

**CALIFORNIA COASTAL COMMISSION**

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# TH 15d

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Staff: AL Padilla-LB  
Staff Report: 10/26/06  
Hearing Date: 11/14-17/06

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-06-226

**APPLICANT:** City of Santa Monica

**PROJECT LOCATION:** City of Santa Monica

**PROJECT DESCRIPTION:** Improvements to an existing public beach facility including: construction of a one-story, approximately 6,200 square foot Event House; two-story, approximately 7,000 square foot Pool House with locker and changing rooms, multi-purpose room, staff offices and storage; one-story, approximately 700 square foot entry pavilion; approximately 500 square foot public restroom; five volleyball courts, two paddle tennis courts; family picnic and child's water play area; children's play ground; two lateral beach boardwalks; one handicap access for vertical access; 1,000 square foot beach concession building; addition of 117 new parking spaces for a total of 279 spaces; and perimeter fencing.

Lot Area:	5 acres
Building Coverage:	11,491 square feet
Pavement Coverage:	-52,065 square feet (total 148,319 square feet)
Landscape Coverage:	44,508 square feet
Parking Spaces:	117
Ht above final grade:	23 feet
Zoning:	Residential-Visitor-Commercial (RVC)

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed development with special conditions requiring the City to: (1) submit revised plans showing the relocation or elimination of the paddle tennis courts; (2) agree to continue to operate the facility as a public facility to provide maximum public access; (3) no future improvements restriction; (4) parking management; (5) assumption of risk, waiver of liability and Indemnity Agreement (6) compliance with City's water quality standards (7) storage and removal of construction material and debris; and (8) Landscape Plan to prohibit non-native invasive plants. As conditioned the project can be found consistent with the access and recreation policies of the Coastal Act.

**LOCAL APPROVALS RECEIVED:** City of Santa Monica Approval in Concept;  
Development Review Permit No. 06-002

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Santa Monica Land Use Plan (LUP) Certified with Suggested Modifications, 1992.
2. Final Environmental Impact Report, 415 Pacific Coast Highway, dated, March 2006.

**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

Staff recommends that the Commission APPROVE the permit application with special conditions.

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 5-06-226 pursuant to the staff recommendation.*

Staff recommends a YES vote. This will result in 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. Revised Plans**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, two full size sets of final project plans (i.e. site plan, elevations, cross-sections, grading, foundation, etc.) showing that the two paddle tennis courts have been relocated to encroach no further seaward than the most seaward extent of previous development (see Exhibit No. 6), or that the paddle tennis courts have been removed from the construction plans.

**B.** The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **2. Operation of Facility**

The facility shall continue to be operated as a public beach and community facility. With the acceptance of this permit the applicant agrees that the entire facility shall be wholly publicly available and shall provide public lateral and vertical access to and along the sandy beach, public parking, and lower cost recreational uses to the general public. The facility may be open to the public for free or on a limited, fee for service basis, for which no membership or residency is required. While the facility may rent conference/ meeting facilities, and the swimming pool, on a daily basis to individuals and groups, the access and recreational facilities, such as the beach accessways, and recreational courts on the beach shall remain open to the public during such events and during normal public operating hours. Any change to the operation of the facility shall require an amendment to Permit No. 5-06-226.

### **3. No Future Improvements Restriction**

**A.** This permit is only for the development described in coastal development permit No. 5-06-226. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-06-226 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

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

### **4. Parking Management**

The City shall operate the facility to minimize reduction in availability of public parking during days in which the facility is in demand by beach visitors and special event visitors to the facility.

1. If events are scheduled during peak summer beach days (Mondays-Thursdays during June through September 1 PM – 4PM and Fridays- Sundays during June through September 10 AM – 6 PM), and during other peak beach days (Saturday and Sunday during October, March, April, and May, 10 AM- 6 PM), the party booking the event shall submit a Transportation and Parking Management Plan (Plan) to the operator of the site prior to issuance of a permit for use of the facility.
  - (a) As part of the plan, the party shall secure off-site parking within 5 miles of the project site for the guests.
  - (b) The party booking the event shall also provide a shuttle bus system to transport guests and other prospective visitors of the facility to the site, unless the off-site parking is located within walking distance of the site. and
  - (c) The Plan shall include a description of the methodology of notifying guests of the location for the shuttle, if determined by the City to be needed; shall provide information regarding the number of guests and parking spaces needed to meet this demand; and shall include evidence demonstrating that:
    - (1) pre-paid parking has been secured; and
    - (2) pre-paid shuttle service, if needed, has been hired for between the site and the off-site parking lot;
2. The plan shall also include a description of methodology of notifying the public when the lot is full and where additional parking is located, including the remote event lot, which shall be available for public parking.

Any proposed changes to the approved Parking Management condition 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. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

**A.** By acceptance of this permit, the applicant, City of Santa Monica, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicant, City of Santa Monica, 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; (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; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of subsection A of the prior condition.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the City of Santa Monica, as 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.

## **6. Water Quality Standards**

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements under the City's Municipal Code, as required by the City, that are in effect at the time of approval of this permit.

## **7. Storage and Removal of Construction Material and Debris**

The permittee shall comply with the following construction-related requirements:

- (a) *No construction materials, debris, or waste shall be placed or stored outside the staging area where it may be subject to wave 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 and the site restored to its previous natural condition;
- (c) 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.
- (d) 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.

## **8. Landscape Plan**

**A.** Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants employed on the site shall be drought tolerant (low water use) plants identified by U. C Davis and the Water Resources Board. Ornamental planting with non-indigenous and non-invasive plant species is permitted within the garden areas.

**B.** The permittee shall undertake development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans 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.

## **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

### **A. Project Description and Location**

The City proposes to rehabilitate and expand an existing City owned public beach facility including:

1. Construction of a two-story, approximately 7,000 square foot Pool House with locker and changing rooms, a multi-purpose room, staff offices, and associated storage and equipment rooms.
2. Restoration and Rehabilitation of the existing historic swimming pool and deck area.
3. Construction of a one-story, approximately 700 square foot Entry Pavilion with lifeguard and staff offices, and associated support spaces.
4. Development of outdoor recreation and leisure areas including two garden courts, two paddle tennis courts, five beach volleyball courts, a family picnic and child's play area, and two beach boardwalks.
5. Construction of a one-story, approximately 6,155 square foot Event House. The facility will include two meeting rooms, one multi-purpose room, a food staging area (with counter space, sink, electrical outlets and refrigeration), and associated support spaces. The facility is designed to accommodate recreational, interpretative

and cultural programs and classes; meetings and retreats; and small social gatherings and functions.

6. Rehabilitation and adaptive reuse of the historic, two-story 9,127 square foot North House. The facility would include meeting spaces, an interpretive center, kitchen, staff offices, and associated support spaces.

7. Resurface and landscape the existing Beach Parking Lot 10 (South Parking Lot) and the North Parking Lot to provide a total of 117 new vehicle parking spaces, resulting in a total of 279 parking on site including the existing 162 spaces in Beach Parking Lot 10 that are required to remain.

