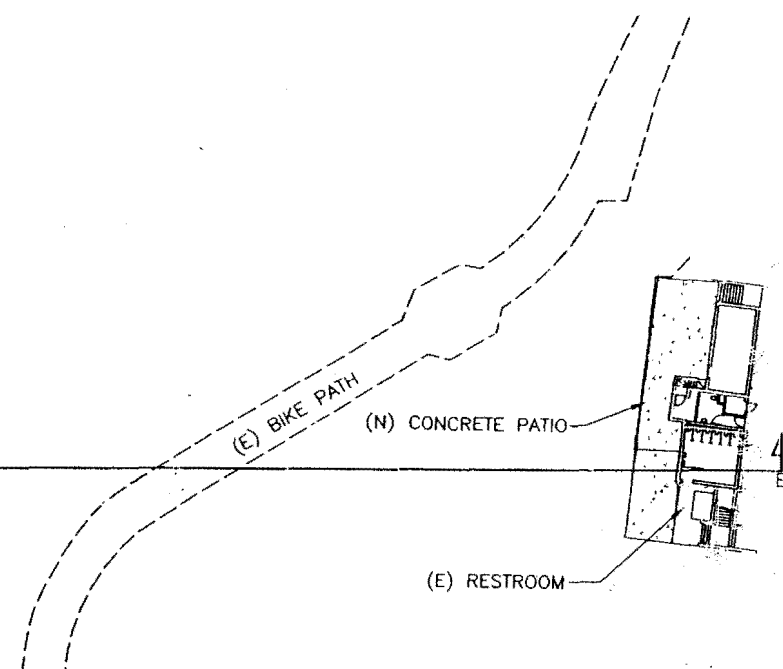
Concept Marine Associates, Inc.
JOB No. 19816 JUNE 12, 2001



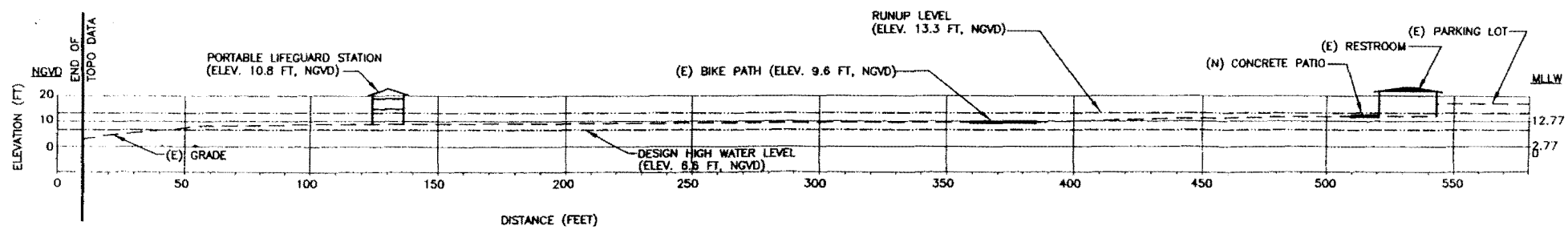
NORTH

Pacific Ocean

4
E



PLAN VIEW
SCALE: 1" = 40'



