

CALIFORNIA COASTAL COMMISSION

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**TH 20e**

Filed: 8/1/03
49th Day: 9/19/03
180th Day: 1/28/04
Staff: AJP-LB 27
Staff Report: 11/18/03
Hearing Date: 12/10-12/03
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-03-454**APPLICANT:** City of Santa Monica**PROJECT LOCATION:** Two public stairways within Palisades Park, near Montana Avenue and Broadway, Santa Monica**PROJECT DESCRIPTION:** Repair two existing public stairs and railings, which includes replacing railroad ties, bricks, adding shallow support caissons and retaining walls, new lighting, and revegetation portions of bluff.**LOCAL APPROVALS RECEIVED:** City of Santa Monica Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** Santa Monica certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** with a special condition requiring that the applicant assume all risk associated with the development. As conditioned, the proposed development will be consistent with all applicable Chapter three policies of the Coastal Act.

RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-03-454:

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

MOTION: *I move that the Commission approve Coastal Development Permit #5-03-454 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement; (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 ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

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

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The City of Santa Monica proposes to repair portions of two of the existing public stairs and railings that descend along the bluff face of Palisades Park down to Pacific Coast Highway. Construction includes replacing railroad ties, bricks, adding shallow support caissons and 1-2 foot high retaining walls, new light standards, and revegetating portions of bluff with native drought tolerant plants.

Palisades Park is a 26-acre coastal bluff top park overlooking the Pacific Ocean. The park extends approximately one mile from Colorado Boulevard to the south to Adelaide Drive to the north. The width of the park varies from 200 to 300 feet from Ocean Avenue to the bluff's edge. The face of the bluffs are steep and range from 20 to 145 feet in height, descending to Pacific Coast Highway.

The Broadway stairway is an at-grade brick stairway with fencing and an approximately 2.5 foot high cheek wall (short retaining wall) along the down slope side of the stairway. The plan calls for three 24-inch diameter caissons to be installed approximately 5 feet deep to support the repair and replacement of the upper portion of the brick stairway. The brick paving will be removed and replaced. In addition, a new 1 to 2 foot high concrete cheek wall will be constructed along the upslope side of the stairway to reduce erosion.

At the top of the Broadway stairway, along the bluff top edge, a section of an 8 foot wide asphalt walkway that has collapsed will be repaired. The repair work will include placement of three caissons extending approximately 3-5 feet into the ground, with grade beams, and resurfacing the section of walkway. The surface will be sloped away from the bluff edge to direct drainage away from bluff face.

The Montana stairway consists of a mix of wooden steps, bare dirt and railroad ties, with wooden handrails. Within the upper portion of the stairway, just below the first flight of wooden steps, the City will install a new 2-foot high railroad tie cheek wall along the upslope side of the stairway. Damaged railroad ties, wooden steps, and handrails will be replaced as needed.

For each stairway a nominal amount of grading will be necessary for the repair work, and all existing bare areas along the stairway, that are not too steep, will be hydroseeded with a native drought tolerant plant mix. Existing flat bare areas with along the stairways with

sparse vegetation will be supplemented with native drought tolerant plants to further reduce erosion of the bluffs.

B. Geology

Section 30253 of the Coastal Act states in part:

New development shall:

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

Palisades Park is a 26-acre coastal bluff top park overlooking the Pacific Ocean. The park extends approximately one mile from Colorado Boulevard to the south to Adelaide Drive to the north. Within the park are restrooms, visitor information booth, rose garden, shuffleboard area, senior citizen center, public artwork, statues, monuments, walkways, and landscaping consisting of lawn along the top of the bluff, and many ornamental plants that have been introduced over the years. The park provides viewing opportunities as well as passive recreational opportunities to the public and direct access to the beach, via four footbridges across Pacific Coast Highway.

The Palisades Park bluffs consists of soft sediments and are subject to high erosion. One of the causes of bluff erosion, is uncontrolled runoff from rain and irrigation of the park atop the bluff. To correct the irrigation problems, in 1992, the City regraded the park, installed new subsurface drainage, and installed new irrigation. However, because of the age of the stairs and past erosion that has occurred and continues to occur on the bluff, the stairs need to be repaired in order to continue to provide safe public access and to further reduce erosion and damage to the stairways.