8. Removal of the existing public restroom building and construction of a one-story, 1,000 square foot Beach Concessions Building at the northwest corner of the project area.

9. Construction of a one-story, approximately 550 square foot Restroom Building immediately west of the proposed Entry Pavilion.

10. Construction of perimeter fencing, including a 7'-4" fence along PCH similar to the original, historic fence, in terms of height, scale and character.

The facility will have operating hours similar to other City beach parks, and will close at dusk, except for events, which will be allowed to operate no later than 10 pm on weekdays and 11 pm on weekends.

The subject property is located at 415 Palisades Beach Road (Pacific Coast Highway) on Santa Monica State Beach, in the City of Santa Monica. The subject property is a 213,879 square foot parcel located on the west side of Palisades Beach Road approximately 700 feet south of the northern city limits and less than ½ mile north of the California Incline. Surrounding uses consist of private residential uses to the north and south, the Pacific Coast Highway and the Palisades Bluffs to the east, and public beach and the Pacific Ocean to the west.

## **B. Property History and Historic Resources**

According to the City, the subject property was originally developed by William Randolph Hearst for actress Marion Davies in the 1920s with several structures designed by renowned California architect, Julia Morgan. At the time, this stretch of beachfront property was known as the "Gold Coast" because of the numerous opulent residences and the lifestyles of the people that lived there. The original estate featured a 100-room, Georgian Revival style mansion constructed in 1928, a large Guest House (North House) constructed in 1929, a swimming pool, and tennis courts.

After World War II, the property was sold and the new owner, Joseph Drown, added several buildings to the site and demolished the mansion. In 1959, the site was purchased by the State of California. The State leased the site to the City of Santa Monica which, in turn, leased it to the Sand & Sea Club for use as a private beach club from 1960 to 1990. After the expiration of the Sand & Sea Club lease, the City operated a seasonal, public day-use beach facility at the site. In 1994, the site was damaged in the Northridge

Earthquake, requiring the City to “red tag” and close all structures on the site. The site has remained vacant and closed. In 2003, due to potential safety hazards caused by damage from the earthquake and deterioration, the City demolished two cabana buildings, portions of the Locker building, and an ancillary maintenance office (CDP No. 5-03-119). In 2004, the Annenberg Foundation granted the City \$21M so that the site could be rehabilitated and reopened as a public recreation facility.

### Historic Resources

Existing on-site improvements include two elements from the former 1920s Marion Davies Estate that are identified with the site’s period of significance: the North House and the swimming pool. Remnants of the original bulkhead on the west side of the site also remain on site. Other existing on-site improvements that were constructed for subsequent private hotel and club uses include the following: the 16,950 square foot Locker Building, recreation courts, and two surface parking lots.

In 1980, the City of Santa Monica Landmarks Commission designated the North House a Santa Monica Landmark based on the structure’s cultural, social and architectural history and its association with historic personage in local, state, and national history.

In 1994, following the Northridge earthquake, the Marion Davies Estate was formally determined eligible for listing in the National Register of Historic Places. The California State Office of Historic Preservation identified the estate as an historic district with the North House, swimming pool, fence and bulkhead, and the Sand & Sea Club Building (Locker Building) identified as contributing features.

The Locker Building, referred to as the Sand & Sea Club Building in the City’s 1994 evaluation of the site, was incorrectly listed as a contributor to the Marion Davis Estate. Based on research of the site, the Period of Historic Significance has been established as the years from 1928, when the property was first purchased in Marion Davies’ name and when construction of the mansion and other site features began, to 1945 when Marion Davies sold the site. The Locker Building was constructed in 1948 after the period of significance. The initial incorrect determination was made as part of an expedited review immediately after the Northridge earthquake, which did not provide sufficient time to do a thorough investigation.

As a result of the formal determination of eligibility for listing in the National Register of Historic Places, the North House and original elements located on the property including the swimming pool, fence and bulkhead were placed on the California Register of Historical Resources. The Locker Building was not included in the California Register of Historical Resources.



**B. 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.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

**Section 30213**

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

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

## **1. Beach Access**

The City's LUP states that the Santa Monica State Beach is the most heavily used beach in Los Angeles County and possibly in the State. The City has estimated that over 20 million people visit Santa Monica's beaches annually (City of Santa Monica's 1992 certified Land Use Plan). In 1998, between July and September approximately 7.5 million people came to Santa Monica beaches (County of Los Angeles Fire Department Lifeguard Division). However, in the Commission's suggested modifications to the 1992 LUP, Commission staff notes that the north beach is underutilized by the public as compared to the beach area south of the pier due to accessibility to the area, limited parking lots, and lack of visitor-serving and recreational amenities.

In preliminary studies that led to the adoption of the Coastal Act, the Commission and the Legislature reviewed evidence that land uses directly adjacent to the beach were required to be regulated to protect access and recreation opportunities. These sections of the Coastal Act provide that the priority of new development near beach areas shall be given to uses that provide support for beach recreation. The proposed project, which includes rehabilitating an existing public recreational facility and adding new recreational uses, will enhance and increase public recreation along this area of beach.

The proposed project is located in the North Beach area of the City of Santa Monica. The site is located on the beach, adjacent to and west of Pacific Coast Highway. In this North Beach area the public beach is approximately 400 feet wide and includes a bike path that runs along

the beach, between existing development along Pacific Coast Highway and the water. The project site is situated between two parking lots to the north and south, that extend approximately 290 feet onto the beach from Pacific Coast Highway, and approximately 100 feet further seaward than the existing club improvements. All new buildings for the club facility, including the expansion of the pool deck, will extend no further seaward than structures that were previously on site, and previously demolished due to safety concerns. All development will be located east of the bike path.

The proposed project involves improvements to, and expansion of, an existing public recreational beach facility. In addition to restoring the existing historic North House, the project will rehabilitate the existing swimming pool and provide new recreational facilities, including a children's wading pool, locker and showers, recreation room, children's play area, picnic area, volleyball courts, paddle tennis courts, beach showers, and lateral beach accessways across the facility and a vertical beach accessway. The project will also include a concession stand and new public restrooms. In addition to the new recreational facilities, the project will include new meeting rooms that will be available for rent for community and private events.

The facility will continue to be operated by the City as a public beach and community facility as it was prior to the Northridge earthquake. The City will charge a day use fee for use of the swimming pool, locker facilities and picnic area, which will be separated from the other public areas by decorative fencing. The use fee has not been determined at this time, however, the City has indicated that one of the goals of the project is to provide recreational activities that would be available to the general public at a reasonable rate. The fee will be determined, in part, on the operating cost of the facility. The other recreational facilities, such as the volleyball courts, paddle tennis courts, garden area, children's play area, restrooms and beach showers, as well as all beach access paths, will be open and free to the public. The meeting rooms will also be available to the general public for a fee, and parking fees will be consistent with rates charges at all other public beach parking lots.

The new beach concession stand will be located along the western edge of the north parking lot, in the same general location of the public beach restrooms that will be demolished. The new public beach restroom, which will replace the one that is be demolished will be located east of the existing restaurant and adjacent to the parking lot in the southern portion of the site.