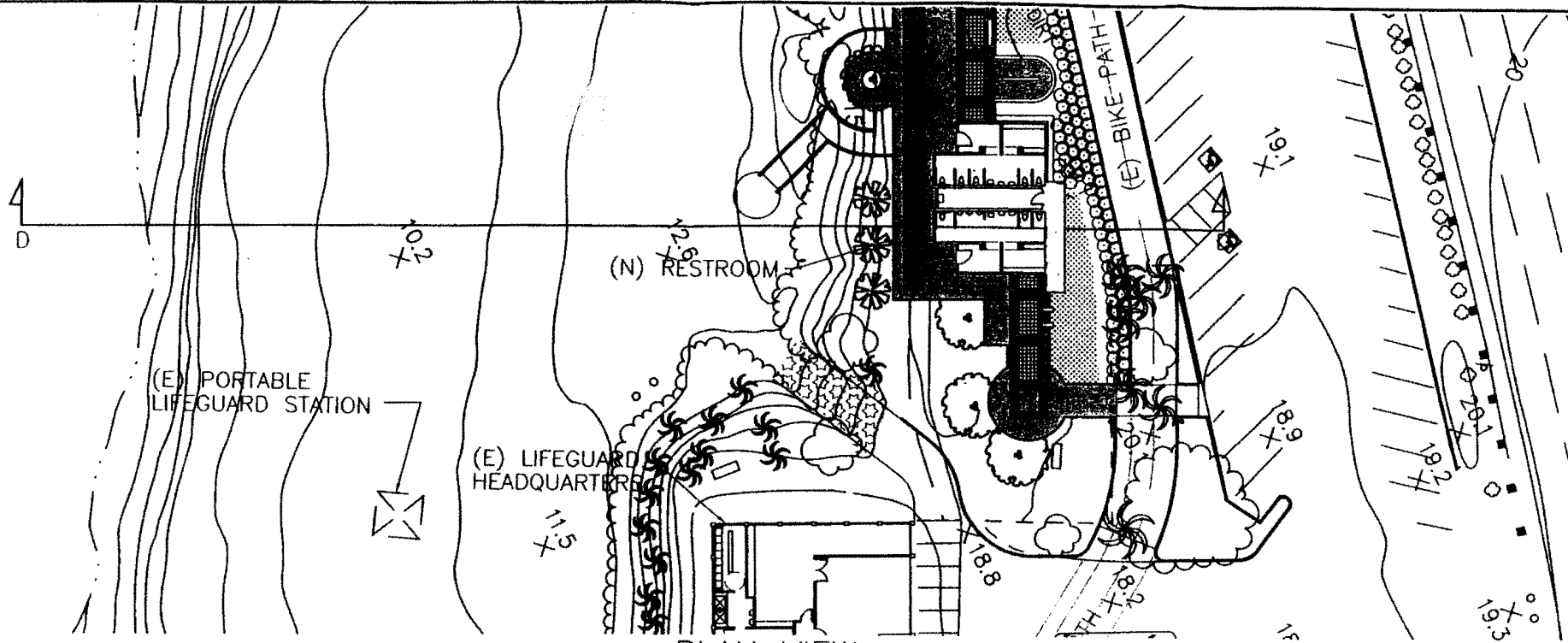
COASTAL COMMISSION
5-01-261

SECTION E-E
SCALE: 1" = 40'

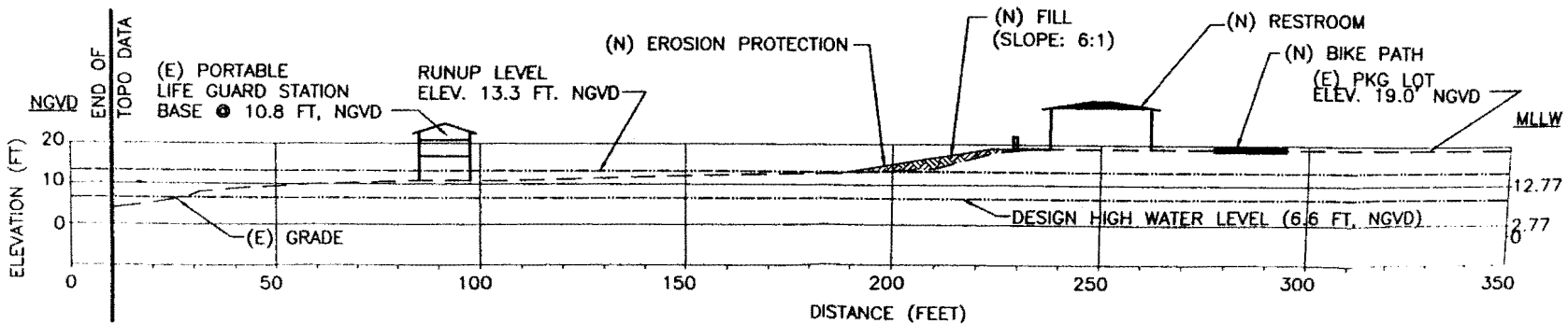
WILL ROGERS STATE BEACH
WAVE RUNUP CROSS SECTION
● CHAUTAUQUA
Concept Marine Associates, Inc.
JOB No. 19816 May 31, 2001

