

CALIFORNIA COASTAL COMMISSION

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Commission Action:

W16C

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-10-120

APPLICANT: Los Angeles County Department of Public Works

PROJECT LOCATION: 17940 Pacific Coast Highway, Pacific Palisades

PROJECT DESCRIPTION: Demolition of existing deteriorated asphalt parking lot surface, removal of concrete slab and rubble shoreline protection, and timber pilings; and construction of a new parking lot, with 250 cubic yards of fill and repaving for 26 vehicles; an approximately 2,100 square foot viewing deck; and landscaping; and approximately 640 linear foot vertical seawall with a top elevation of +15 feet, with a simulated rock-like finish.

LOCAL APPROVALS RECEIVED: Mitigated Negative Declaration and Draft Initial Study (March 2010)

SUBSTANTIVE FILE DOCUMENTS: Coastal Engineering Analysis. Coastal Frontiers, (July 10, 1988 and July 2008).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed project with special conditions. These special conditions require: 1) no future seaward extension of shoreline protective device; 2) Commission approval of all future development; 3) an assumption of risk; 4) construction responsibilities and debris removal; 5) Landscaping plans; 6) color and texture plan for seawall; 7) biological monitoring; 8) Water Quality Management Plan and; 9) United States Army Corps approval.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-10-120 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 NO FUTURE SEAWARD EXTENSION OF SHORELINE PROTECTIVE DEVICE

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to Coastal Development Permit No. 5-10-120, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint of the shoreline protective device seaward of the shoreline protective device footprint approved by this permit. By acceptance of this Permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.
- B. **Prior to the issuance by the Executive Director of the NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the shoreline protective device approved by this permit, as generally described above and shown on Exhibit No. 4 attached to this staff report, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

2. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in coastal development permit No. 5-10-120. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-10-120. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-10-120 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. 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 storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of

injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. Prior to 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.

4. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

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

A. Materials and Discharges and Debris

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to inundation or dispersion in the waters of Santa Monica Bay;
- (b) All debris and trash will be disposed in suitable trash containers on land at the end of each construction day;
- (c) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (d) No machinery or construction materials not essential for project improvements shall be allowed at any time in the waters of Santa Monica;
- (e) If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity;

- (f) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day;
- (g) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss;
- (h) Discharge of any hazardous materials into Santa Monica Bay is prohibited;
- (i) Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery, pile drivers or construction equipment or power tools into the waters of the Santa Monica Bay. The applicant and the applicant's contractors shall have adequate equipment available to contain any such spill immediately.

5. LANDSCAPING PLAN

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant will submit, for the review and written approval of the Executive Director, a landscaping plan prepared by a qualified resource specialist or licensed landscape architect. The plan shall include the following:
 - a. No invasive species will be employed on the 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*, 1996 edition, California Exotic Plant Pest Council's Exotic Pest Plants of Greatest Ecological Concern in California, published in 1999, and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.
 - b. New vegetation planted on the site shall consist of native Southern California coastal plants and may include ornamental non-invasive plant species. The applicant shall not incorporate invasive plant species anywhere on the project site.
 - c. 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. 5-05-179 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.

6. COLOR AND TEXTURE PLAN

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan demonstrating that the color and texture of the structure will be compatible with the adjacent bluffs. The plan shall demonstrate that:
1. the proposed texturing of the shoreline protective device shall be constructed of a material that has been colored with earth tones that are compatible with the adjacent bluff face;
 2. white and black tones will not be used,
 3. the color will be maintained through-out the life of the structure,
 4. the structure will be textured to match the adjacent bluffs.
- B. The permittee shall undertake development in accordance with the approved final plan. 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 legally required.

7. BIOLOGICAL MONITORING

- A. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director. The applicant shall provide the environmental monitor's qualifications for review by the Executive Director at least two (2) weeks prior to commencement of project activities. The environmental monitor shall conduct a visual survey of the project site during the spawning period (March through August) to determine the presence of spawning grunion prior to any excavation, construction, reconstruction, maintenance, or removal activities associated with the project in the intertidal area. Prior to any project activities, the environmental monitor shall examine the beach area to preclude impacts to spawning grunion or incubation activity. The environmental monitor shall document any grunion spawning activity, and if grunion are present in any lifestage, no excavation, construction, reconstruction, maintenance, or removal activities shall occur during the grunion spawning activity below the semilunar high tide mark for the two-week incubation period and until subsequent monitoring indicates no additional spawning has occurred.
- B. The environmental specialist shall be present during the excavation, construction, and reconstruction activity on the beach during the expected grunion spawning period (March through August). In the event the environmental monitor concludes that the applicant has violated, or is violating this condition, or if any unforeseen sensitive habitat issues arise, the applicant must cease work. The

environmental monitor shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 5-10-120 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 5-10-120. If significant impacts or damage occur to sensitive wildlife species, the applicant shall stop all work and be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

8. WATER QUALITY MANAGEMENT PLAN (WQMP)

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. In addition to the specifications above, the plan shall include structural BMPs, non-structural BMPs, treatment control BMPs; an operation and maintenance plan for run off and storm drain control. All structural and/or treatment control BMPs shall be designed, installed, and maintained for the life of the project in accordance with well-recognized and accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association Best Management Practice Manuals;
- B. All BMP traps/separators and/or filters shall be, at a minimum, inspected and cleaned/repared or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) inspected monthly thereafter for the duration of the rainy season (October 15th - April 30), and cleaned/maintained as necessary based on inspection and, (3) inspected and maintained where needed throughout the dry season;
- C. Debris and other water pollutants removed from structural BMP(s) during clean out shall be contained and disposed of in a proper manner;
- D. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- E. The permittee 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 legally required.

9. U.S. ARMY CORPS OF ENGINEERS APPROVAL

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director a copy of the conditional permit/approval issued by U.S. Army

Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains 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 applicant proposes demolition of an existing deteriorated asphalt parking lot surface, removal of concrete slab and rubble shoreline protection, and timber pilings; and construction of a new parking lot, with approximately 250 cubic yards of fill and repaving for 26 vehicles; an approximately 2,100 square foot viewing deck, ADA access ramp to beach; security lighting, landscaping; and approximately 640 linear foot vertical seawall with a top elevation of +15 feet, involving approximately 3,200 cubic yards of cut and 6,300 cubic yards of fill (see Exhibits No. 3 -8).

The vertical wall will be constructed using steel reinforced concrete caissons spaced 10 feet on center, drilled into bedrock, and poured in place. The caissons and wall are further supported by steel cable tie-backs drilled and grouted into bedrock behind the sea wall. The exposed face of the sea wall will be finished to a simulated rock-like finish. The slope behind the retaining wall will be protected by a rock revetment.

The proposed project will include the removal of the 52 existing wood pilings and construction of a view deck on a concrete pile foundation system. Vehicular ingress to the parking lot will be provided from Pacific Coast Highway (PCH) at the western-most extent of the project site near the Coastline Drive and PCH intersection and egress from the parking lot will be PCH at the eastern end of the project site. Construction staging will take place on the existing parking area.

The project site is approximately 1.9 acres located at the west end of Will Rogers State Beach, immediately southeast of the intersection of Coastline Drive and Pacific Coast Highway (PCH), in the Pacific Palisades community of the City of Los Angeles (see Exhibit No. 1 and 2). The site consists of a bluff top site that is level with the elevation of PCH, and is on a south facing beach. The bluff, which was created by artificial fill between 1955 and 1960, ranges in height between approximately 21 to 38 feet above Mean Sea Level (MSL). The site is bounded by the Pacific Ocean to the south, PCH to the north and is directly across from the entrance to the Getty Villa. There are residential developments to the northwest and northeast of the site, on inland side of PCH.

The proposed site was previously occupied by a restaurant ("The Jetty") and parking lot. In 1981, fire destroyed the restaurant, leaving behind the parking lot and approximately 52 wood pilings that supported the restaurant. Concrete rubble and debris have previously been used to protect the bluff from erosion. The concrete rubble and debris, some of which has migrated seaward, will be removed and replaced with the proposed vertical wall to protect the bluff and parking lot from ocean wave erosion. There is also a box culvert that goes under a portion of the site and will remain.

In the general area PCH varies from 5 to 15 feet above the beach. The beach is generally narrow in this location and is only a few feet from the roadway in places. In various locations the roadway is protected by rip rap. Historically the area immediately to the west, or upcoast of the project site, was developed with beach fronting homes. The properties were acquired by the State and the homes removed around 1970.

B. HAZARDS AND SHORELINE PROCESSES

Section 30235 of the Coastal Act states in part:

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.

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize the risk 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 coastal bluffs.*

Under Coastal Act Section 30235, shoreline protective structures may be approved if: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The proposed project involves development on the bluff and the beach. The existing structure, the parking lot, has been subject to wave uprush and is currently protected from wave uprush by non-engineered concrete slabs and rubble that have been placed along the bottom and face of the bluff. The applicant proposes to remove the concrete and debris and construct a new vertical seawall as part of its project to protect the bluff and parking lot above. The wall will have a design life of 75 years. The view deck will be located to the west of the proposed seawall and supported by new concrete piles.

The beach in front of the project site is a very narrow sandy beach, varying from approximately a few feet to 20 feet from the location of the existing concrete rubble to Mean High Tide (see Exhibit No. 10). Since the new wall will be in the location of the existing slope protection, and located slightly landward of the toe of the existing rubble, open sandy beach area will not be displaced. The existing concrete and debris will be removed where possible, which will create a more open beach area along the length of the bluff. The view deck will be located approximately 30 feet inland of the proposed seawall and over 30 feet from Mean High Tide.

In considering a new wall, the Commission must consider both whether the wall can be approved, and then if it is approved, the impacts of a wall on coastal resources. The applicant submitted a wave uprush study (Coastal Frontiers, July 2008 and 2010) to evaluate the potential wave uprush hazard at the subject site. The technical studies conclude that the proposed repair is necessary to protect the existing parking lot and bluff from wave attack and subsequent erosion of the existing structure. The new seawall will protect the integrity of the site by preventing further erosion.

The applicant's coastal engineer indicates that the proposed project is the least environmentally damaging feasible alternative. Section 30108 of the Coastal Act states that "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. Alternatives considered were: 1) replacing the existing concrete slabs and debris with an engineered rip rap and; 2) leaving the existing concrete slabs and debris as shoreline protection (do nothing alternative).