The children's play area, public rinse areas (3), volleyball sand courts (5) and paddle tennis courts (2) will be located on the sand in front of the club and inland (east) of the bike path. The area of the proposed volleyball and paddle tennis courts, located between the bike path and existing club facilities and parking lot, is an area that is not heavily used by the general public due to the close proximity to the parking lot and distance from the beach. The bike path divides the beach and creates a strip of sandy beach area between the bike path and development along PCH that is underutilized by the public. Generally, beachgoers and recreational users gather in the area west of the bike path and closer to the water.

Sand volleyball courts do not take up much area, are found throughout southern California beaches, including Santa Monica, and are easily removable, since they only involve posts and a

net. Generally, City's place these courts close to development and away from the water. The paddle tennis courts, which are smaller in area than a standard sand volleyball court, require a hard playing surface and perimeter fencing. The two proposed courts, that are adjacent to one another, will cover an area of approximately 4,800 square feet. Paddle tennis courts are generally found at beach clubs and not as a public beach facility, except for the public courts on Venice Beach. Paddle tennis courts were originally part of the private beach club facility; however, with the redesign and addition of additional structures the City is proposing to remove the existing courts and construct the two new courts on the sand, along the western end of the north parking lot. The courts will extend approximately 90 feet beyond the most seaward line of existing development ("Back to the Beach" restaurant to the south and public restroom to the north). The City has indicated that alternative locations on the site were considered, including placing courts on top of the roof that extends over the drive aisle that runs parallel to Pacific Coast Highway, and in the open space area between North House and Event House. All alternatives were considered infeasible due to high construction costs, public view impacts to and from the club facility, or interference with other public amenities being proposed on the site.

Although the paddle tennis courts will provide the public additional recreational opportunities, the courts, which require a hard surface, and approximately 8 to 10 foot high chain-link fencing around the perimeter of the two courts, will extend new development seaward of the line of existing development. Although the proposed location of courts is in an area that is not heavily used by the public, the area provides sandy beach and adding a structure to the area eliminates that area from future beach use, such as sunbathing, and other open space recreational beach activities. Furthermore, the courts will extend the line of development further seaward which may allow other development to encroach further seaward, which will have an adverse cumulative impact on public access. Therefore, in order to prevent further seaward encroachment onto the sandy beach beyond the existing seaward line of development, as a condition (Special Condition No. 1) of this permit, the City shall relocate the paddle tennis courts on the landward side of the most seaward extent of existing development, or eliminate the courts from the plans.

As stated, the City's intent is to continue to operate the facility as a public recreational and event facility, where the recreational facilities are open to the public, and the meeting and conference rooms can be rented to civic and community groups for private and public meetings, and weddings. The City's Operating Agreement with the State of California Department of Parks and Recreation requires in part that the City: 1) develop and operate the property as a public recreation facility for the use and enjoyment of the general public; and 2) prohibit from assigning, delegating, mortgaging, hypothecating, or transferring, the Agreement and/or interest without consent of the State. Although it is not the City's intent and would be inconsistent with the Operating Agreement, it is possible that in the future, the Operating Agreement could be modified to allow the City to lease the facility, or portions of the facility, to a private operator under a long-term lease, where the private operator could monopolize a portion of the facility and use it for private use. A change to a private operator, or required membership or residency requirements, could change the use of the facility by limiting public accessibility to all, or portions of the facility that is currently proposed for general public use. Such a change could be inconsistent with access policies that require maximum public access and the protection of

lower cost visitor and recreational facilities. Therefore, Special Condition No. 2 requires that the public facility shall continue to be operated as a public facility, open to the public, and will provide public beach access, public parking, and lower cost visitor and recreational facilities. Any change to the operation of the facility shall require an amendment to the permit. Furthermore, Special Condition No. 3, which is a future improvements condition, requires that any change to the project as described under this permit will require an amendment this permit.

As conditioned, the proposed development will enhance and increase public access to this beach area and ensure that the facility will continue to be operated as a public facility, and will be consistent with Sections 30210, 30211, 30212.5, 30213 and 30214 of the Coastal Act.

## 2. Parking

The proposed project will provide 279 parking spaces within three separate lots, including the 162 spaces within the adjacent public beach lot to the south. The two other lots, include the north parking lot, which provides 120 spaces and a 41 space lot between the proposed pool house and Pacific Coast Highway. All parking will be available to the public for facility use or beach use and facility event parking when scheduled.

According to the City's parking analysis, the facility would generate a parking demand of 212 spaces. The parking analysis indicates a peak beach season parking demand of 374 spaces, including a 100 parking spaces for a maximum 200 guest special event. Therefore, the 279 available spaces are sufficient to meet the parking demand for the facility and beachgoers, except when special events are scheduled during the peak summer beach period (weekends, from June through September).

As mitigation for the deficient of the parking during special events the City conditioned their approval of the project with a special condition that required that during events remote parking within 5 miles of the project site be secured with the operation of a shuttle bus system, and the event organizers shall submit a Transportation and Parking Management Plan to the operator of the site prior to issuance of a use permit. The City's condition states:

*If events are scheduled during peak summer beach days (Mondays-Thursdays during June through September 1 PM – 4PM and Fridays-Sundays during June through September 10 AM – 6 PM), and during other peak beach days (Saturday and Sunday during October, March, April, and May, 10 AM- 6 PM), the party booking the event shall secure off-site parking within 5 miles of the project site for the guests with a shuttle bus system to transport them to the site, unless the off-site parking is located within walking-distance of the site, and shall submit a Transportation and Parking Management Plan (Plan) to the operator of the site prior to issuance of a permit for use of the facility. The Plan shall include a description of the methodology of notifying guests of the location for the shuttle, if determined by the City to be needed; shall provide information regarding the number of guests and parking spaces needed to meet this demand; and shall include*

*evidence demonstrating that 1) pre-paid parking has been secured; and 2) pre-paid shuttle service, if needed, has been hired between the site and the off-site parking lot.*

The condition as worded addresses shared use and mitigates the potential impact shared use may have during the peak summer period, as well as other times of the year that have the potential of heavy demand. The City's condition shall be incorporated as a special condition of this permit. However, the City has not addressed the possibility that event goers, as a convenience, may park in the lot rather than park off-site, whereby usurping general recreational or beach parking. Therefore, to address this issue, the special condition shall provide that once the on-site lot is full during public operating hours, the selected lot shall be available to the general public, and the Transportation and Parking Management Plan shall include a provision where the on-site parking attendant shall notify the public of the location of alternative public lots, including the remote event parking lot.

Therefore, the Commission finds that the proposed project, only as conditioned will not adversely impact public access and will be consistent with Section 30210, 30211, 30212.5 and 30214 of the Coastal Act.

### **3. Traffic**

The proposed project consists of rehabilitation of an existing public community space which was operated and will continue to be operated as a public recreational facility. With the previous demolition and proposed demolition of the existing facilities, including the Cabana buildings, Banquet building and Locker building, there will be a net loss of total building square footage, from approximately 48,000 square feet to 23,000 square feet.