EXHIBIT # 8
PAGE 1 OF 1

Parking Lot #1



PLAN VIEW
SCALE: 1" = 30'



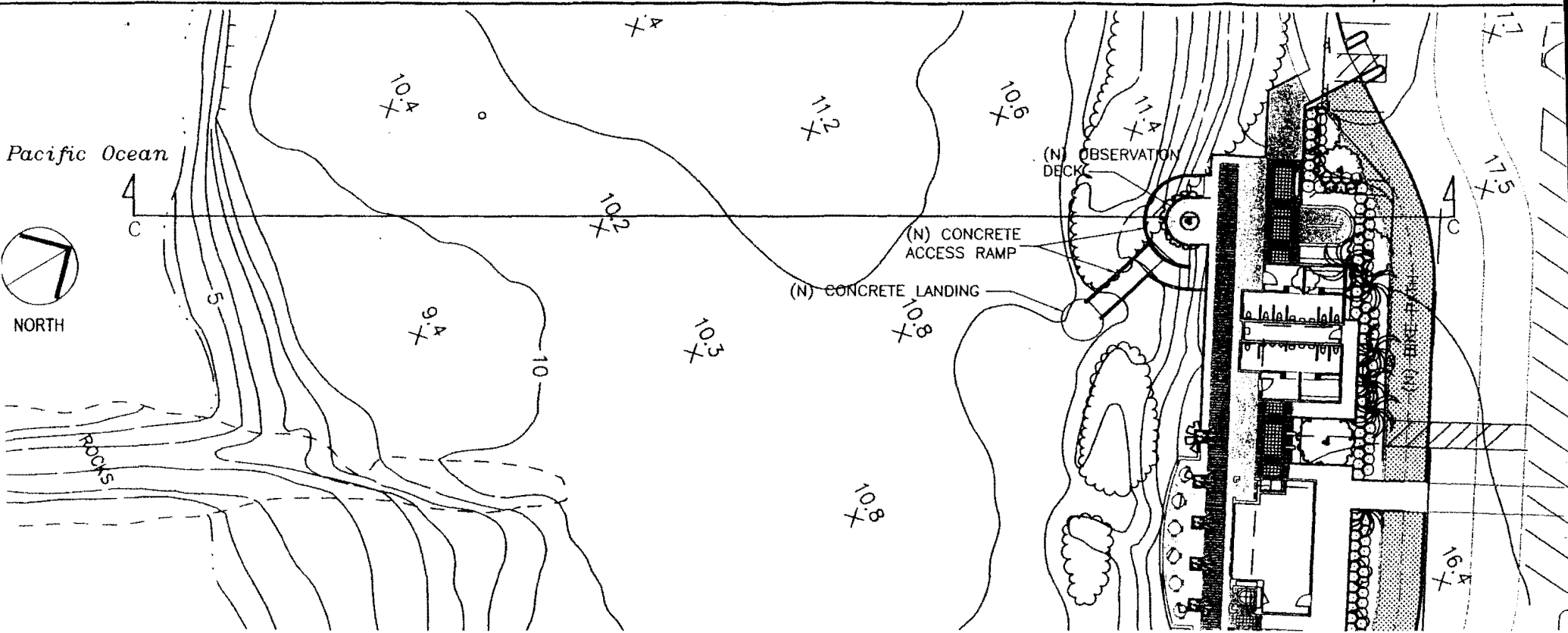
SECTION D-D
SCALE: 1" = 30'