The replacement of the existing concrete slabs and debris with new rip rap was originally considered by the applicant and discussed with Commission staff. However, Commission staff was concerned with the seaward encroachment that would result with an engineered rip rap wall. Rip rap designed at a 2:1 slope would extend approximately 20 to 30 feet further seaward as compared to a vertical seawall. Because of the narrow beach, lateral access along the sandy beach would basically be limited to low tides only if rip rap was used. Therefore, in this particular case it was determined that the best design to minimize impacts to beach access would be a vertical wall.

The second alternative, continue to use the existing slope protection, was not considered a possible alternative because this option was not providing adequate protection of the slope and created a public hazard because of the haphazard placement and unsecured nature of the material. The "do-nothing" alternative could ultimately lead to damage of the slope and parking lot, thus, it would not achieve avoidance of the impact, but rather delay. Furthermore, if no action is taken until damage to the slope and parking lot had actually occurred, resulting in release of debris into coastal waters from the parking lot structure, which would create a substantial increase in the disturbance to the marine environment. The proposed project would have less impact than the no project alternative because any permanent impacts upon habitat will be controlled and mitigated under the proposed project while such impacts from the no project alternative would be uncontrolled and much more extensive. Consequently the "do nothing" alternative was not pursued.

1. Sea Level Rise

According to the analysis a review of five NOAA tide gauges spanning Santa Barbara to Newport Beach indicates an average rise of 0.7 ft/century (NOAA, NOS, 2008). Using only tide stations on the open coast, the estimated sea level rise is estimated to be 0.8 feet/century, or 0.6 feet for the 75 year design life. The consulting coastal engineer states that:

The prediction of sea level rise is highly controversial. Over the past century, the sea level in this area has risen about 0.4 feet, although the value varies along the California coast (Table 1). When we considered the 75-year life of the Will Rogers seawall, we applied a water level increase of 0.6 feet (50% greater than the long-term average for Santa Barbara, Santa Monica, and Los Angeles), and with an added 1.0 feet safety factor to account for water level uncertainties. We are aware that some agencies suggest an expectation of as much as 55 inches (4.6 ft) by 2100. The current trend of sea level rise does not support this number. In fact, the actual rate of sea level rise in Southern California is presently lagging below the natural rate of increase experienced over the past century.

...

Coastal Frontiers, based on U.S. Army Corps of Engineers analysis procedures, has provided a graph of future projections of sea level rise for the NOAA tide gauge at La Jolla in Figure 1. The graph compares the "Accelerated" sea level rise case (as proposed by the National Research Council, Case III), the historical trend (2.07 mm/year, or about 0.67 feet per century, Table 1), and the actual tide data from La Jolla. The graph starts in 1990, or 20 years ago. As is evident, the actual tide data is bouncing around zero (i.e. no rise in 20 years). The projections to 2070 would expect about 0.6 feet (7 inches) for the historical trend, and 2.9 feet (35 inches) for the accelerated trend. If you extrapolate the steeply sloping "accelerated" line to the year 2100, you would get to the 55 inch level that the CCC is suggesting. Given the on-going trend of near zero sea level rise at the La Jolla gauge, I would question if 55 inches is in the realm of even distant possibility. If we only have 90 years to go, the sea level must rise at an average rate of 0.61 inches per year to reach that level (15.6 mm/year, or about 13 times the long-term historical average at NOAA gauges in the Will Rogers area –Santa Barbara, Santa Monica, and Los Angeles).

The wall and revetment behind the wall are designed for waves to break over the wall on occasion. The revetment is included to protect the bluff above the wall. As designed, with the projected sea level rise, the project will have a design life of approximately 75 years. However, if sea level was to rise at a faster rate than considered, the applicant has indicated that an option to address higher sea levels is to build a larger revetment behind the vertical wall, although the applicant's engineer does not believe such a situation will occur for the reasons stated above. However, it is possible that sea level rise will rise faster and higher than expected, and the seawall, parking lot and view deck will be subject to damage from overtopping and flooding. To ensure that in the future any modifications to the structure will not extend further seaward and fill coastal waters, Special Condition No. 1, prohibiting future seaward extension, is required. Furthermore, to ensure that any future development, including repair and maintenance activities, are reviewed and approved by the Commission, as they may impact coastal resources, a future development restriction is necessary (Special Condition No. 2).

The Commission's Coastal Engineer has reviewed the submitted material and has determined the seawall is adequately engineered for the site and the design is adequate for a 75 year life, as anticipated by the applicant's engineer.

2. Sand Supply

The fourth test of Section 30235 (previously cited) that must be met in order to allow Commission approval is that shoreline structures must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply.

Shoreline Processes

Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves; and from coastal dunes and bluffs, becoming beach material when the bluffs or dunes lose material due to wave attack, landslides, surface erosion, gullying, and other processes (collectively termed mass wasting by geomorphologists). In this area, offshore sand deposits and longshore sand transport are significant contributors to the sand supply.

Before highway construction, erosion of the coastal slopes found along PCH were a likely contributor to beach sand supply. The project site consists of artificial fill material that created the bluff approximately in 1955-1960. The fill material consists primarily of fine to coarse sandy clay/clayey sand with gravel.

At the toe of the debris slope, wave attack would excavate loose material and thereby replenish the beach. Continued wave attack across the narrow beach would steepen the toe of the slope, inducing more material to slide down towards the sea until a new, temporary equilibrium was reached. Since the source of the debris slope is composed of some sandy material and gravel, it is possible that the bluff would deposit beach quality material along the shoreline.

These natural shoreline processes affecting the formation and retention of sandy beaches can be significantly altered by the construction of shoreline armoring structures. When the back-beach or toe of slope is armored by a shoreline protective device, the natural contribution of loose material to the beach will be interrupted. To the extent that the cliffs above produce material, and to the extent that the shoreline is eroding, shoreline armoring will deprive the beach of a measurable amount of replacement material.

Some of the effects of armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline structure may have on natural shoreline processes can be quantified, however, including: (1) the loss of the beach area on which the structure is located; (2) the long-term loss of beach which will result when the back beach location is fixed on an eroding shoreline; and (3) the amount of material which would have been supplied to the beach if the back beach or bluff

were to erode naturally.¹

Fixing the back beach

Experts generally agree that where the shoreline is eroding and armoring is installed, as is the case here, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline, a beach will exist between the shoreline/waterline and the toe of the slope behind the beach--as long as sand is available to form a beach. As shoreline erosion proceeds, the profile of the beach also retreats and the beach area migrates inland with the bluff. This process stops, however, when the backshore is fronted by a hard protective structure such as a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, the shoreline in front of the armor eventually stops at the armoring. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore. Eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor.

In addition, sea level has been rising slightly for many years. Also, there is a growing body of evidence that there has been an increase in global atmospheric and sea temperatures, and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature. Expert opinion indicates that sea levels could rise as much as 1.4 meters (55 inches)² by the year 2100 due to thermal expansion of the sea and melting terrestrial ice fields. Mean water level affects shoreline erosion several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. This, too, leads to loss of the beach as a direct result of the armor. These effects are also known as "passive erosion."

The Commission has established a methodology for calculating passive erosion, or the long-term loss of beach due to fixing the back beach. This impact is equivalent to the footprint of the bluff area that would have become beach due to erosion and is equal to the long-term erosion rate multiplied by the width of property which has been fixed by a resistant shoreline protective device.³ In the present case, the back beach is already fixed by an existing, although degraded, armoring structure and it can be argued that the proposed project will extend passive erosion impacts created by the initial construction of the armoring system. Thus, although the proposed project will prevent the complete breach and collapse of the existing bluff and parking lot, thereby precluding the natural movement of the shoreline and perpetuating the current passive erosion effect at this

¹ The sand supply impact refers to the way in which the project impacts creation and maintenance of beach sand. Although this ultimately translates into beach impacts, the discussion here is focused on the first part of the equation and the way in which the proposed project would impact sand supply processes.

² The Rahmstorf upper limit value for projected sea level rise, typically applied by the Commission, is 1.4 meters or 55 inches. It is derived from a 2007 report prepared by Dr. Rahmstorf of the Potsdam Institute for Climate Impact Research (Rahmstorf, S, 2007. "A Semi-Empirical Approach to Projecting Future Sea-Level Rise," Science, v315,368-370).

³ The area of beach lost due to long-term erosion (A_w) is equal to the long-term average annual erosion rate (R) times the number of years that the back-beach or bluff will be fixed (L) times the width of the property that will be protected (W). This can be expressed by the following equation: $A_w = R \times L \times W$. The annual loss of beach area can be expressed as $A_w' = R \times W$.

location, there is no sand supply impact due to fixing of the back beach associated with the current project.

Encroachment on the beach

Shoreline protective devices (such as the existing and proposed measures) are all physical structures that occupy space. When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as beach. This generally results in a loss of public access as well as a loss of sand and/or areas from which sand-generating materials can be derived. The area where the structure is placed will be altered from the time the protective device is constructed, and the extent or area occupied by the device will remain the same over time, until the structure is removed or moved from its initial location, or in the case of a revetment, as it spreads seaward over time. The beach area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint.

In this case, the existing concrete rubble occupies roughly 6,500 square feet of sandy beach area. Since the seawall will be located slightly landward of the existing toe of the existing rubble, the footprint and volume of sand impacted at and behind the seawall will be slightly less than the existing shoreline protection.

Retention of potential beach material

If natural erosion were allowed to continue (absent the armoring at this location), some amount of beach-forming material would be added to the beach at this location, as well as to the larger littoral cell sand supply system fronting the bluffs. However, because the back beach and slope above is fixed by the existing rubble, no shoreline retreat is evident. While it can be readily observed that a significant amount of potential sand supply material is detained behind the rubble, the volume of total material that would have gone into the sand supply system can not be readily determined using the Commission's recommended methodology for determining proportionate mitigation.