The traffic study that was prepared as part of the environmental review process estimated that the proposed project would generate approximately 1,214 new daily trips, of which approximately 24 would occur in the weekday A.M. peak hour (7-9 AM), 104 would occur in the weekday PM peak hour (4-6 PM), and 104 in the weekend peak hour (1-5 PM). The study indicated that the project would have a significant impact at two locations: intersection at Pacific Coast Highway and California Incline and the primary access point into the project's parking lot. However, because of physical constraints, such as the bluffs to the east, and ownership of the Highway by Caltrans, improvements were determined to be beyond the control of the City and any impacts at these two locations are considered unavoidable.

However, the parking study reviewed the proposed project as a new use and did not separate out the existing buildings and uses, such as the North House, and uses in the Locker building, and swimming pool. Factoring out the existing uses that can be quantified based on available information, the project would generate approximately only 250 new daily trips. Although these new daily trips may continue to have an impact on the two impacted locations the impact will not be significant. Furthermore, according to the City, because of existing traffic problems along Pacific Coast Highway, the City will continue to work with Caltrans to improve traffic and access along the Highway.

### **C. Visual Resources**

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project includes the construction of three new buildings on the existing beach club site, and two building adjacent to the club site. The three on-site buildings include an approximately 6,000 square foot, one-story, 20 foot high Event House; an approximately 990 square foot, 14 foot high entry pavilion, and an approximately 7,000 square foot, 30 foot high Pool House. Outside of the beach facility, there will be two one-story buildings include a 1,000 square foot concession building and a 500 square foot public restroom.

Major scenic resources in the City of Santa Monica are identified in the City's Local Coastal Land Use Plan and the City's Scenic Corridor Element. Scenic resources include the coastline, beach and bay, the Santa Monica Pier, Palisades bluff, and the Santa Monica Mountains. The project site is located on the beach, north of the Santa Monica Pier, and east of the Palisades bluffs. Public coastal views are provided along Pacific Coast Highway, from Palisades Park on the bluffs located east of Pacific Coast Highway, and along the beach and Bike path. The views along PCH near the project site is intermittent due to existing development along the west side of PCH. Development along the North Beach consists mainly of single and multi-family residential. Residential development varies from two to three stories, and 30 to 45 feet. Other development includes three private beach clubs and public beach parking lots. Views are basically unobstructed across existing parking lots found along PCH, however, because of the narrow frontage along PCH for most of the lots and adjacent development, views of the coastline and ocean for both northbound and southbound travelers on PCH are limited. This is true for the project site as well. With approximately 120 feet of frontage along PCH for the north and south lots, and adjacent development that abuts the parking lots, the lots provide limited coastal views. Within the central portion of site, views are obstructed by existing structures. Therefore, the development will not have an adverse impact to coastal views from PCH.

Palisades Park, which is approximately 100 feet above PCH and the project site, provides panoramic views of the coastline and ocean. Existing buildings, which extend to a maximum of approximately 25 feet above grade, do not obstruct views from the bluffs. The proposed

buildings which will vary from 14 feet to 30 feet will be compatible with the heights of the North building and consistent with the heights of surrounding development found along PCH. Because of the low height and proximity to the bluffs, the proposed structures will be below the view line from the bluffs to the water and because the buildings are near PCH and do not extend out onto the beach, most of the views of the sandy beach will be maintained.

Other views available in this area are views from and along the beach. Views include the beach, ocean, Palisades bluffs and the Santa Monica Mountains. Because existing development along PCH in the North Beach area effectively blocks all views from the highway, except across the few public beach parking lots, unobstructed views of the water and the beach in this area are the views from and along the sandy beach. Santa Monica beach has been widened by the pier and breakwater, and provides a 400-foot wide beach, interrupted only by the bike path. The Commission and the City have addressed the issue of seaward encroachment of development in the nearby area in past permit action. The Commission has limited seaward encroachment to no further than adjacent development (Development Stringline), based in part on adverse impacts to public views from and along the beach. The applicant proposes to construct paddle tennis courts beyond the line of existing development. Paddle tennis courts require an approximately 8 to 10-foot high fence with possible windscreen, which creates a highly visible structure. Because of the fence and area covered, paddle tennis courts will obstruct views of the beach and ocean from along either side and landward of the courts, from the beach and proposed public lateral accessways that traverse across the project site. Although most beachgoers will be closer to the water, the proposed project will create an area within the facility and directly in front of the facility on the sand that will be used by beach goers, recreational users, and pedestrians walking along the walkways. Furthermore, the paddle tennis courts will be approximately 40 feet from the bike path. The proximity of the structure to the bike path will reduce the open space between development and the bike path, changing the character of the views and the open feeling bicyclist and skaters have along this portion of the bike path.

While the applicant is providing the courts to increase public recreation, the courts could be constructed in other areas of the site that will not encroach further than the existing line of development and will not have as much of an impact on public coastal views. Therefore, in order to prevent further seaward encroachment onto the sandy beach and public view obstructions from and along the beach, the City shall relocate the paddle tennis courts on the landward side of the most seaward extent of existing development, or eliminate the courts from the plans (Special Condition No. 1). The Commission finds that, only as conditioned will the project be consistent with Section 30251 of the Coastal Act.

#### **D. Hazards**

Section 30253 of the Coastal Act provides in part:

*New Development shall:*

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazards.*



The subject site is located on the beach north of the Santa Monica Pier, in the North Beach area of the City of Santa Monica. The North Beach area provides a broad beach, over 500 feet in width. Due to the width of the beach and the location of the Santa Monica breakwater, properties along the north beach area are generally protected from storm wave impacts and have not required shoreline protective devices.

Previous wave run-up analysis studies for the North Beach area that examined the impact of wave run-up and wave induced flooding (i.e. overtopping) in the area under extreme oceanographic conditions over the next 75 years, found that, based upon beach width and the presence of the pier structure and a breakwater located off shore of the North Beach area, it is extremely unlikely that the shoreline will erode significantly in the next 75 years. The study states that the area was not subject to wave attack during the 1988 storm event, which was considered a "400 year" wave event with an 18-year recurrence interval extreme high tide level.

Furthermore, the applicant is constructing the proposed development within an area that already contains development and will extend no further seaward than the existing development. In the case of the proposed project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development.

Evidence indicates that the development is not subject to wave run-up and flooding. Based on the information provided by the applicant and other information submitted with development along the North Beach area that has previously been reviewed and approved by the Commission, no other mitigation measures, such as a seawall, are anticipated to be needed in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There is currently a wide sandy beach in front of the proposed development, including the Pier and breakwater, that currently provide substantial protection from wave activity. However, the continued presence of a wide beach cannot be guaranteed and not all risks from wave run-up or seismic activity can be eliminated, therefore, the Commission finds it necessary to require the acknowledgment and acceptance from the City of Santa Monica (Special Condition No. 5), that the project is located in an area that is potentially subject to flooding and geologic hazards that could damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. As conditioned, the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act.