COASTAL COMMISSION
5-01-261

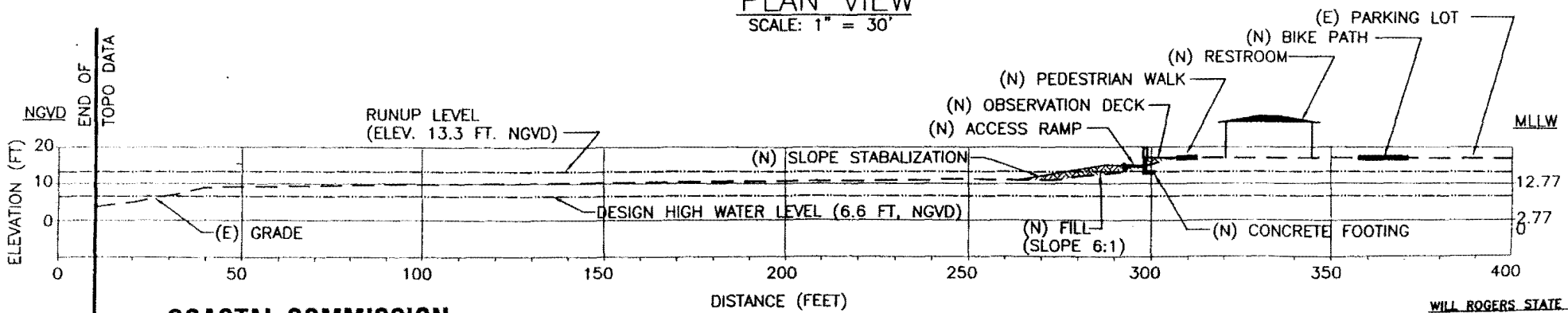
EXHIBIT # 9
PAGE 1 OF 1

Parking Lot # 2 East

WILL ROGERS STATE BEACH
WAVE RUNUP CROSS SECTION
● TEMESCAL EAST LIFEGUARD H.O.
Concept Marine Associates, Inc.
JOB No. 19816 May 31, 2001



PLAN VIEW
SCALE: 1" = 30'



COASTAL COMMISSION
5-01-261
EXHIBIT # 10

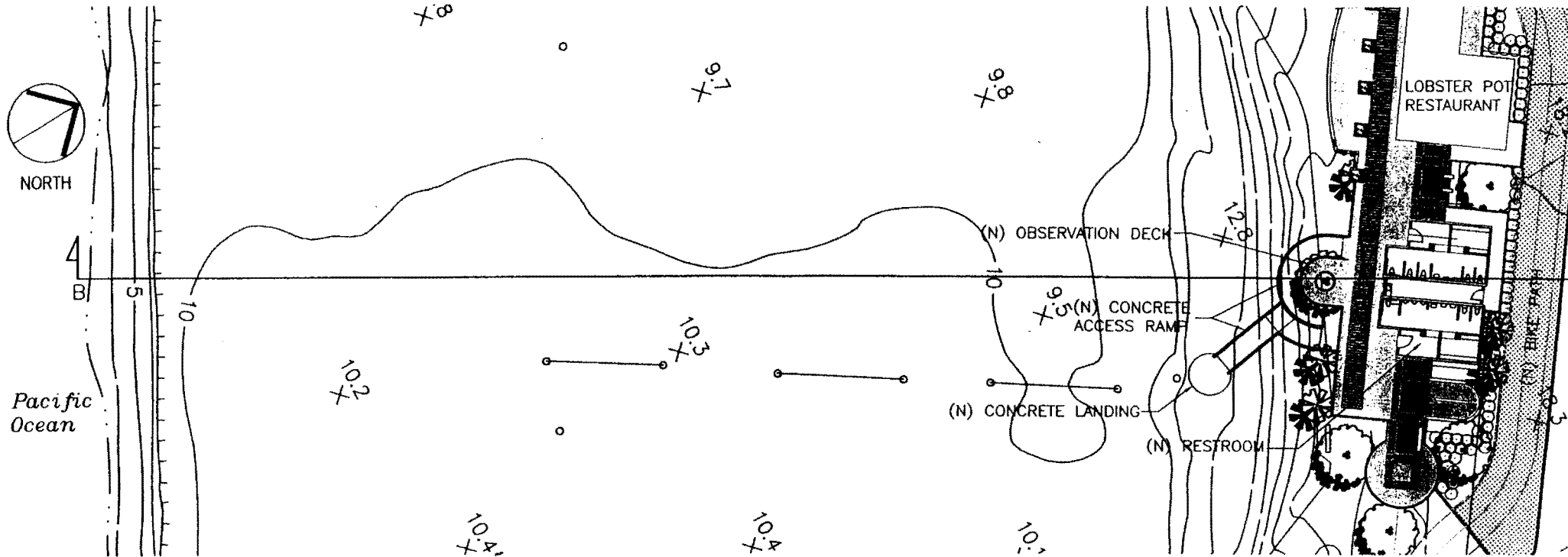
SECTION C-C
SCALE: 1" = 30'