All repair work will be within the existing stairways, with the new cheek walls being constructed along the edge of the stairways, adjacent to the up slope bluff. According to the City, the cheek walls are necessary to provide stability to the abutting up-slope bluff and to minimize further erosion and maintenance problems caused by sloughing. Caissons will be used for an approximately 30 foot upper section of the Broadway stairway. The caissons are necessary to correct undermining of the stairway.

The City selected the use of cheek walls and caissons as a method of repair to minimize bluff disturbance and to reduce future erosional problems. As proposed, the project will minimize erosion of the bluffs and improve public safety and bluff stability. The proposed project will help preserve both the physical land area and the visual character along the bluffs. Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the slope on the property.

Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. The assumption of risk special condition, places the applicant on notice that there are certain risks associated with the development and that in the event the property is sold all future owners of the site will be notified of the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. The Commission, therefore, finds that only as conditioned will the project be consistent with Section 30253 of the Coastal Act.

C. Public Access and Recreation

One of the strongest goals of the Coastal Act is to protect, provide and enhance public access to and along the coast. Several Coastal Act policies require the Commission to protect beach and recreation 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.

Palisades Park provides viewing opportunities as well as passive recreational opportunities to the public and direct access to the beach, via five footbridges across Pacific Coast Highway that are accessed by four stairways leading down from the park along the bluff, and one via the California Incline (road leading down the bluff from Ocean Avenue to Pacific Coast Highway). The four stairways are located near Arizona Avenue, Montana Avenue, Idaho Avenue, and Broadway. The stairways and bridges are used by residents and visitors for access to the beach, strolling, jogging, and sightseeing.

The proposed project will correct a public safety hazard that is caused by erosion and deterioration damage to the stairs and will allow the public continued access. Total construction will take approximately four months. The City is planning to start construction by February 2004, and will avoid the summer period. During construction, one stairway will be closed at a time so that stair access will continue to be available along the other stairways. In addition, access to the beach is available from Colorado Boulevard, which is located at the southern end of Palisades Park.

As proposed, the project will enhance access and ensure that safe public access will continue to be provided within this area. Therefore, the Commission finds that, as proposed, the project is consistent with Section 30210 and 30211 of the Coastal Act.