#### **E. Biological Resources**

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 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 those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

## **1. Landscaping**

According to the EIR, the only native terrestrial habitat is located along the Palisades bluff, and the bluffs are highly disturbed. Due to erosion, the bluffs contain little vegetation, and the majority of the vegetation is non-native. The top of the bluff is an urban landscaped park consisting of ornamental and non-native plants.

The existing site provided very little landscaping. The applicant is proposing to relandscape the site using a mix of native and non-native plants, including ornamentals for the garden area, and large specimen trees throughout the site and parking lot, which currently contain no landscaping. The landscaping plan also includes Mexican Fan Palm (*Washingtonia Robusta*) along the PCH property line and possibly in other areas of the site. The City has designed the landscaping to soften the views of the structures and to provide continuity with the landscaped Palisades bluff top park to the east of the site.

In including Mexican Fan Palm in the landscaping, the City states that the Mexican Fan Palm is found throughout the Santa Monica beach area, including Palisades Park and along City streets, and the site contains three existing Mexican Fan Palms along the western edge of the north parking lot. However, the Commission has found in past permit actions throughout the area that the Palm is a highly invasive non-native plant and new landscaping should not include invasive non-native plants, including the Mexican Fan Palm. The Palm, which grows to approximately

100 feet, propagates through seed dispersal. Although the seeds are rather large, and are not dispersed great distances by the wind, seeds are commonly dispersed into other areas by birds and animals. These future seedlings produced by additional trees have the potential to adversely impact native flora and fauna found in other areas along the coast 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.

Although *Washingtonia robusta* is abundant in the area, the planting of additional trees and other invasive plants will significantly increase the number of seeds being deposited in the area which could create problems with any eradication efforts due to the increase number of seedlings that could germinate throughout the area. Furthermore, to reduce water consumption, drought tolerant species should be used. Therefore, as a special condition of the permit the applicant shall submit a landscape plan that consists of drought tolerant, non-invasive plants.

## **2. Sensitive Species**

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. The United States Fish and Wildlife Service (USFWS) have indicated the presence of the Western Snowy Plover within the North Beach area.

According to the USFWS, an area approximately 500 feet to the south of the project site, is a winter foraging site for the Western snowy plover. The Pacific Coast population of Western snowy plover (*Charadrius alexandrinus nivosus*) are small, sand colored shorebirds that use sandy beaches for nesting and roosting from southern Washington to Baja California. The Snowy plover forages on invertebrates in the wet sand, amongst surf-cast kelp, on dry sandy areas above the high tide, on salt pans, on spoil sites, and along the edges of salt marshes, salt ponds, and lagoons (USFWS 20001). Snowy plovers breed primarily above the high tideline on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. They tend to be site faithful, with the majority of birds returning to the same nesting location in subsequent years (USFWS 2001 citing Warriner et al. 1986). The breeding season for Snowy plovers along the Pacific coast extends from early March to mid-September. The majority of California's wintering Snowy plovers roost and forage in loose flocks on sand spits and dune-backed beaches, with some occurring on urban and bluff-backed beaches, which are rarely used for nesting (USFWS 2001). Roosting Snowy plovers usually sit in small depressions in the sand, or in the lee of kelp, other debris, or small dunes (USFWS 2001 citing Page et al 1995).

The Snowy plover was listed by the U.S. Fish and Wildlife Service (USFWS) as a threatened species in March 1993. Subsequently USFWS designated 180 miles of

coastline in California, Oregon, and Washington as critical habitat in 1999. Critical habitat is a specific designation that identifies areas that are essential to conservation of an endangered species.

The USFWS has released a *Draft Recovery Plan for the Pacific Coast Population of Western Snowy Plover* (May 2001). According to the USFWS the area south of the site, near the water's edge is a winter roosting site that is used between September through March. To protect the area, the City of Santa Monica installs a seasonal "snow" fence and signage, to demarcate the area so that the area is not groomed and to prevent other vehicles from entering the area and to inform the public. According to the City the fence has been successful with the number of birds increasing over the last year.

Because the roosting area is approximately 500 feet from the project site, the proposed project will not disturb the birds during construction. The operation of the facility may bring additional people to the beach, and this may cause disturbance to the plovers, however, the City will continue to install the seasonal fence and signage to protect the area which will reduce any potential impact.

## **Conclusion**

For the aforementioned reasons, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

## **F. Control of Polluted Runoff**

Section 30230 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 states:

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

The proposed project poses a potential source of pollution due to contaminated runoff from hardscape and during construction. The City, to mitigate potential impacts from all development within the City, has adopted an Urban Runoff Ordinance. The ordinance requires projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. The City requires all new development to achieve twenty- percent reduction of the projected runoff for the site. Furthermore, the City has a new state-of-the-art stormwater treatment facility that treats all dry weather storm runoff. Runoff from all new development is directed to existing stormdrains, which direct stormwater to the treatment facility.

Coastal Commission water quality staff has previously reviewed the City of Santa Monica's water quality standards for other development projects and have determined that the City's standards are consistent with standards imposed by the Commission.

Special condition No. 6 is required to ensure that the proposed project will incorporate the City's water quality requirements. Furthermore, Special Condition No. 7 is necessary to ensure that Best Management Practices are implemented for the storage of construction material and debris, and that all material and debris is removed from the site after construction and the site is restored. The Commission, therefore, finds that, as conditioned, the project will compile with the City's water quality requirements and will be consistent with Section 30230 and 30231 of the Coastal Act.

**G. 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.

The area within the Beach Overlay District was excluded from certification due to Proposition S discouraging visitor-serving uses along the beach, resulting in an adverse impact on coastal access and recreation. In deferring this area the Commission found that, although Proposition S and its limitations on development were a result of a voters initiative, the policies of the LUP were inadequate to achieve the basic Coastal Act goal of