Mitigation indicated for beach and sand supply impacts

The proposed project would be expected to continue a tangible, but difficult to quantify, overall sand supply impact. Thus, per Section 30235, such impacts must be mitigated. It has proven difficult over the years to identify appropriate mitigation for such impacts. Partly this is due to the fact that creating an offsetting beach area is not an easy task, and finding appropriate properties that could be set aside to become beach area over time (through natural processes, including erosion) is difficult both due to a lack of such readily available properties and the cost of such coastal real estate more broadly. As a proxy, other types of mitigation typically required by the Commission for such direct sand supply impacts have been in-lieu fees and/or beach nourishment, and in some cases compensatory beach access improvements. With regards to beach nourishment, a formal sand replenishment strategy can introduce an equivalent amount of sandy material back into the system over time to mitigate the loss of sand that would be caused by a protective device over its lifetime. Obviously, such an introduction of sand, if properly planned, can feed into the Santa Monica Bay sand system to mitigate the impact of the project. However, as opposed to other areas with established programs (e.g., SANDAG in San Diego) there are currently no existing beach nourishment programs directed at this beach area. Absent a

comprehensive program that provides a means to coordinate and maximize the benefits of mitigation efforts in the area now and in the future, the success of piecemeal mitigation efforts, such as an Applicant-only project to drop equivalent amounts of sand over time at this location, is questionable.

As an alternative mitigation mechanism, the Commission oftentimes uses an in-lieu fee when in-kind mitigation of impacts is not available. In situations where ongoing sand replenishment or other appropriate mitigation programs are not yet in place, the in-lieu mitigation fee is deposited into an account until such time as an appropriate program is developed and the fees can then be used to offset the designated impacts. When mitigation funds are pooled in this way for multiple projects in a certain area, the cumulative impacts can also be better addressed inasmuch as the pooled resources can sometimes provide for a greater mitigation impact than a series of smaller mitigations based on individual impacts and fees. The fee is based on the volume of sand equivalent to the quantified impacts and the cost to replace this volume of sand.

Another alternative sand supply mitigation also often applied by the Commission is using beach access improvements to offset impacts. Such mitigation is typically applied by the Commission to public agencies that are in the beach management business when they have applied for armoring projects.⁴

In this case, the County does not have an overall beach management program for Will Rogers or any of the Beaches they own or manage. However, there are opportunities for mitigation. First, by design the project includes retrieving concrete rubble and debris from the beach that are in front of and on the beach along the project site. Such removal will help to offset the sand supply impact by freeing up sand and beach area under the to-be-removed material.

Second, the proposed improvements to the parking lot, construction of a new view deck, and public access ramp to the beach could offset beach recreational impacts.⁵ Renovation and improvements of these public access facilities would represent a potential recreational benefit, and a potential mitigation measure to offset both the temporary and permanent loss of usable beach area.

In this case, the Commission finds that recreational mitigation measures are the preferable approach to mitigation of recreational resource impacts of the proposed project. As proposed, impacts on beach sand supply are properly mitigated by the increased recreational opportunities provided by the project. Therefore, the project satisfies the Coastal Act Section 30235 requirements regarding mitigation for sand supply impacts.

⁴ For example, as recently required with respect to recreational access improvements along the Pleasure Point shoreline area of Santa Cruz County as part of the Commission's approval of a seawall fronting East Cliff Drive (CDPs A-3-SCO-07-015 and 3-07-019, approved December 13, 2007).

⁵ Although the impacts in question are sand impacts, they translate directly to beach recreational access impacts in this case.

Conclusion

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, and 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. The proposed project involves repairs to an existing parking lot, construction of a new view deck and shoreline protection subject to wave uprush. Development at such a location is inherently risky. To assure that the applicant is aware of the hazards and restrictions on the subject property, the Commission imposes Special Condition No. 3. Since the proposed development is taking place adjacent to the ocean in an area that is potentially subject to wave uprush, the Commission is imposing its standard waiver of liability special condition (Special Condition No. 3). Through Special Condition No. 3, the applicant is notified that the project site is in an area that is potentially subject to wave action and flooding which could damage the proposed structures. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition insures that future owners of the property will be informed of the risks, and the Commission's immunity from liability. Therefore, only as conditioned does the Commission find the proposed project consistent with Sections 30235 and 30253 of the Coastal Act.

C. Coastal Access and Recreation

Article X Section 4 of the California Constitution provides:

No individual, partnership, or corporation claiming or possessing the frontage or tidal lands of a harbor, bay inlet, estuary, or other navigable water in this state shall be permitted to exclude the right of way to such water whenever it is required for any public purpose... and the Legislature shall enact such law as will give the most liberal construction to this provision so that access to the navigable waters of this state shall always be attainable for the people thereof.

The Coastal Act contains many policies pertaining to the maximization of public access and public recreational opportunities within the coastal zone.

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 Rogers State Beach is an easily accessible beach area. The State Beach extends approximately 1 $\frac{3}{4}$ miles along the shore from Santa Monica State Beach to just west of the project site. 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 provides 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. Will Rogers State Beach provides 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 site is located in the most westerly end of Will Rogers State Beach and on the seaward side of PCH. The area provides a narrow beach in front of the bluff, varying from a few feet to approximately 30 feet wide during Mean High Tide.

Other than the street parking along the southern side of PCH adjacent to the project site, the deteriorated parking lot is the only off-street parking lot within 1/3 mile of the project site. Because of the deteriorated state of the parking lot, the lot has been closed to public use. With the proposed renovation of the parking lot and protection of the site with a new vertical seawall the proposed project will provide additional parking opportunities that because of the deteriorated state of the site has not been available to the public. Through the improvements and removal of the existing wood piles and rubble from the beach, and construction of a view deck public access will be enhanced.

Construction impacts, such as obstruction of lateral or vertical access to the shoreline with construction equipment and vehicles can affect the public's ability to access the beach. Construction related impacts can be partially alleviated by limiting construction work to the off-peak season (fall and winter) when beach use by the public is typically low. However, because of the narrow beach winter tides and storms can affect construction and pose a hazard to personnel and equipment. Construction of the seawall and view deck will take approximately 18 months. To avoid or minimize impacts from storms and wave uprush, the applicant is proposing to begin construction on the seawall and piles during the summer months and complete the project during the winter. Once the seawall and piles

are completed, construction material will be removed from the beach and access will be allowed during the completion of the project on top of the bluff.

Because the parking lot is currently closed and the narrow beach has limited access during medium and high tides, closing the area during the temporary construction period during the summer will only have a temporary impact to public access and will not be significant. Lateral access will be available along the upper portion of the site along PCH. As proposed the project will provide substantial public benefits and will be consistent with Sections 30211, 30213, and 30220 of the Coastal Act.

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

The Coastal Act protects the scenic and visual quality of coastal areas and requires that projects be sited and designed to protect views to and along the ocean. Pacific Coast Highway (PCH) is listed as a Designated Scenic Highway on the City of Los Angeles General Plan Scenic Highways Map. The highway provides thousands of daily commuters, recreationalists, sightseers, and beachgoers views of the beaches, coastal bluffs, the ocean and ocean's horizon.

The project's location is in an especially scenic and visually prominent location because it is on the west side of the highway adjacent to an open public beach (Will Rogers State Beach) that is undeveloped with any buildings. The site is located at the very western end of Will Rogers State Beach. The beach in this location is narrow with limited parking along the highway shoulder. The County recently completed the construction of a new restroom facility approximately 1/3 mile to the south and a parking lot to serve the increasing number of beachgoers that use this portion of beach.

The proposed project is located seaward of the first public road (PCH), on the sandy beach and is part of Will Rodgers State Beach. According to the Draft Initial Study (February 16, 2000) the facility is located on a 1.9 acre irregularly shaped site with approximately 1,200 feet of frontage along Pacific Coast Highway. Because there is no development in the surrounding area on the seaward side of PCH, the site is highly visible from PCH and along the beach.

The site is covered by deteriorating asphalt paving and concrete rubble and debris along the slope and at the foot of the slope along the sandy beach. Along the western (upcoast) most portion of the site, there are 52 wooden piles extending into the air. The proposed project will include regrading and repaving the parking surface, removal of the old wooden piles, and the rubble and debris along the slope and at the base of the slope. The

proposed 640 foot long, 15 foot high vertical seawall will be textured along its face to simulate a rock-like finish to blend with the color and textures of the surrounding natural area (see example of textured wall, Exhibit No. 11).

The proposed view deck will be in the location of the existing wooden piles, which are being removed. The deck will be connected to the adjacent parking lot by a small pedestrian bridge. The deck will be approximately 5 to 7 feet below the elevation of PCH and will have a 42 inch high post and cable fence along the perimeter of the deck. The deck will also include low-level pedestal security lighting (see Exhibit No. 9) that will be shielded and directed onto the deck so that light will not illuminate the adjacent beach area.

The project will also include landscaping using native and drought tolerant planting around the perimeter of the parking lot. Landscaping will consist of low shrubs and ground cover that will allow unobstructed views from PCH and the parking lot.

The proposed project will enhance the scenic and visual quality along PCH by improving the appearance of the existing deteriorated parking lot and removing the old wooden piles, and providing the public an improved area to park, and a view deck to enjoy the coastal views. The project will also improve views from along the beach by removing the concrete rubble and debris on the bluff and along the sandy beach. Removing the old wooden piles will also improve the views along the beach and make the site more accessible.

As designed the project will improve the scenic value of the area. The most significant visual impact of the project could be from the vertical seawall that is necessary to protect the bluff and parking lot. However, as stated the wall will be textured along its face to simulate a rock-like finish to blend with the color and textures of the surrounding natural area. By including the texturing as proposed, the visual impact of the wall will be minimized and will help restore the visual quality along this degraded area of beach.

To minimize the visual impacts of the shoreline protective device the Commission imposes Special Condition No. 7. Special Condition No. 7 requires the applicant to submit a plan, for the review and approval of the Executive Director, for a colorization and texturization scheme that will help blend the protective device into the surrounding area. The exterior layer of the wall must be colored in earth tones to match the natural appearance of the surrounding bluffs. As conditioned, the Commission finds the project consistent with Section 30251 of the Coastal Act.

E. Environmentally Sensitive Habitat and Marine 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.

As stated above the bluff, on which the project is located, was created by the deposition of fill between 1955 and 1960. The fill pushed the existing bluff edge, which was located adjacent to PCH that parallels the beach, approximately 40 feet seaward to its present location. The top of the bluff is developed with a deteriorating paved parking lot. The face of the bluff is covered with concrete slabs and other debris. According to the Mitigated Negative Declaration/Initial Study, terrestrial vegetation on the site is sparse and the site does not support any sensitive natural communities.