D. Local Coastal Program

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

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

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

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

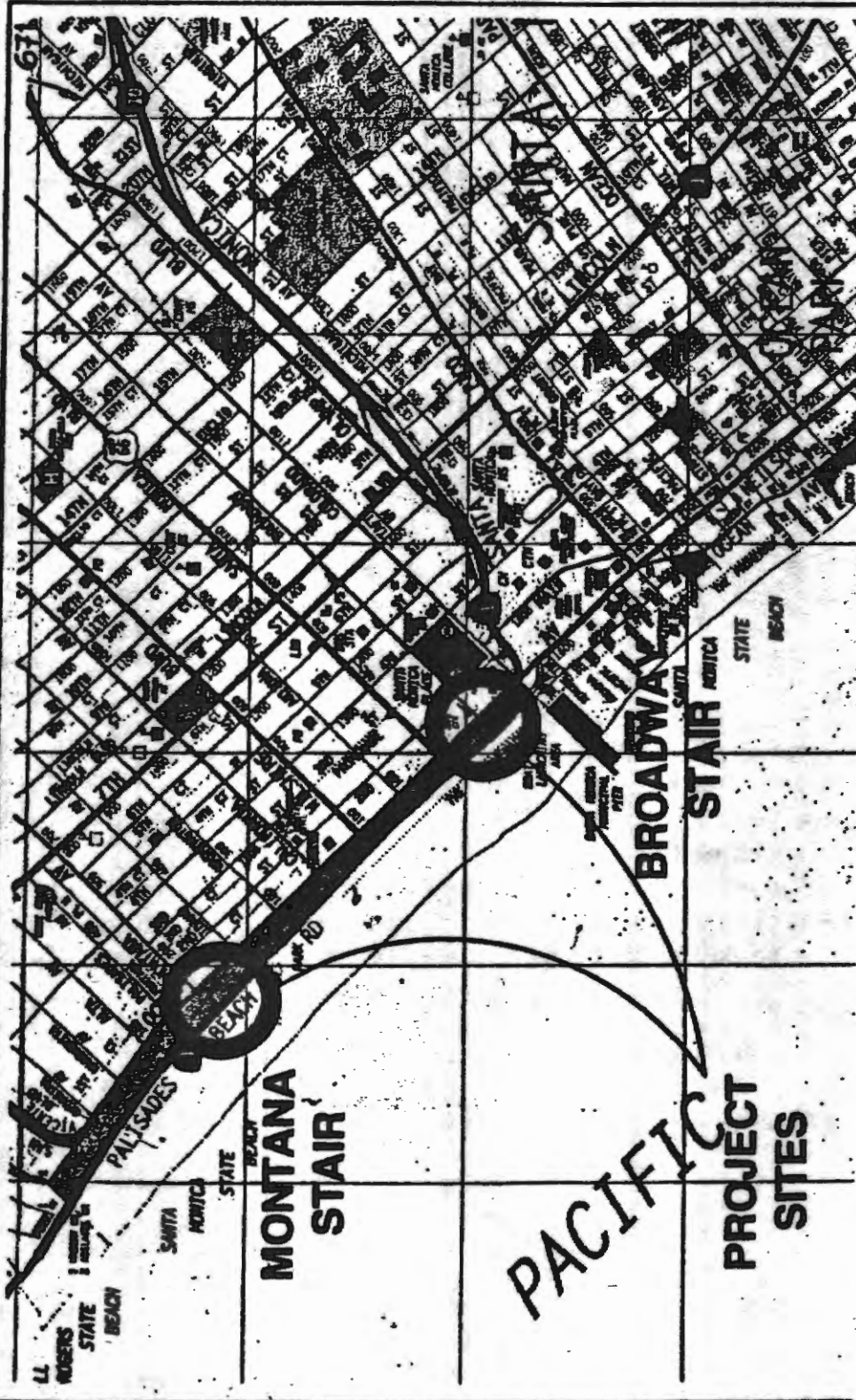
5-03-454

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SCALE: NONE



VICINITY MAP

EXHIBIT NO.	1
Application Number	5-03-454
	Vicinity Map

5-03-454

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FOR FURTHER LIGHTS, BY
REFER TO ELECTRICAL DRAWING
PAGE 10.

SEE L-1 FOR LIGHT FIXTURE
SCHEDULE AND NOTES.

CONNECTIONS TO EXISTING
UNDERGROUND LIGHT FIXTURE
FIELD WITH GUY WIRE
FIELD TO BE INSTALLED.