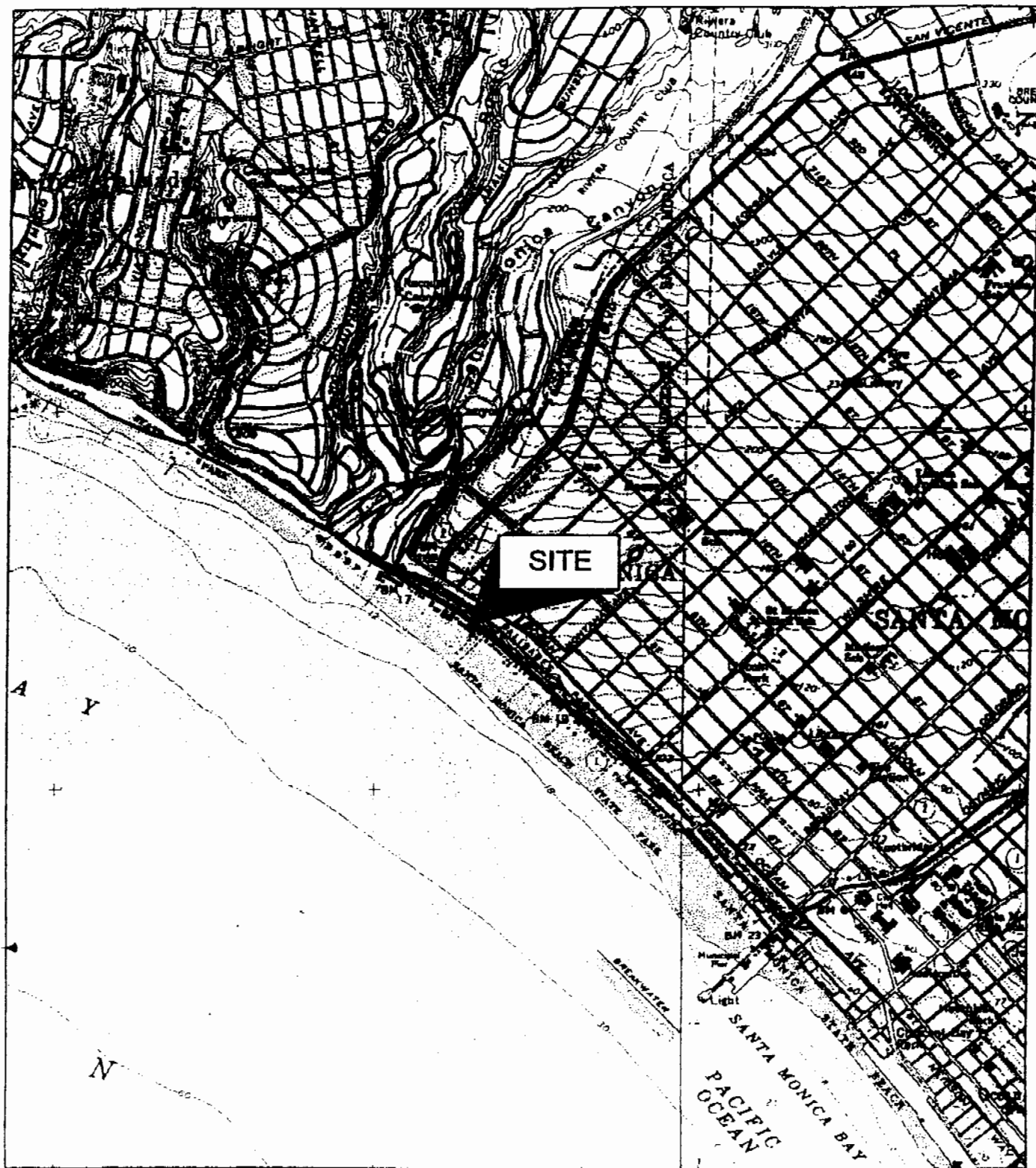
maximizing public access and recreation to the State beach and did not ensure that development would not interfere with the public's right of access to the sea.

Because the proposed project is a recreational facility, which increases public access and recreation to the State beach, the Commission finds it can approve the development as conditioned. As conditioned, 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 Land Use Plan policies for the Beach Overlay District (deferred area) and a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### **H. California Environmental Quality Act.**

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

The proposed project, as conditioned, is consistent with the applicable policies of the Coastal Act. 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.



Source: USGS Topanga and Beverly Hills 7.5-minute Quad

EXHIBIT NO. **2**

Application Number

**5-06-226**

**Vicinity Map**

California Coastal Commission

0 1800 3600  
Approximate Scale in Feet



North

View Printing Instructions

View Enlarged Map

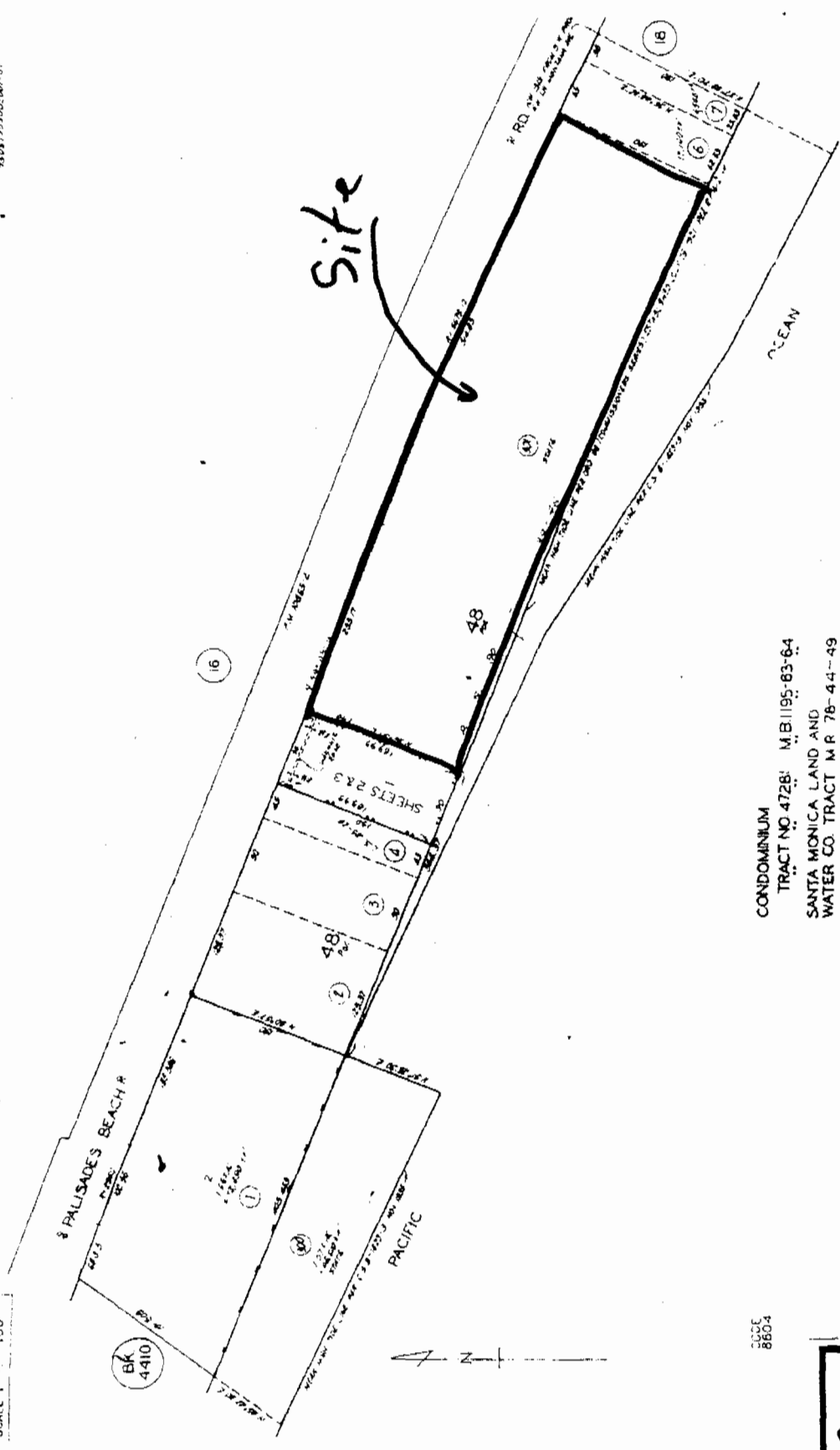
Next

County of Los Angeles: Rick Auerbach, Assessor

4293 17  
SHEET 1  
SCALE 1" = 100'