An Essential Fish Habitat (EFH) assessment of the project site and vicinity was conducted in June 2005. According to the EFH assessment, construction materials and activities could result in sediments covering or smothering exiting submerged substrates and result in turbidity in the water column. Such turbidity plumes can reduce light penetration into the water and lower the rate of photosynthesis if the plumes persist for lengthy intervals. Seagrass beds and kelp beds could be adversely affected, which could in turn affect fish and foraging patterns of various birds, such as the California Brown Pelican.

Seagrass and kelp beds are located in the tidal areas seaward of the construction area, and as noted, construction operations could result in sedimentation and turbidity plumes. To minimize the impact, the applicant is proposing the use of silt curtains, inflatable coffer dams and to incorporate best management practices during construction. The applicant is also required to obtain a 404 nationwide permit(s) from the Army Corps of Engineers and a Water Quality Certification for the RWQCB.

The applicant is proposing to landscape the area along the parking lot. Landscaping will involve the use of California native plants, drought tolerant and non-invasive plants. The proposed landscaping plan will soften the appearance of the asphalt parking lot and enhance the scenic value of the area. However, if not properly conducted and monitored, landscaping the area could cause erosion impacts and increase site runoff due to exposed soil and unsuccessful plantings. Therefore, to ensure that the applicant takes appropriate measures to minimize erosion and site runoff, Special Condition no. 6 is necessary to require the applicant to submit a landscaping and monitoring plan to minimize erosion from exposed soil areas. To ensure that erosion will be minimized, it is necessary to require that the new plantings will establish and that there is adequate vegetation coverage of at least 80% of the proposed planting site. The applicant is required to submit a landscaping monitoring report five (5) years from the date of the approval for Coastal Development Permit No. 5-10-120. 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.

Furthermore, the condition requires that all landscaping shall consist of native or drought tolerant non-invasive plants to ensure that the project does not contribute to the spread of non-native invasive plants in the surrounding area and to minimize water use. The Commission, therefore, finds that only as conditioned to require appropriate landscaping will the proposed project be consistent with Section 30231, 30240, 30250 of the Coastal Act.

Sensitive Species

Sections 30230 and 30231 of the Coastal Act require that marine resources and coastal water quality shall be maintained and where feasible restored, that 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.

a. California least tern

The Least tern is a migratory species usually arriving at southern California breeding sites in late March or early April and departing by mid-September. The closest California least tern (*Sterna antillarum brownii*) nesting site is located at Venice Beach, over 8 miles down coast to the east (*California Least Tern Breeding Survey*, 1993, California Department of Fish and Game). Because of the distance from the breeding colony the project will not adversely impact the least terns by interfering with nesting and/or foraging activities.

b. California Grunion

The California grunion is a small fish in the silversides family and is extremely unusual among fish in its spawning behavior. The grunion spawn on the sandy beaches in the project vicinity immediately following high tides from March to August. The eggs are incubated in the sand until the following series of high tide conditions, approximately 10 to

15 days, when the eggs hatch and are washed into the sea. California grunion is a species of concern due to its unique spawning behavior. They are carefully managed as a game species.

According to DFG, all beaches are potential grunion spawning habitat. The proposed removal of the concrete slabs and debris and construction of the seawall and view deck will be located in the tidal area. Although the beach is narrow and provides very little potential spawning habitat, it is possible that the wider areas can be used by spawning grunion. Therefore, Special Condition No. 7 provides that project activities shall not be allowed on any part of the beach below the semilunar high tide mark when California grunion are present during any run periods and corresponding egg incubation periods. To ascertain the presence of California grunion, Special Condition No. 7 requires that in the event that excavation, construction, maintenance or removal activities will occur during the seasonally predicted run period and egg incubation period for the California grunion (*Leuresthes tenuis*), as identified by the California Department of Fish and Game, then the resource specialist shall document any grunion spawning activity and if grunion are present, no excavation, construction, maintenance, or removal activities shall occur below the semilunar high tide mark.

c. Western Snowy Plover

The 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 tide line 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).

The nearest winter roosting site for the Western snowy plover is located over 4 miles down coast and to the east at Santa Monica State Beach. Because of the distance from the project site, the proposed project will not have a significant impact on the Snowy Plover.
Conclusion

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

F. WATER QUALITY

The standard of review for development proposed in and adjacent to coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230, 30231 and 30232 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

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, in pertinent part:

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.

1. 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, 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 into 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. Best Management Practices will be implemented to ensure that secondary construction-related impacts to biological resources are minimized during construction. Special Condition No. 4 outlines construction related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition ensures that construction activities will not have a negative impact on coastal resources.

Furthermore, soil erosion can occur naturally, and may be accelerated during grading and construction when the area cover is removed and bare soil is disturbed. Precautions will be taken to assure that construction runoff and storm water run-off is filtered prior to leaving the site. The measures proposed adequately deal with water quality impacts associated with construction activities. However, in order to verify that the proposed measures listed in the applicant's plans are followed, the Commission imposes Special Condition No. 8, which requires submittal of a Final Runoff and Erosion Control Plan approved by Regional Water Quality Control Board and Special Condition No. 9, which requires United States Army Corps approval. The Commission finds the proposed project, as conditioned, is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

2. Post Construction Impacts to Water Quality

The proposed development will result in urban runoff entering Santa Monica Bay. Pollutants such as sediments or toxic substances, such as grease, motor oil, heavy metals, hydrocarbons, pesticides and fertilizers are often contained within urban runoff entering the Bay. In this case, the site drains new deck, parking lot and landscaped areas. Therefore, the primary post-construction water quality concerns associated with the proposed project include sediments, trash and debris, grease, motor oil, heavy metals, hydrocarbons, pesticides and fertilizer.

The proposed development would result in the discharge of storm water into the Bay. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters. Contaminants such as oil and grease, fertilizers, pesticides, and other toxic chemicals typically accumulate on ground surfaces and are then washed into storm drains and waterways by irrigation or rainfall. In order to reduce the level of contaminants leaving the property, the project has been designed to include catch basin filters for the proposed on-site storm drain system to capture contaminants originating from the project site. Special Condition No. 7 will ensure that a Water Quality management Plan is submitted and that all structural and/or treatment control BMPs are designed, installed and maintained for the life of the project. As conditioned, the proposed project will be consistent with Sections 30230, 30231 and 30232 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 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, grading and geologic stability. The continued use of Temescal Canyon as a recreation area was also an issue, because at that time the Canyon was in private hands.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). 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 tract of land and an adjacent approximately 300-acre tract), which were then undergoing subdivision approval, all 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.

As conditioned, to address the impacts the proposed development will have on public access, coastal views, shoreline processes, and water quality, approval of the proposed development will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

H. California Environmental Quality Act

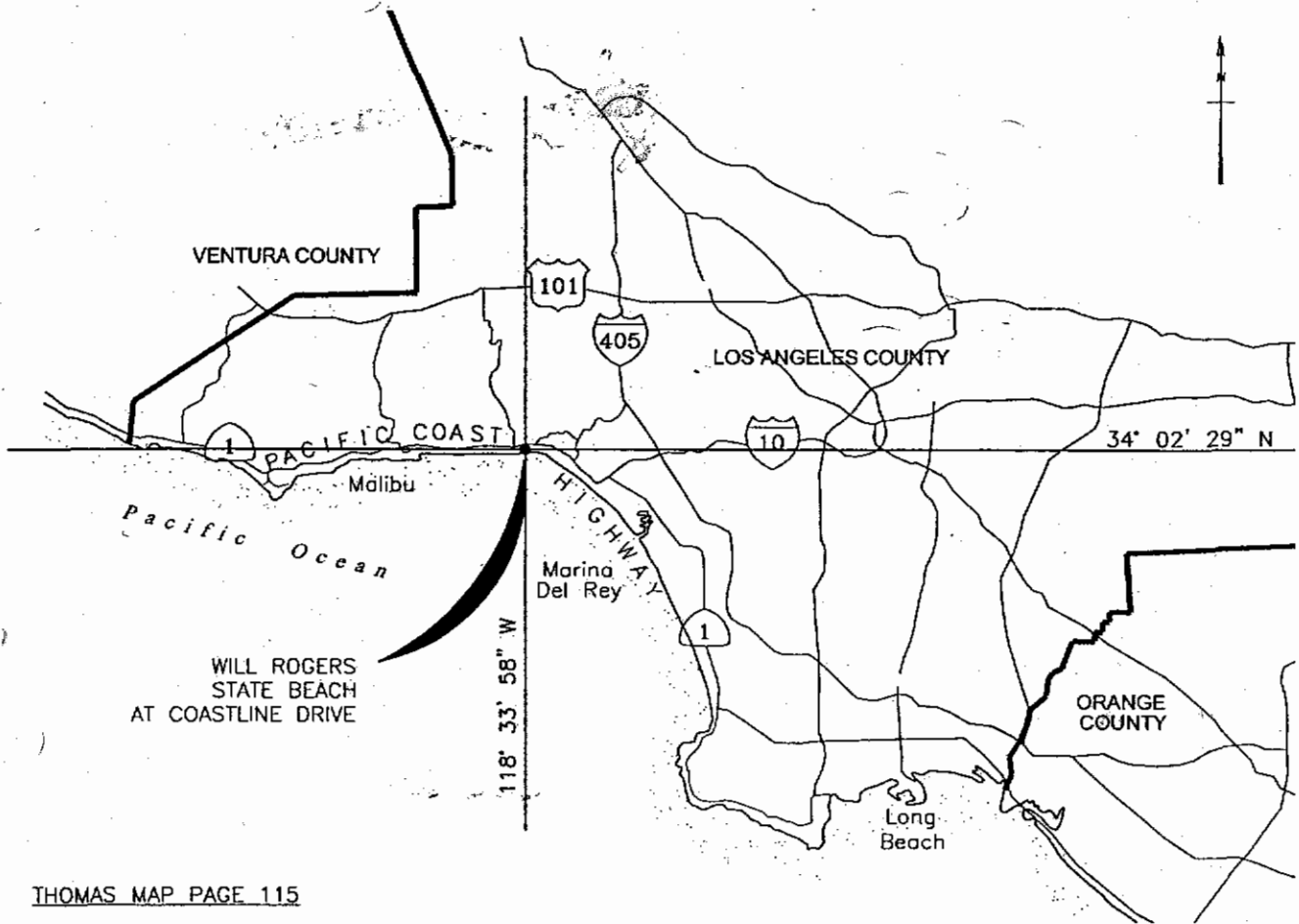
Section 13096 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 applicant, Los Angeles County, is the lead agency for CEQA purposes. Mitigation measures were required with approval of the CEQA document. The Coastal Commission adopts additional mitigation measures as listed above, to ensure that the proposed project will conform with the requirements of the Coastal Act...