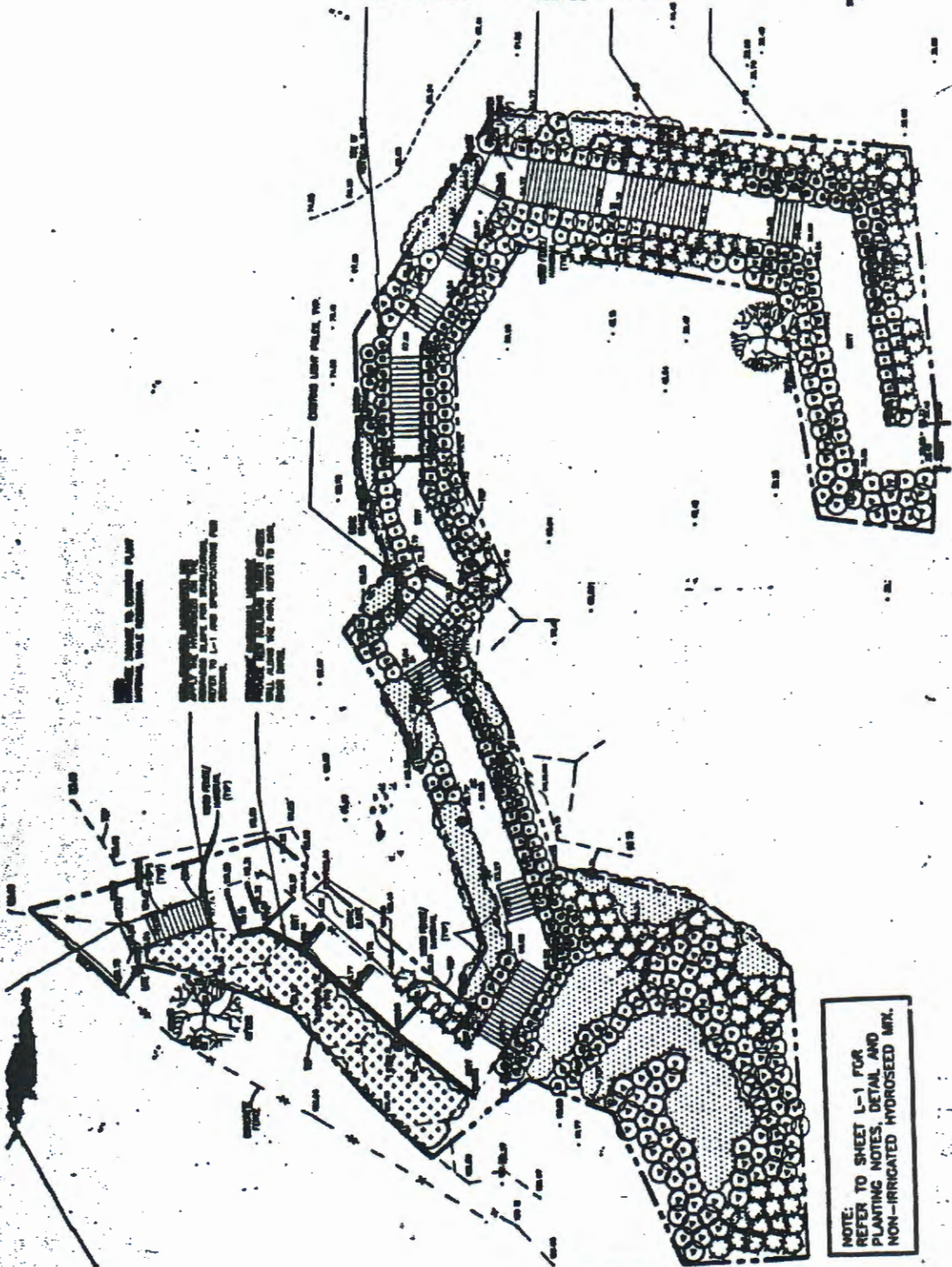
EXISTING LIGHT FIXTURES
TO BE REMOVED AND
REPLACED WITH NEW
FIXTURES AS SHOWN
ON DRAWING.

EXISTING LIGHT FIXTURES
TO BE REMOVED AND
REPLACED WITH NEW
FIXTURES AS SHOWN
ON DRAWING.

APPROXIMATE LIGHT FIXTURE
POSITIONS.