1996

741230  
4194293004293-37  
11/15/99  
11/15/99 11/15/99 11/15/99



CONDONIUM  
TRACT NO 4728 M.B. 1195-83-64  
SANTA MONICA LAND AND  
WATER CO. TRACT M.B. 78-44-49  
TRACT NO 11243 M.B. 199-39-40

PREV ASSMT USE

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT NO. 2
Application Number 5-06-226 Parcel Map
California Coastal Commission

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12/3/2002





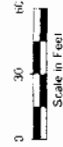
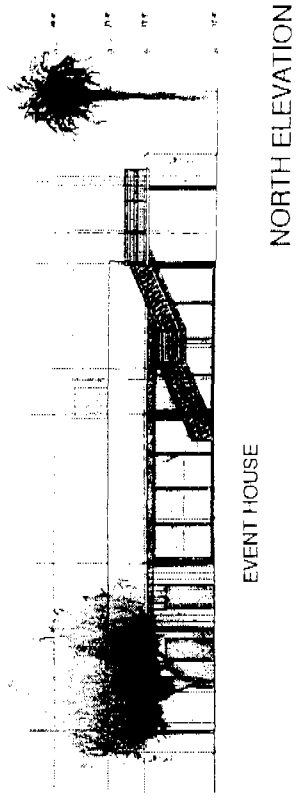
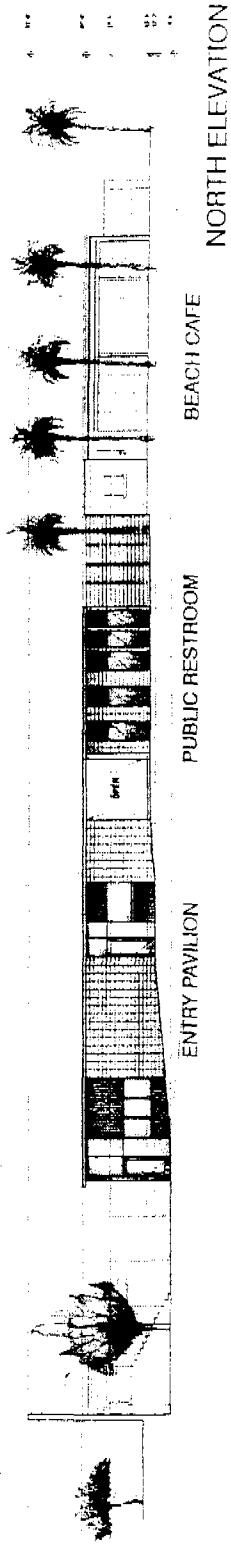
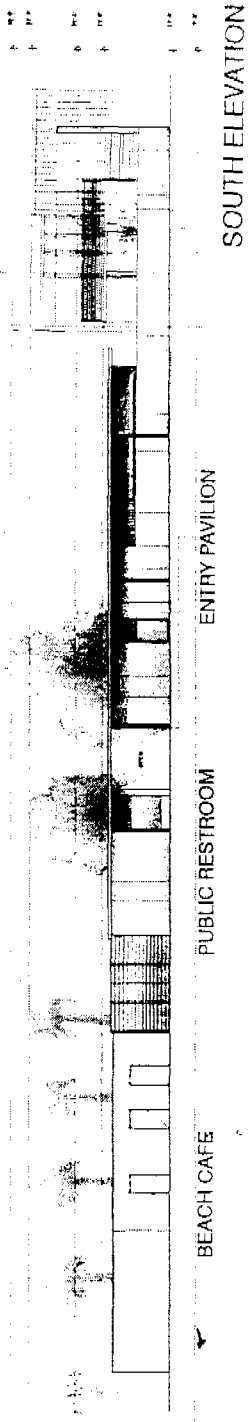


Figure A-2  
City of Santa Monica

EXHIBIT NO. 4	Application Number 5-06-226	Proposed Site 12/20	California Coastal Commission
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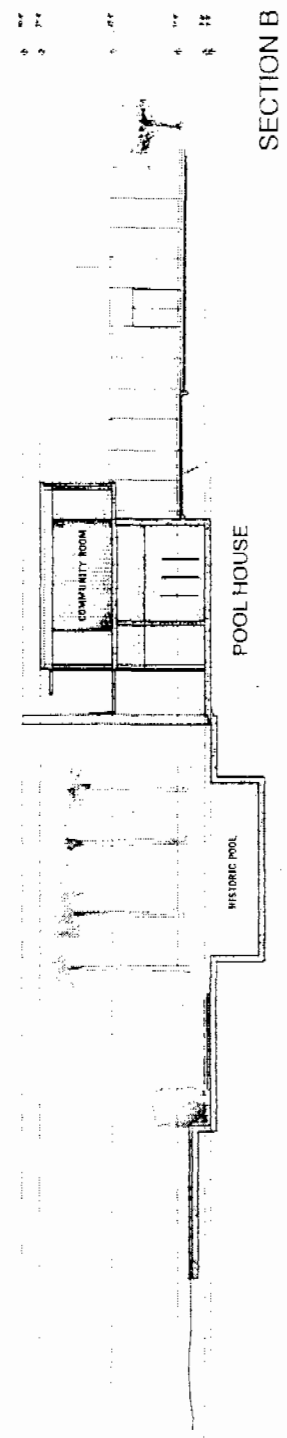
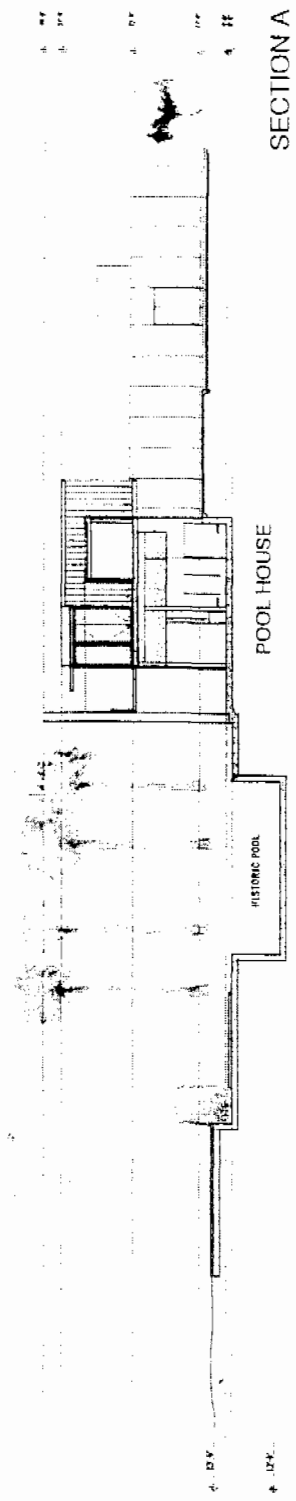