The applicant considered alternatives to the proposed seawall. One alternative was the replacement of the existing concrete rubble with new rip rap; however, the rip rap would have extended approximately 20 to 30 feet further seaward as compared to the proposed vertical seawall. Because of the narrow beach, public access along the sandy beach

would be adversely impacted by the use of rip rap placed on the beach. Therefore, this alternative could not be found consistent with the Coastal Act.

The second alternative to the seawall, is to continue use the existing slope protection. This alternative was not considered a possible alternative because this option was not providing adequate protection of the slope and created a public hazard because of the haphazard placement and unsecured nature of the material. The “do-nothing” alternative for slope protection could ultimately lead to damage of the slope and parking lot, thus, it would not achieve avoidance of the impact. The proposed project would have less impact than the no project alternative because any permanent impacts upon habitat would be controlled and mitigated under the proposed project while such impacts from the no project alternative would be uncontrolled and much more extensive. Consequently the “do nothing” alternative was not pursued.

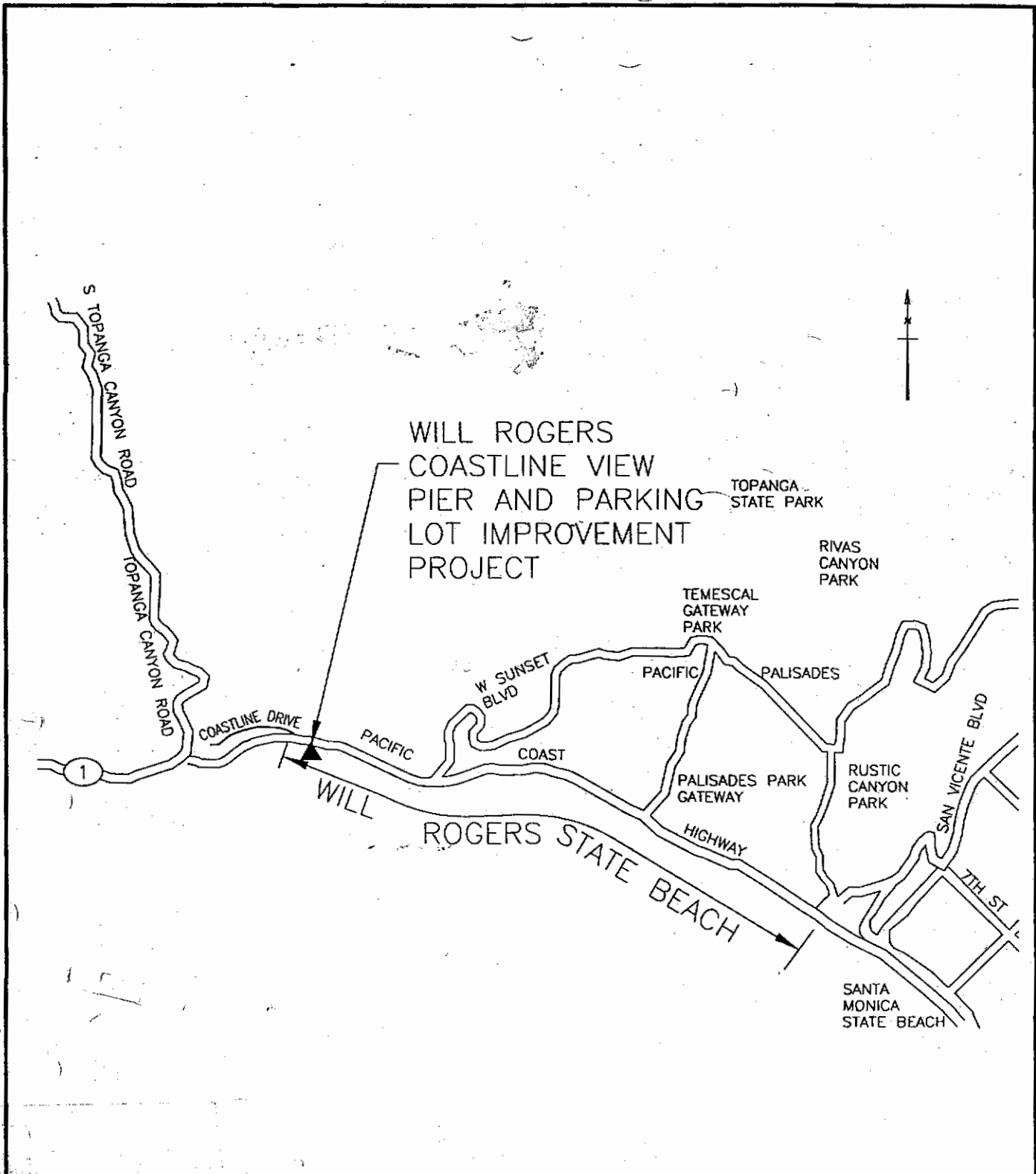
As conditioned, the proposed permit will not cause any significant adverse impacts on the environment. Therefore, the Commission finds that there are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity would have on the environment, and that the project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



THOMAS MAP PAGE 115

EXHIBIT NO.	<i>1</i>
Application Number	<i>5-10-120</i>
	<i>Vicinity Map</i>
California Coastal Commission	

LOT ACCESS ERS:	PROJECT VICINITY NOT TO SCALE	IN: WILL ROGERS STATE PARK AT: 17940 W. PACIFIC COAST HIGHWAY LOS ANGELES, CALIFORNIA COUNTY OF: LOS ANGELES APPLICATION BY: LOS ANGELES COUNTY
	COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS 900 SOUTH FREMONT AVE, 5th FLOOR ALAMBRA, CALIFORNIA 91802	SHEET: 1 OF 8 APRIL 2010



WILL ROGERS
 COASTLINE VIEW
 PIER AND PARKING
 LOT IMPROVEMENT
 PROJECT

EXHIBIT NO. 2
Application Number
 5-10-120
Location Map
 California Coastal Commission

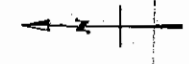
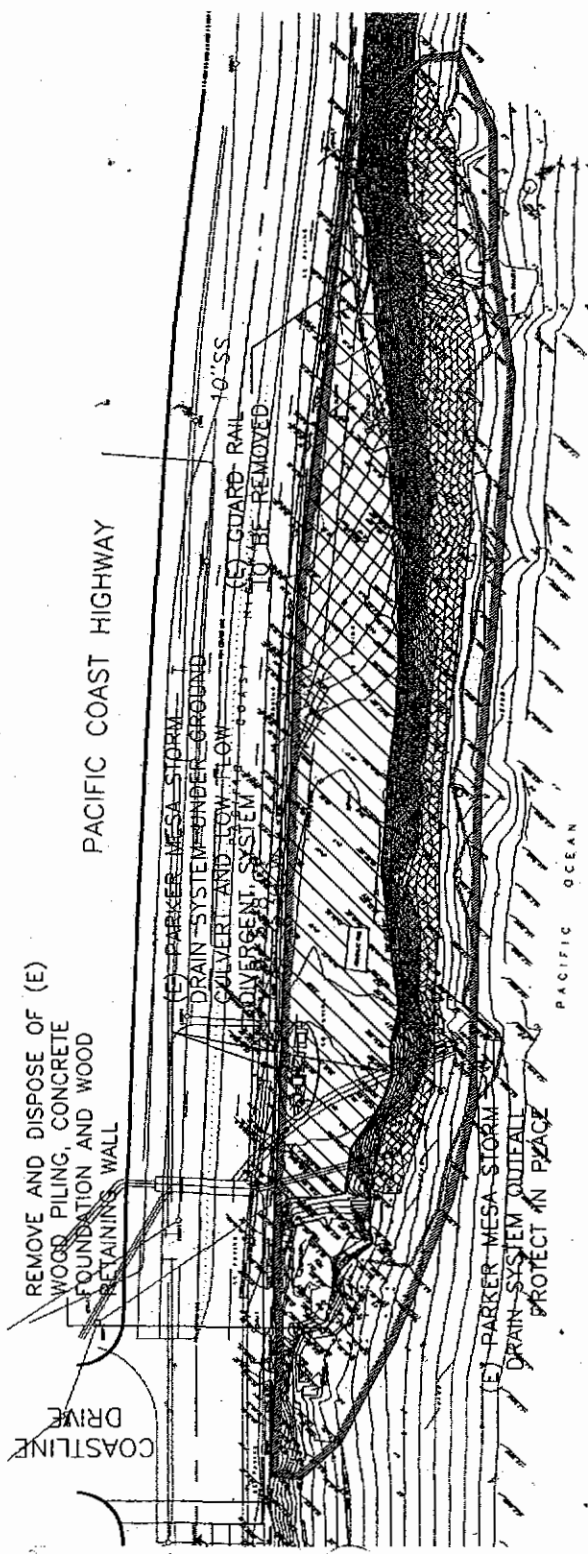
PROJECT LOCATION
WILL ROGERS STATE BEACH

0 .5 1
 MILES

COUNTY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 900 SOUTH FREMONT AVE, 5th FLOOR
 ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
 AT: 17940 W. PACIFIC COAST HIGHWAY
 LOS ANGELES, CALIFORNIA
 COUNTY OF: LOS ANGELES
 APPLICATION BY: LOS ANGELES COUNTY

SHEET: 2 OF 8 APRIL 2010



LEGEND





-  (E) AC TO BE REMOVED
-  (E) CONCRETE RUBBLE RIPRAP TO BE REMOVED
-  PROJECT SITE BOUNDARY
-  PCH RIGHT-OF-WAY

EXHIBIT NO. 3
Application Number 5-10-120
<i>Demo Plan</i>
California Coastal Commission

PURPOSE:
 STABILIZE SHORELINE
 REHABILITATE PARKING LOT
 AND PROVIDE PUBLIC ACCESS

DATUM: NGVD29

ADJACENT PROPERTY OWNERS:

DEMOLITION PLAN

0 100 200
 FEET

COUNTY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 900 SOUTH FREMONT AVE, 5th FLOOR
 ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
AT: 17940 W. PACIFIC COAST HIGHWAY
 LOS ANGELES, CALIFORNIA
COUNTY OF: LOS ANGELES
APPLICATION BY: LOS ANGELES COUNTY

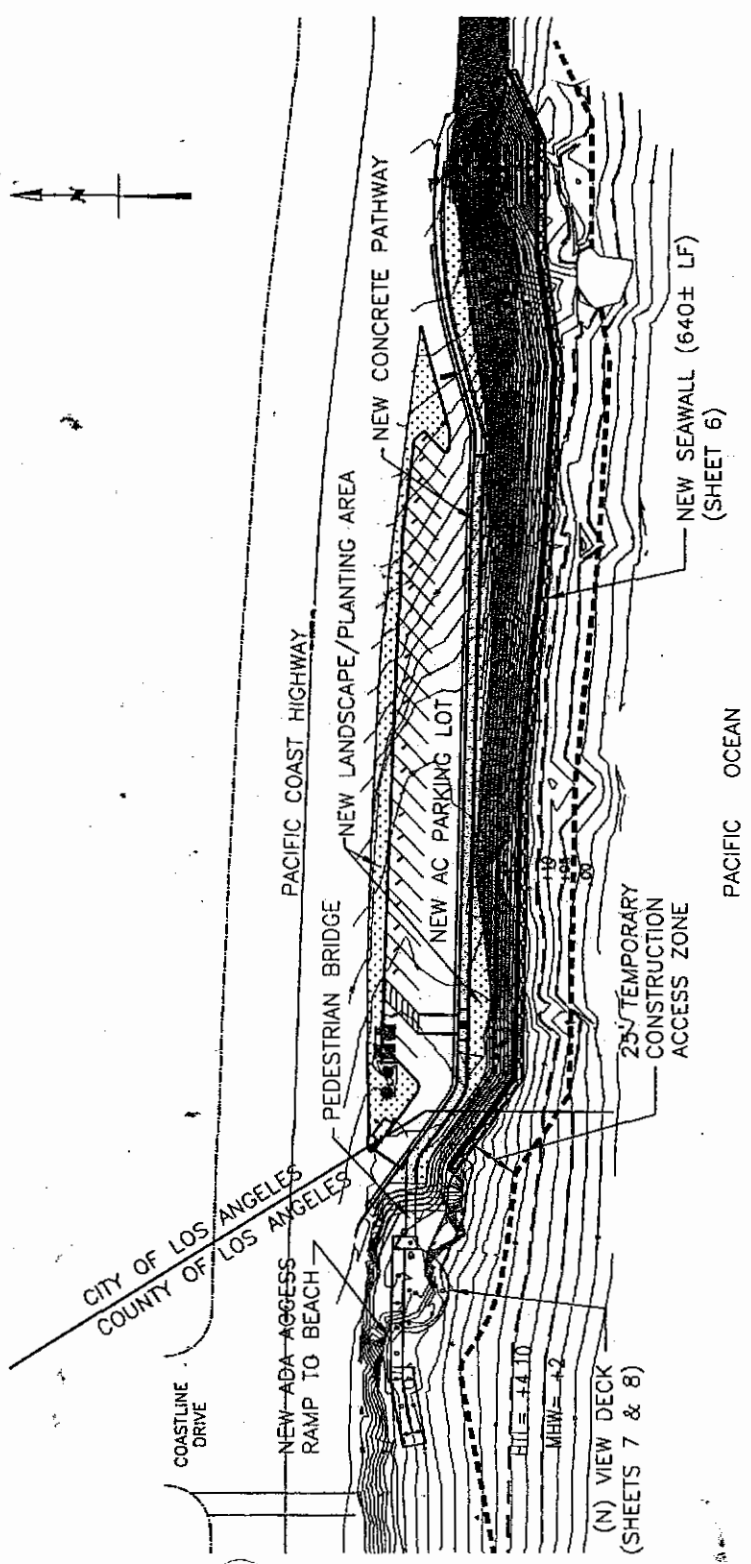
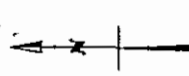
SHEET: 3 OF 8 **APRIL 2010**

EXHIBIT NO. 4

Application Number

5-10-120

Project Plan



ABBREVIATIONS

HTL = HIGH TIDE LINE

MHW = MEAN HIGH WATER LINE

PURPOSE:
 STABILIZE SHORELINE
 REHABILITATE PARKING LOT
 AND PROVIDE PUBLIC ACCESS

DATUM: NGVD29

ADJACENT PROPERTY OWNERS:

IMPROVEMENT PLAN

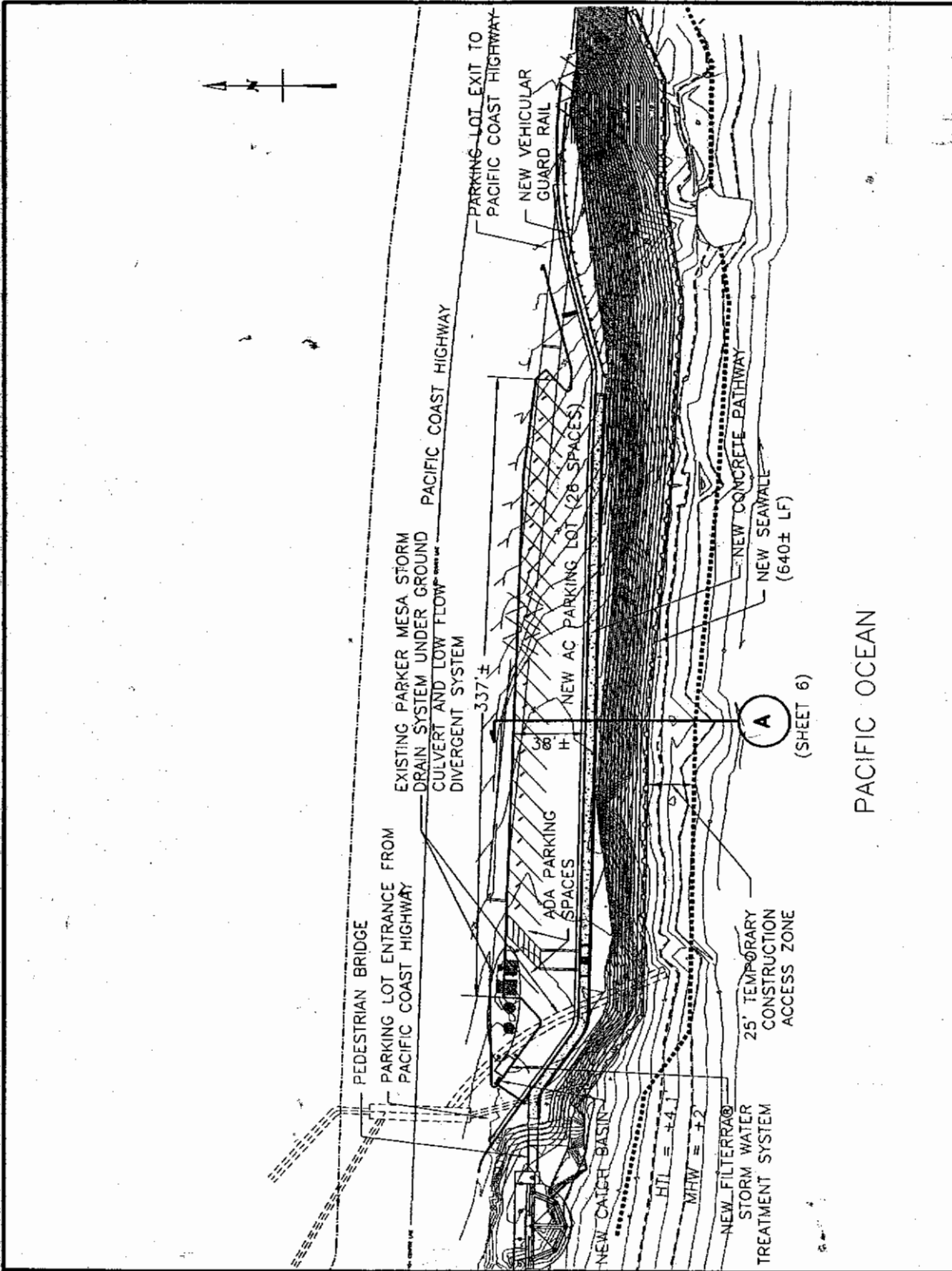
0 50' 100' 200'
 FEET

COUNTY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 900 SOUTH FREMONT AVE, 5th FLOOR
 ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
 AT: 17940 W. PACIFIC COAST HIGHWAY
 LOS ANGELES, CALIFORNIA
 COUNTY OF: LOS ANGELES
 APPLICATION BY: LOS ANGELES COUNTY