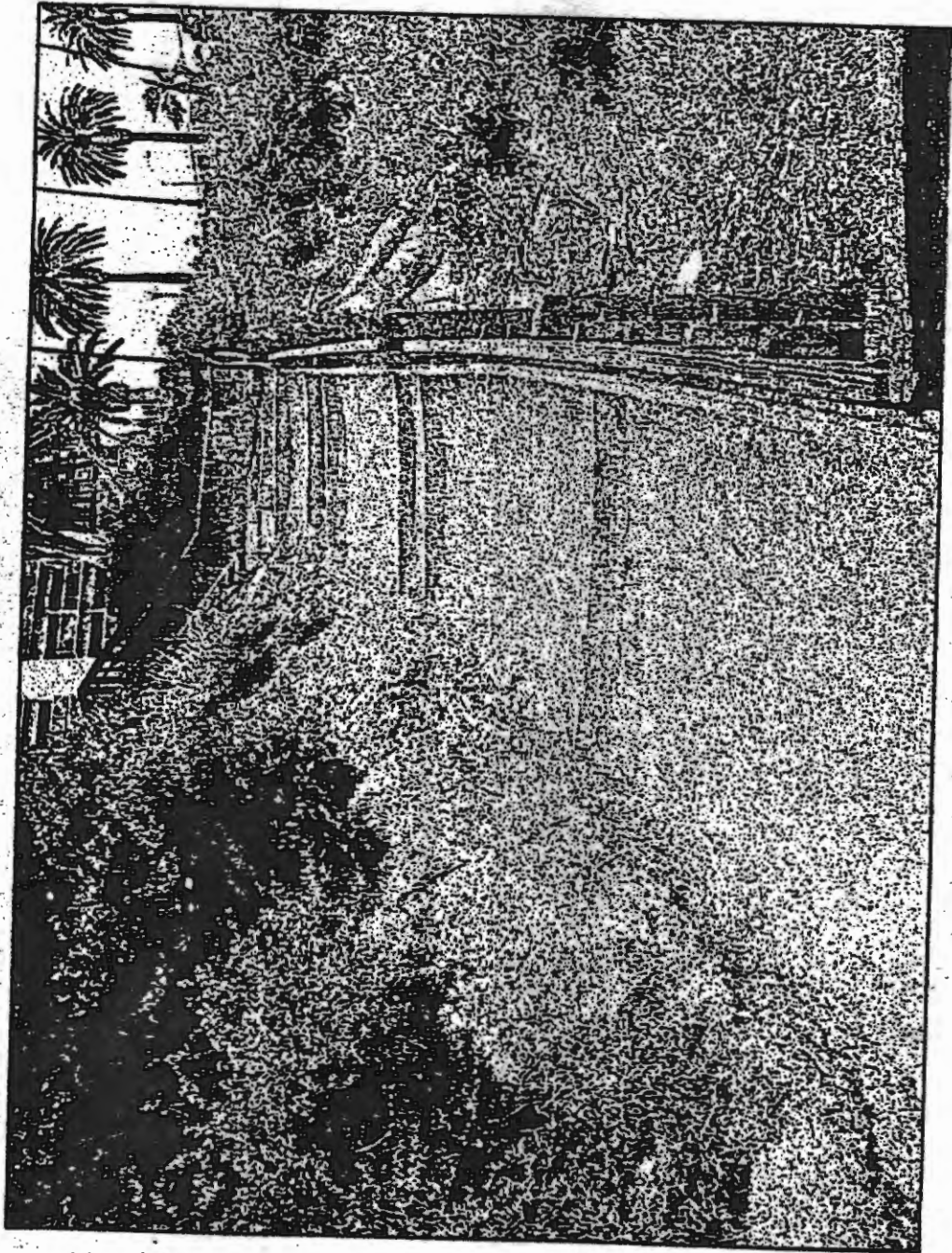
SCALE: NONE



**The Montana Stairs
Repair Project**
Landscape Improvements

NOTE: REFER TO SHEET L-1 FOR
PLANTING NOTES, DETAIL AND
NON-IRRIGATED HYDROSEED MIX.

EXHIBIT NO. 2
Application Number 5-03-454
Montana Stairs
California Coastal Commission



RAILROAD TIE REPL.

2. REMOVE AND REPLACE EXISTING RAIL TREAD—INSTALL FULL LENGTH ACROSS PERPENDICULAR TO PATH.
3. REMOVE AND REPLACE (3) EXISTING TREAD—INSTALL FULL LENGTH ACROSS PERPENDICULAR TO PATH.

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EXHIBIT NO. 3
Application Number 5-03-454
Photo of Monterey Stein
California Coastal Commission