415 PCH - ELEVATIONS

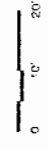
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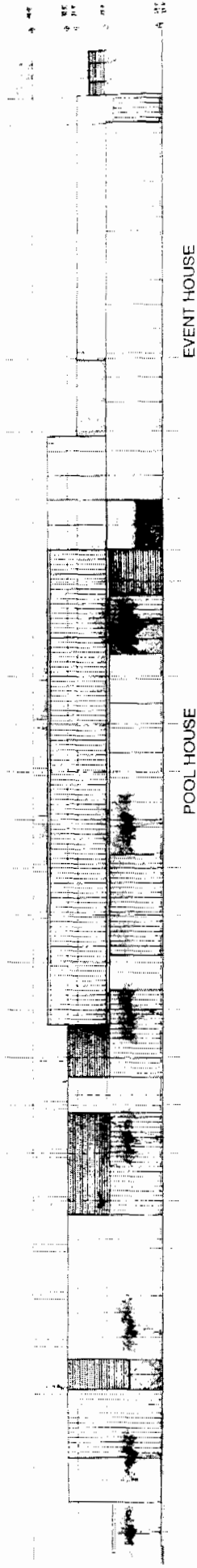
EXHIBIT NO. <b>5</b>
Application Number <b>5-06-226</b>
<b>Elevations</b>
California Coastal Commission

EXHIBIT NO.	56
Application Number	5-06-226
Elevation	Pool House
California Coastal Commission	

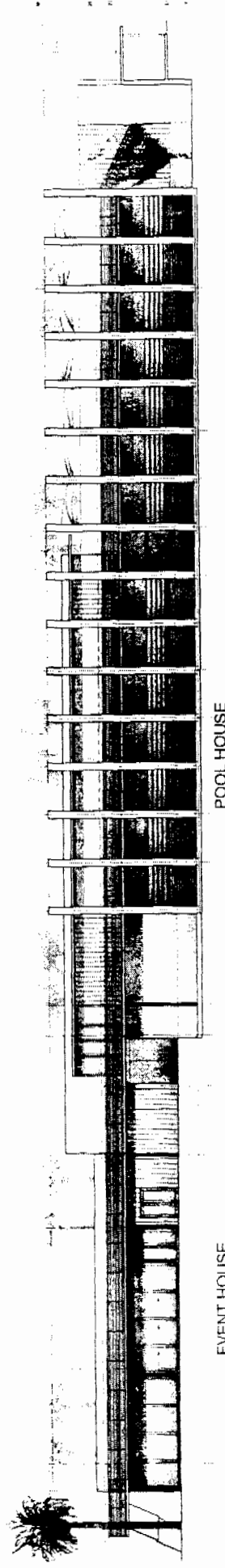


415 PCH - SECTIONS





EAST ELEVATION

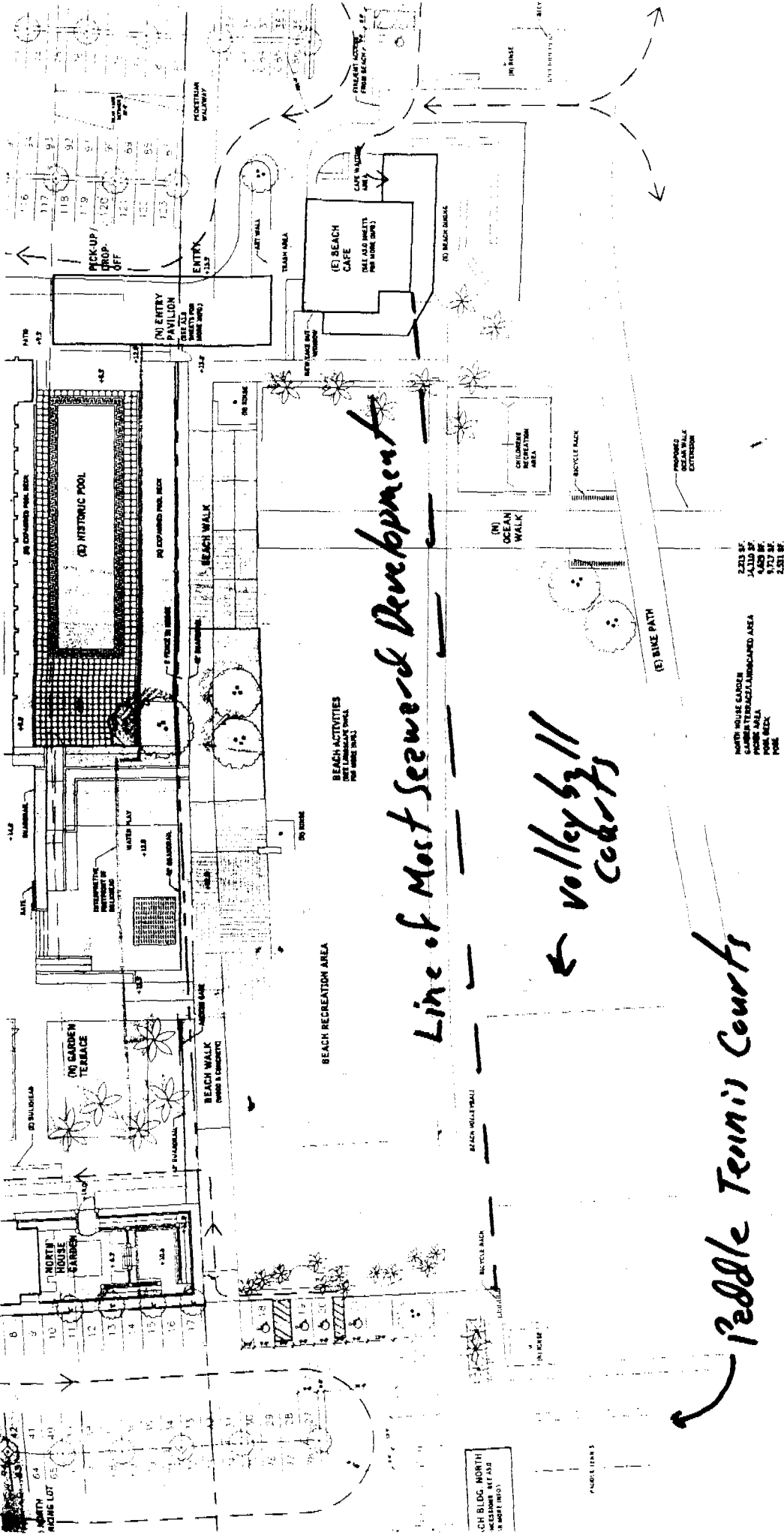


WEST ELEVATION

415 PCH - ELEVATIONS

0 10' 20'

EXHIBIT NO.	5a
Application Number	5-06-226
	Exposition
California Coastal Commission	



*Line of Most Seaward Development*

*← volleyball courts*

*← Paddle Tennis Courts*

EXHIBIT NO.	6
Application Number	5-00-226
	Paddle Tennis Courts
	California Coastal Commission