WILL ROGERS STATE BEACH
WAVE RUNUP CROSS SECTION
● PARKING LOT No. 3 EAST
Concept Marine Associates, Inc.
JOB No. 19816 May 31, 2001

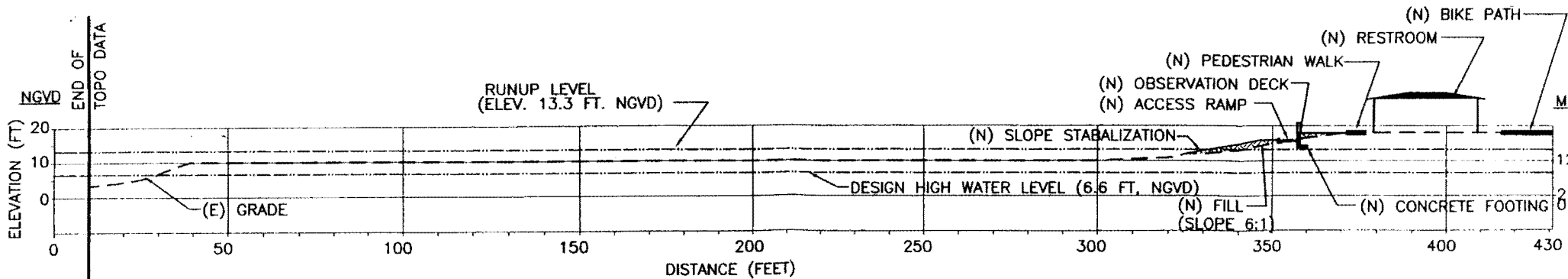
Parking Lot #2 West



NORTH



PLAN VIEW
SCALE: 1" = 30'



SECTION B-B
SCALE: 1" = 30'