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5-03-454

SCALE NONE

The Broadway Stairs Repair Project Landscape Improvements

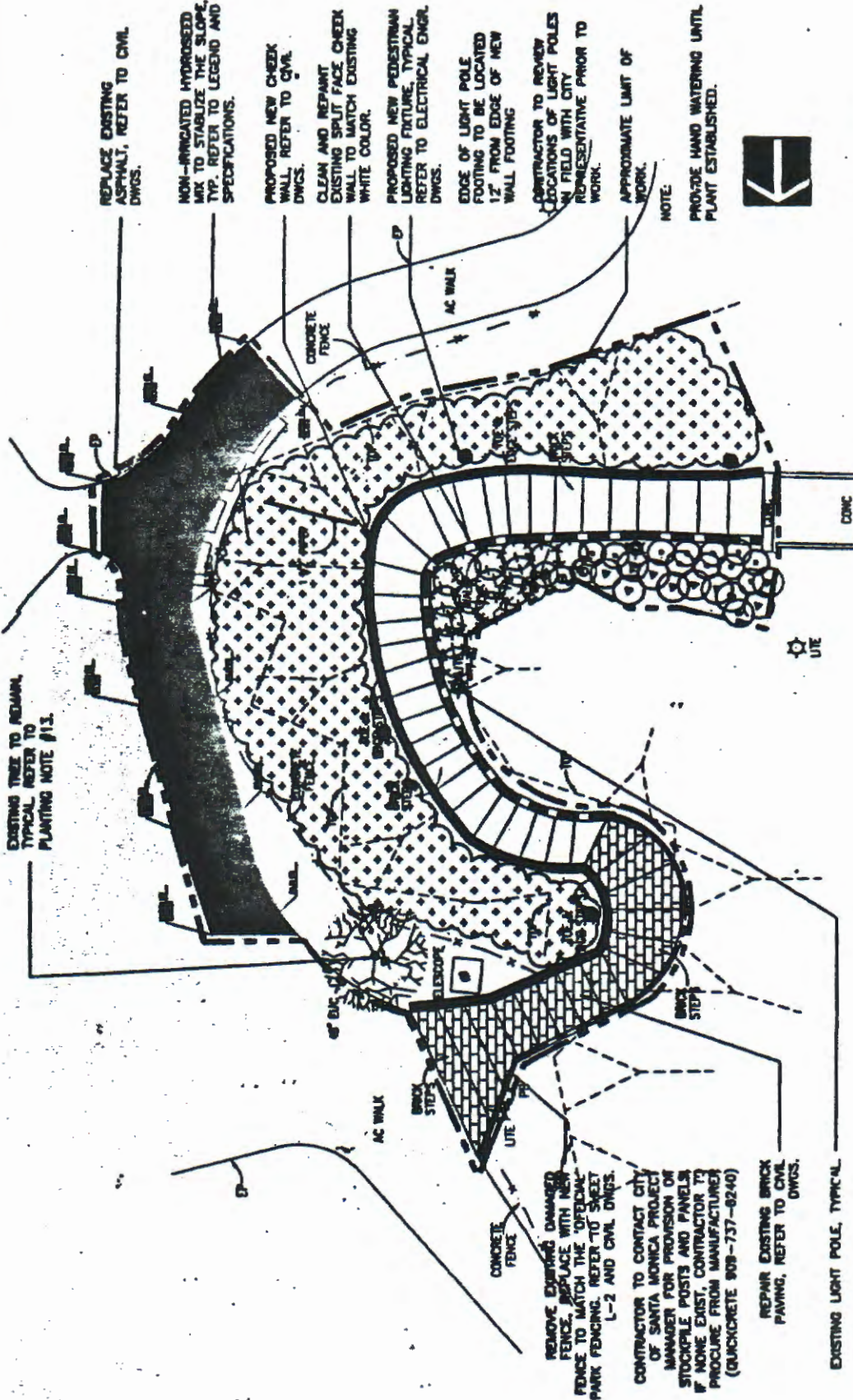


EXHIBIT NO. 4
Application Number 5-03-454
Broadway Stairs
California Coastal Commission