SHEET: 4 OF 8 APRIL 2010

EXHIBIT NO. 5
 Application Number
 5-10-120
 Parking lot
 Plan



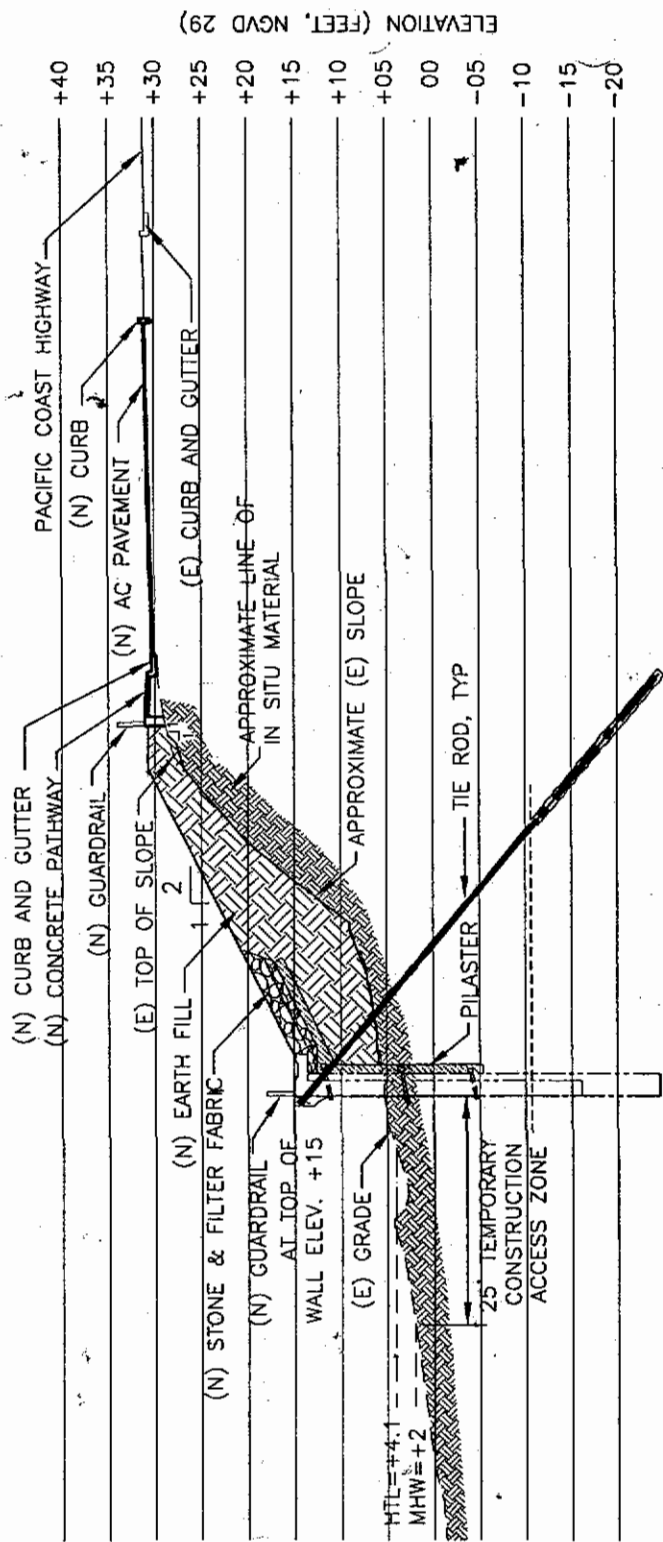
PURPOSE:
 STABILIZE SHORELINE
 REHABILITATE PARKING LOT
 AND PROVIDE PUBLIC ACCESS
 DATUM: NGVD29
 ADJACENT PROPERTY OWNERS:

PARKING LOT PLAN
 0 40' 80' 160'
 FEET
 COUNTY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 900 SOUTH FREMONT AVE, 5th FLOOR
 ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
 AT: 17940 W. PACIFIC COAST HIGHWAY
 LOS ANGELES, CALIFORNIA
 COUNTY OF: LOS ANGELES
 APPLICATION BY: LOS ANGELES COUNTY
 SHEET: 5 OF 8 APRIL 2010

PACIFIC OCEAN

EXHIBIT NO. 6
 Application Number
 5-10-120
 Cross-Section



PURPOSE:
 STABILIZE SHORELINE
 REHABILITATE PARKING LOT
 AND PROVIDE PUBLIC ACCESS
DATUM: NGVD29
ADJACENT PROPERTY OWNERS:

SECTION A

0 20 40
 FEET

COUNTY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 900 SOUTH FREMONT AVE., 5th FLOOR
 ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
AT: 17940 W. PACIFIC COAST HIGHWAY
 LOS ANGELES, CALIFORNIA
COUNTY OF: LOS ANGELES
APPLICATION BY: LOS ANGELES COUNTY
SHEET: 6 OF 8 **APRIL 2010**

PACIFIC COAST HIGHWAY

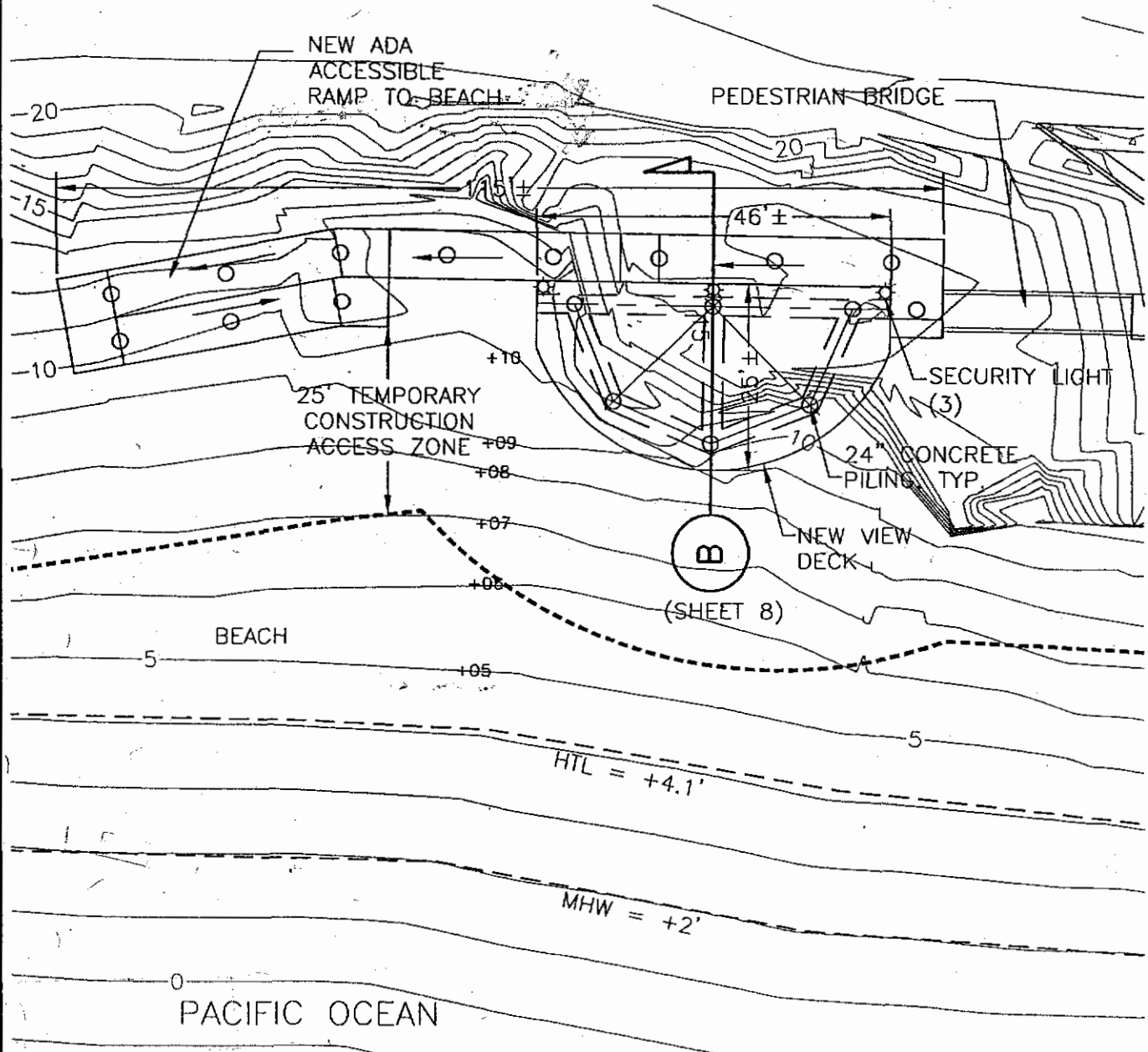


EXHIBIT NO. 7
Application Number 5-10-120
View Deck Plan
California Coastal Commission

LOT ACCESS
ERS:

VIEW DECK PLAN

0 10' 20' 40'
FEET

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVE, 5th FLOOR
ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
AT: 17940 W. PACIFIC COAST HIGHWAY
LOS ANGELES, CALIFORNIA
COUNTY OF: LOS ANGELES
APPLICATION BY: LOS ANGELES COUNTY

SHEET: 7 OF 8 APRIL 2010

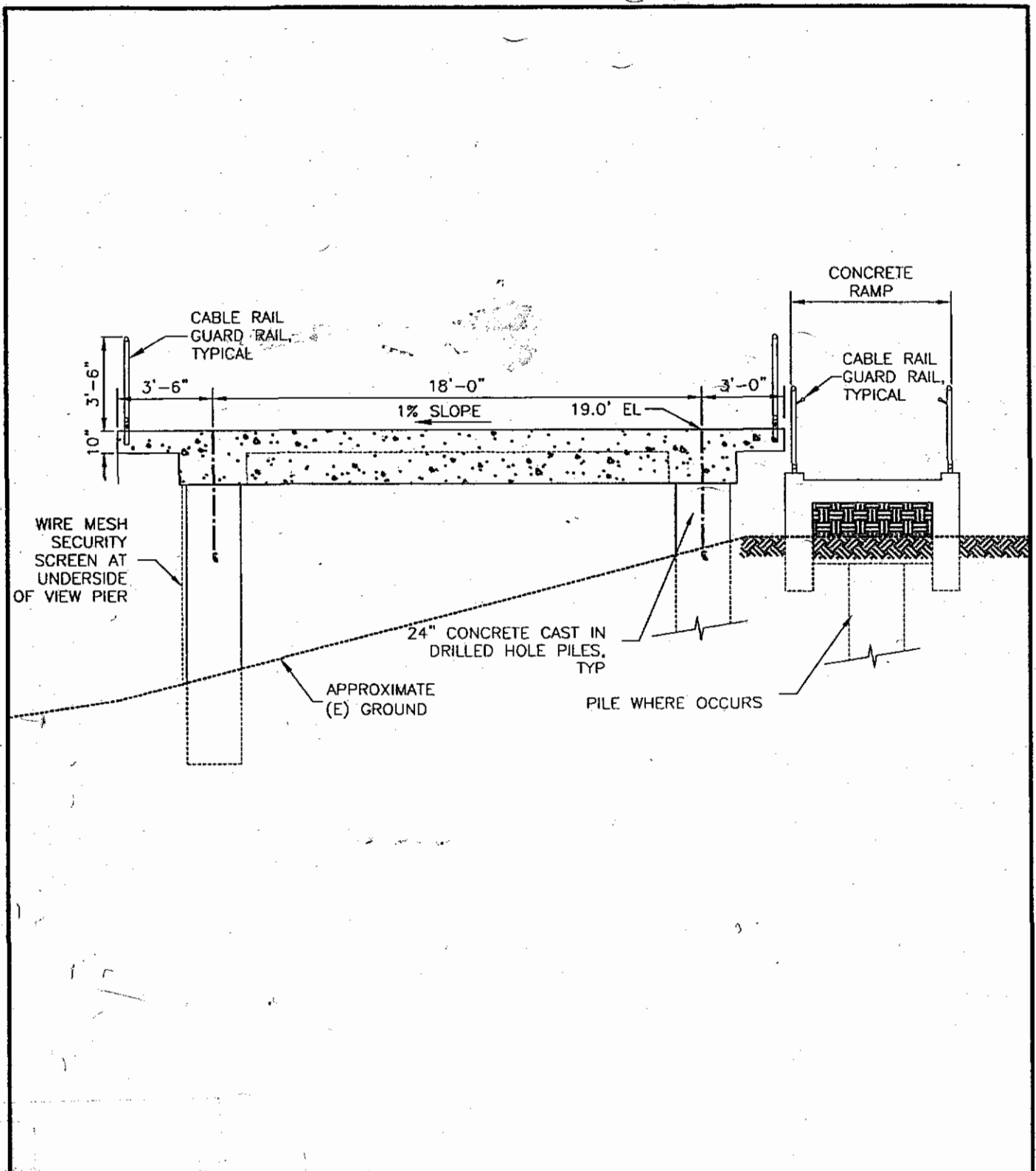


EXHIBIT NO. 8

Application Number
5-10-120

View Deck

Cross Section

California Coastal Commission

SECTION B

0 1 2 3 4 5 10
FEET

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVE, 5th FLOOR
ALAMBRA, CALIFORNIA 91802