COASTAL COMMISSION
5-01-261

EXHIBIT # 11

PAGE 1 OF 1

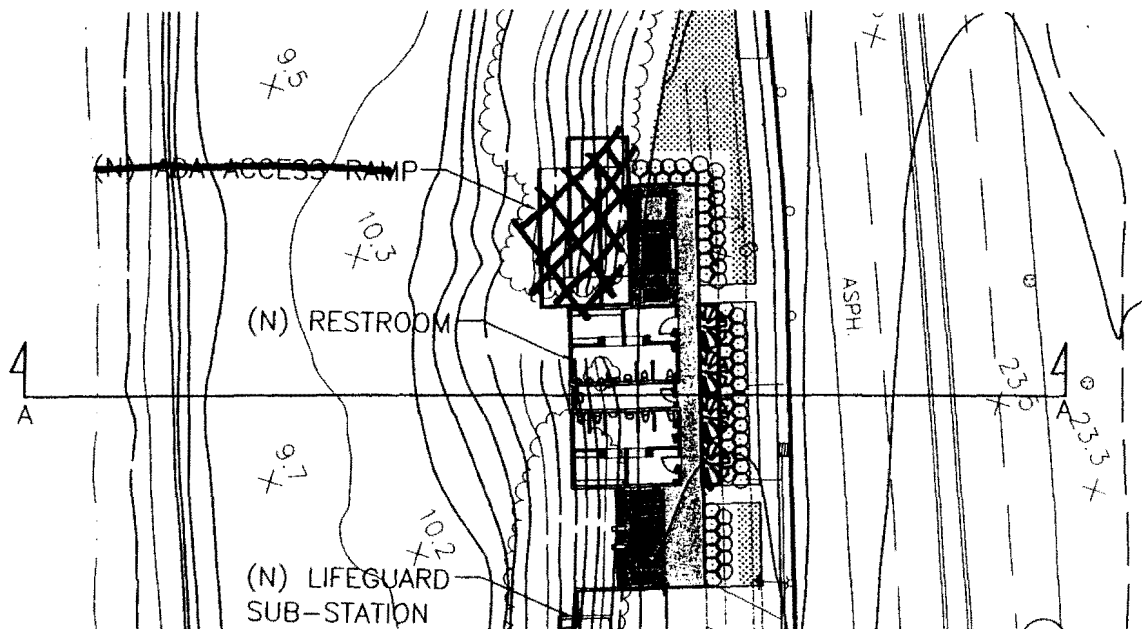
WILL ROGERS STATE BEACH
WAVE RUNUP CROSS SECTION
● PARKING LOT No. 3 WEST
Concept Marine Associates,
JOB No. 19816 May 31, 2001

Parking Lot #3 East

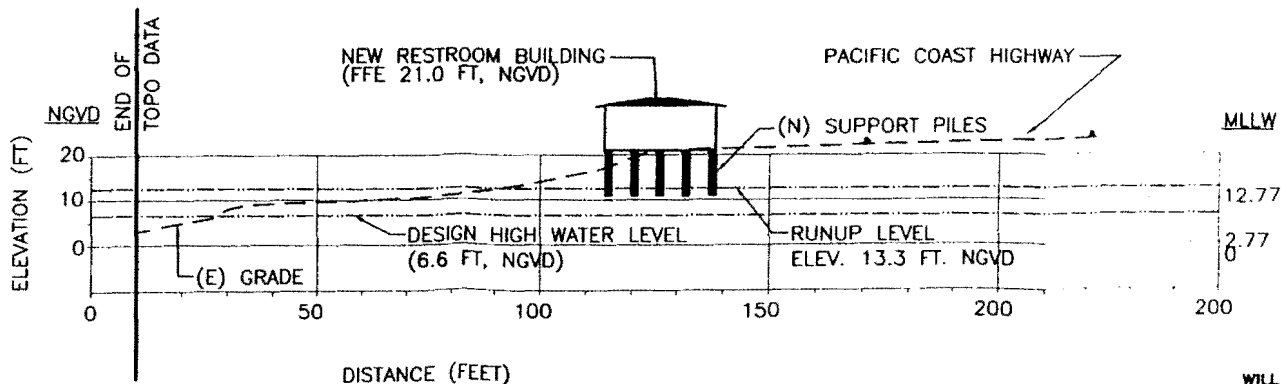


NORTH

PACIFIC OCEAN



PLAN VIEW
SCALE: 1" = 30'



SECTION A-A
SCALE: 1" = 30'