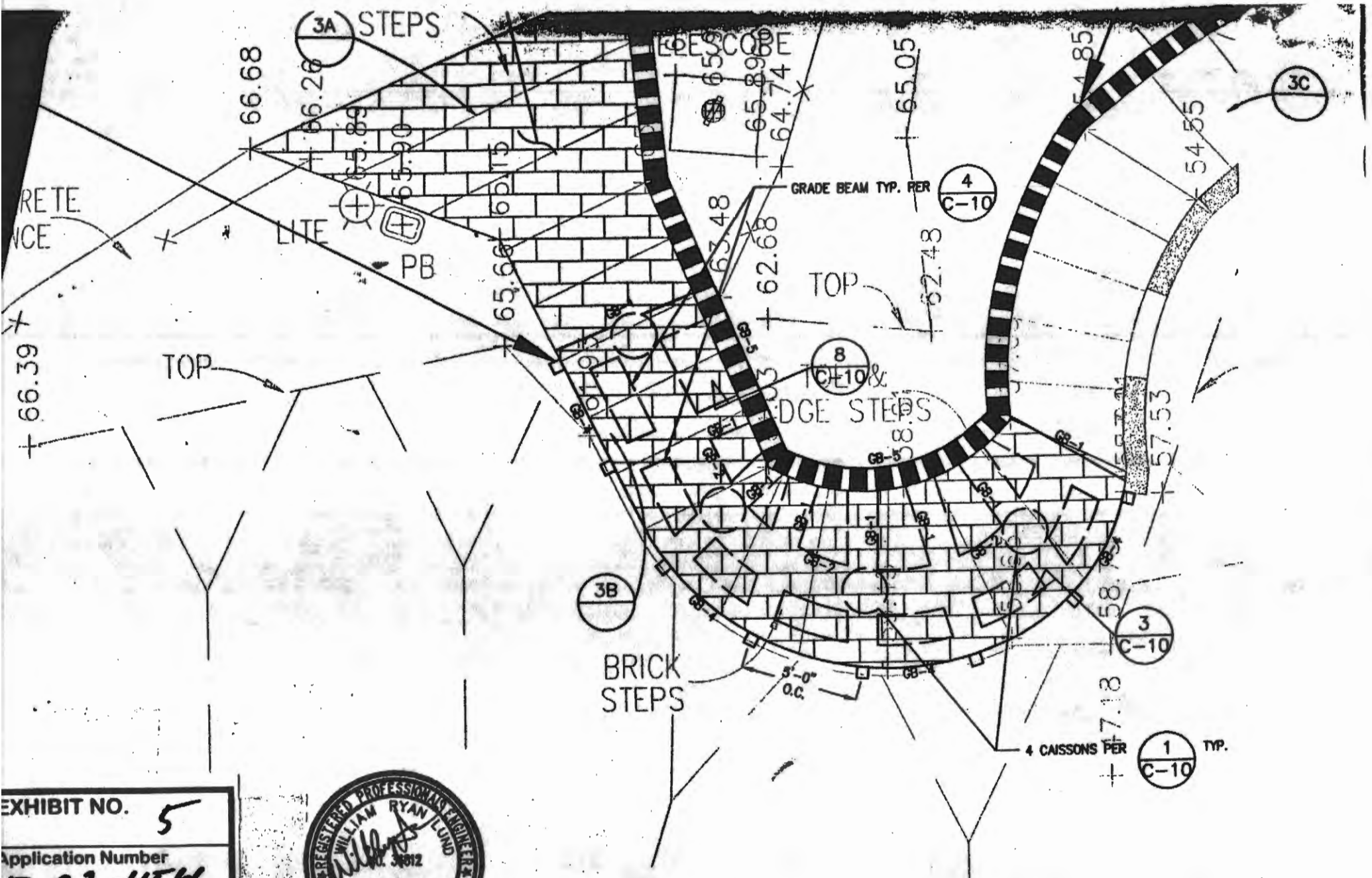
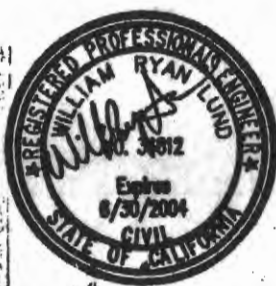


EXHIBIT NO. 5

Application Number 5-03-454

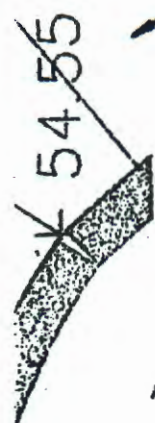
Caisson Location Broadway Street

California Coastal Commission





RICK
TEPS



3C

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EXHIBIT NO.	C
Application Number	5-03-454
Phot. of	Broadway Stairs
California Coastal Commission	