COASTAL COMMISSION
5-01-261

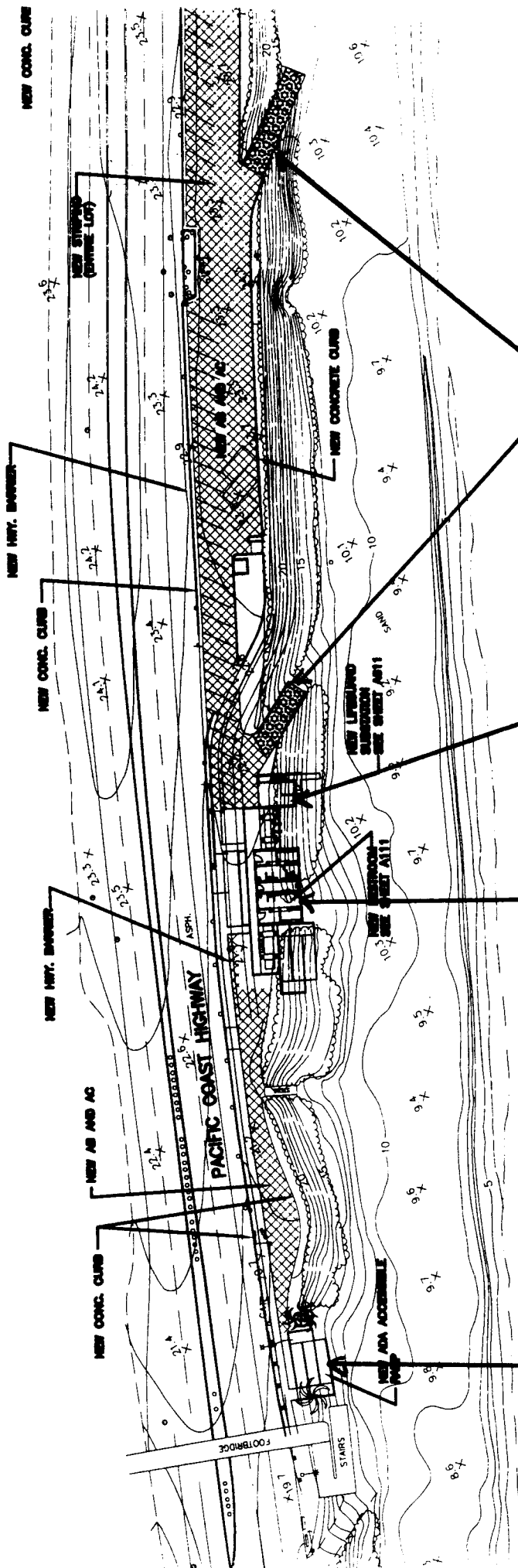
EXHIBIT # 12
PAGE 1 OF 1

WILL ROGERS STATE BEACH

WAVE RUNUP CROSS SECTION
● PARKING LOT No.5
CASTLE ROCK

Concept Marine Associates, Inc.
JOB No. 19816 May 31, 2001

Parking Lot #5



Demo and Reconstruct
Access Ramps

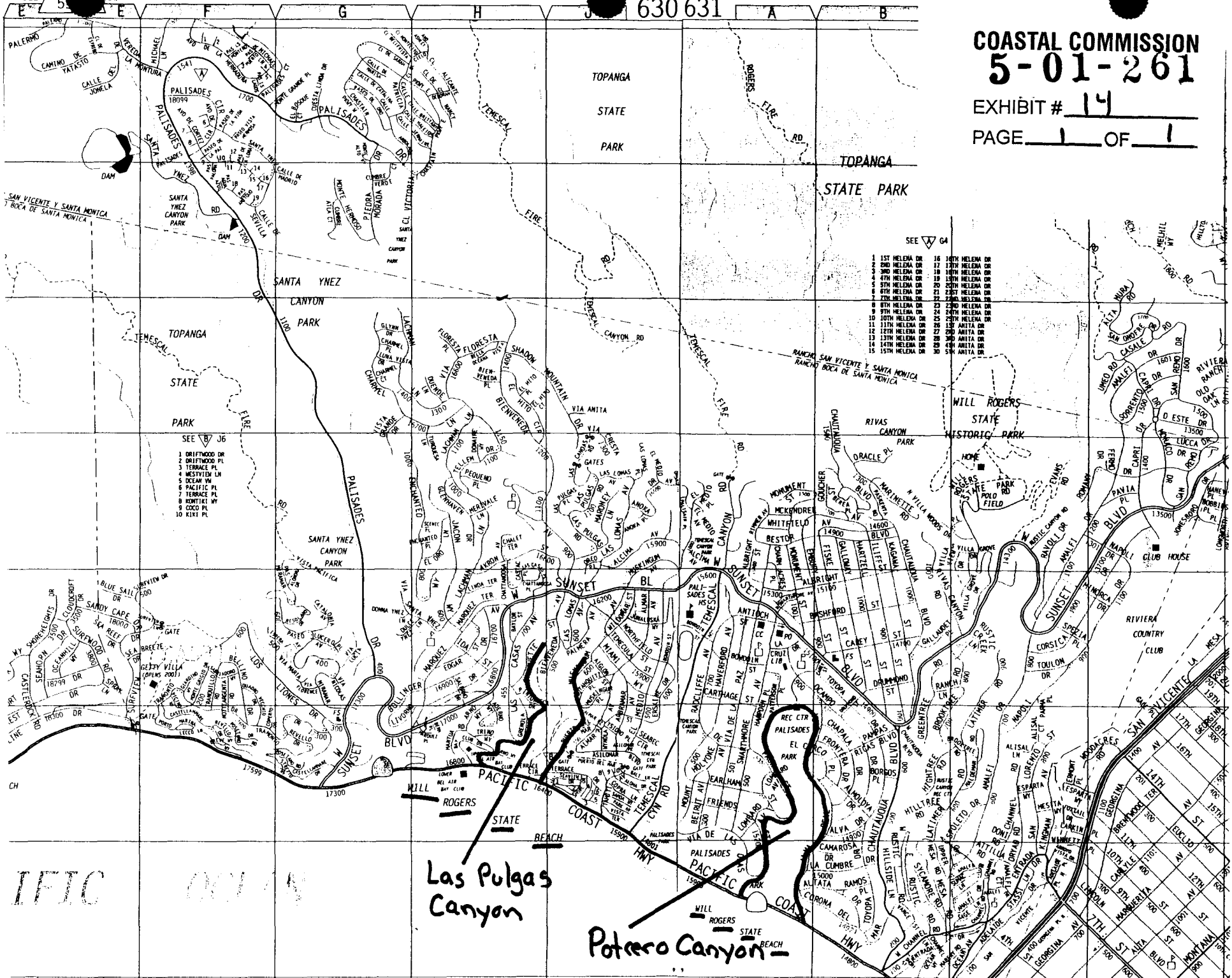
New Restroom
New Lifeguard
Substation

New ADA
access ramp
in existing restroom
location

COASTAL COMMISSION
2-01-261

EXHIBIT # 13
PAGE 1 OF 1

Packing Lot #5



SEE 64

1	1ST HELENA DR	16	16TH HELENA DR
2	2ND HELENA DR	17	17TH HELENA DR
3	3RD HELENA DR	18	18TH HELENA DR
4	4TH HELENA DR	19	19TH HELENA DR
5	5TH HELENA DR	20	20TH HELENA DR
6	6TH HELENA DR	21	21ST HELENA DR
7	7TH HELENA DR	22	22ND HELENA DR
8	8TH HELENA DR	23	23RD HELENA DR
9	9TH HELENA DR	24	24TH HELENA DR
10	10TH HELENA DR	25	25TH HELENA DR
11	11TH HELENA DR	26	26TH HELENA DR
12	12TH HELENA DR	27	27TH HELENA DR
13	13TH HELENA DR	28	28TH HELENA DR
14	14TH HELENA DR	29	29TH HELENA DR
15	15TH HELENA DR	30	30TH HELENA DR

SEE 66

1	DRIFTWOOD DR
2	DRIFTWOOD PL
3	TERRACE PL
4	WESTVIEW LN
5	OCEAN VW
6	PACIFIC PL
7	TERRACE PL
8	KONTIKI WY
9	COCO PL
10	KIKI PL

Las Pulgas Canyon

Potrero Canyon

IFIC