IN: WILL ROGERS STATE PARK
AT: 17940 W. PACIFIC COAST HIGHWAY
LOS ANGELES, CALIFORNIA
COUNTY OF: LOS ANGELES
APPLICATION BY: LOS ANGELES COUNTY

SHEET: 8 OF 8 APRIL 2010

LOUVER BOLLARD

GENERAL DESCRIPTION: Gardco's dome top louver bollard provides uniform illumination, superior spacings and solid vandal resistance. Rugged extruded and cast construction with silicone seals and gasketing assures years of trouble free service. The BRM820 is a complete assembly with an extruded aluminum base. The BRM821 head-only unit affixes to custom architectural elements. Gardco's 822 school bollard provides uniform illumination and superior spacings. A high-strength galvanized steel tenon throughout the length of the luminaire provides a solid anchorage. The BRM823 luminaire includes a concrete base assembly.

ORDERING

	PREFIX	HEIGHT	WATTAGE	VOLTAGE	FINISH	OPTIONS
Example	BRM 820	42"	70HPS	120	WP	SHD
Louwer Head with Extruded Aluminum Base	BRM 820	42" 36"	50MH 120/277V only	120 208	BRP BLP	F SHD
Louwer Head with Extruded Aluminum Base (with internal base tenon)	BRM 822	30" 24"	70MH 100MH	240 277	NP WP	DUP* GFCI*
Head Only	BRM 821	11"	35HPS 120V only		VP	
Concrete Base	BRM 823	42"	50HPS 120/277V only		OC SC	
	Natural Concrete Base		70HPS			
	BRM 823B Beige Concrete Base		100HPS			
	BRM 823G Dark Gray Concrete Base		INC max watt A-19/100 120V only			
			32TRF 120V thru 277V			
			All HID & Incandescent lamps medium base.			

FINISH (Luminaire):
 BRP: Bronze Paint
 BLP: Black Paint
 NP: Natural Aluminum Paint
 WP: White Paint
 VP: Verde Green Paint
 OC: Optional Color (See Color Selection Guide)
 SC: Special Color Paint (Specify)

OPTIONS:
 F: Fuse holder with GLR fuse
 SHD: Internal 180° Shield
 DUP: Duplex receptacle*
 GFCI: GFCI receptacle*
 *Weathertight, flush-mounted in tower housing (BRM 820 only).

RECEIVED
South Coast Region

JAN 26 2010

CALIFORNIA COASTAL COMMISSION
Special concrete colors and textures available

DIMENSIONS

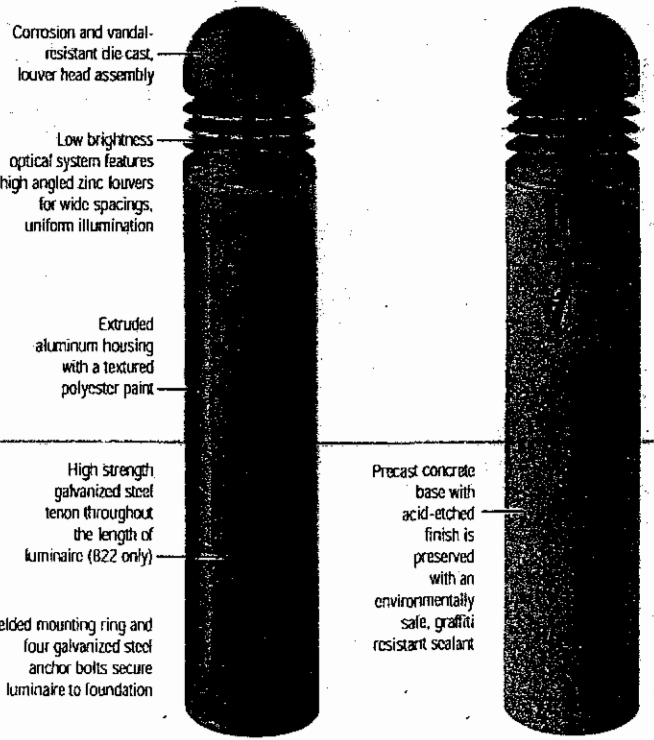
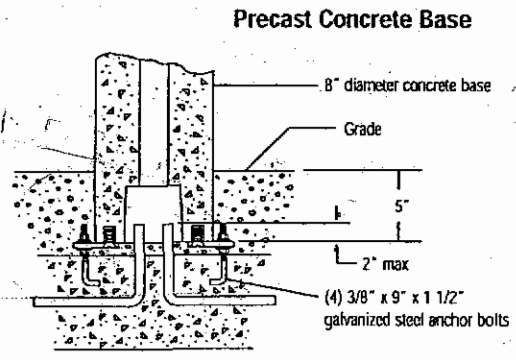


EXHIBIT NO. 9
Application Number 5-10-120
Lighting
California Coastal Commission

es @ 90° for 3/8" anchor bolts
 onduit entrance
 1/2" B.C.
 Base tab
 er diameter of
 rete base

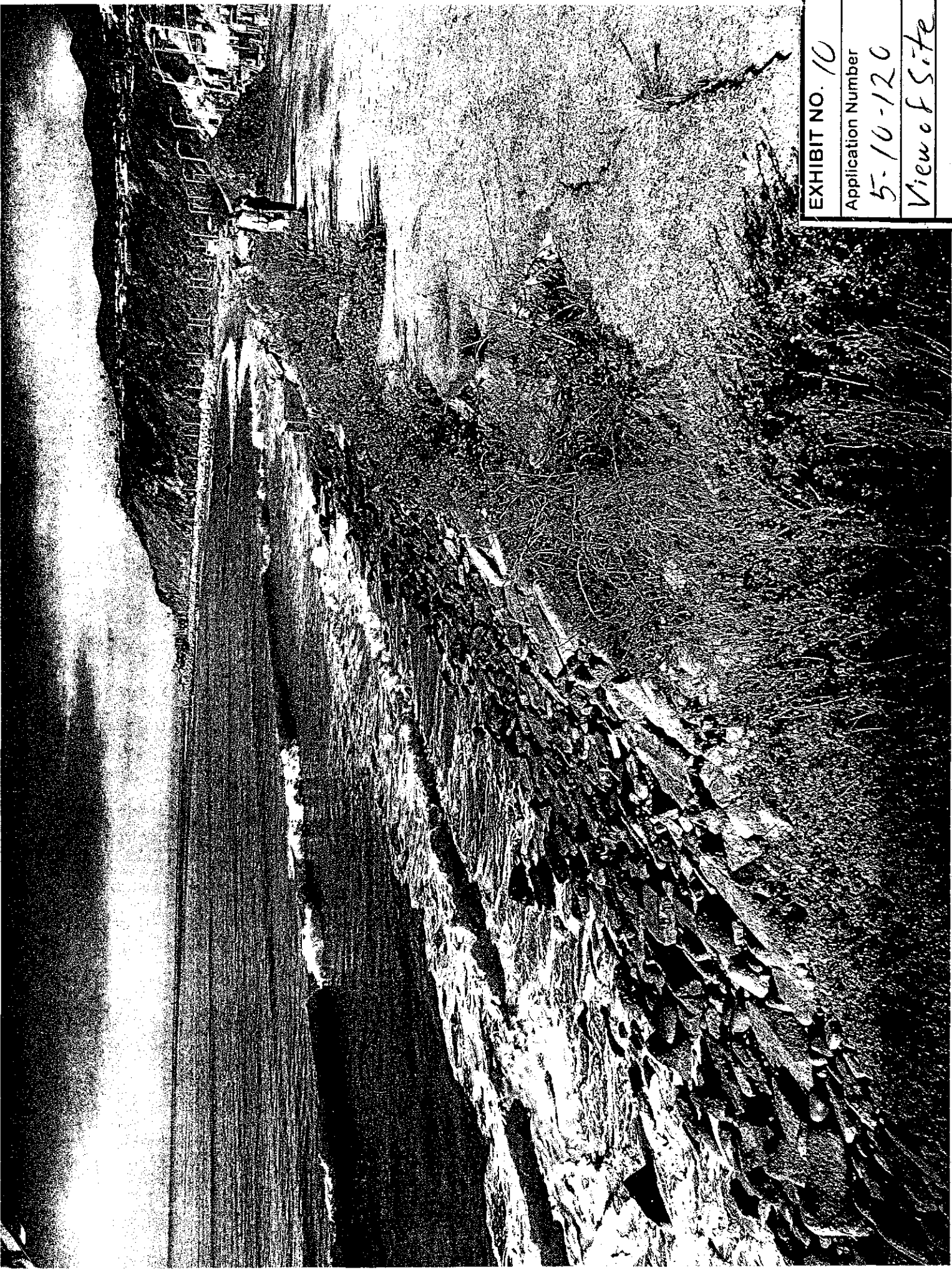


EXHIBIT NO. 10
Application Number
5-10-120
View of Site

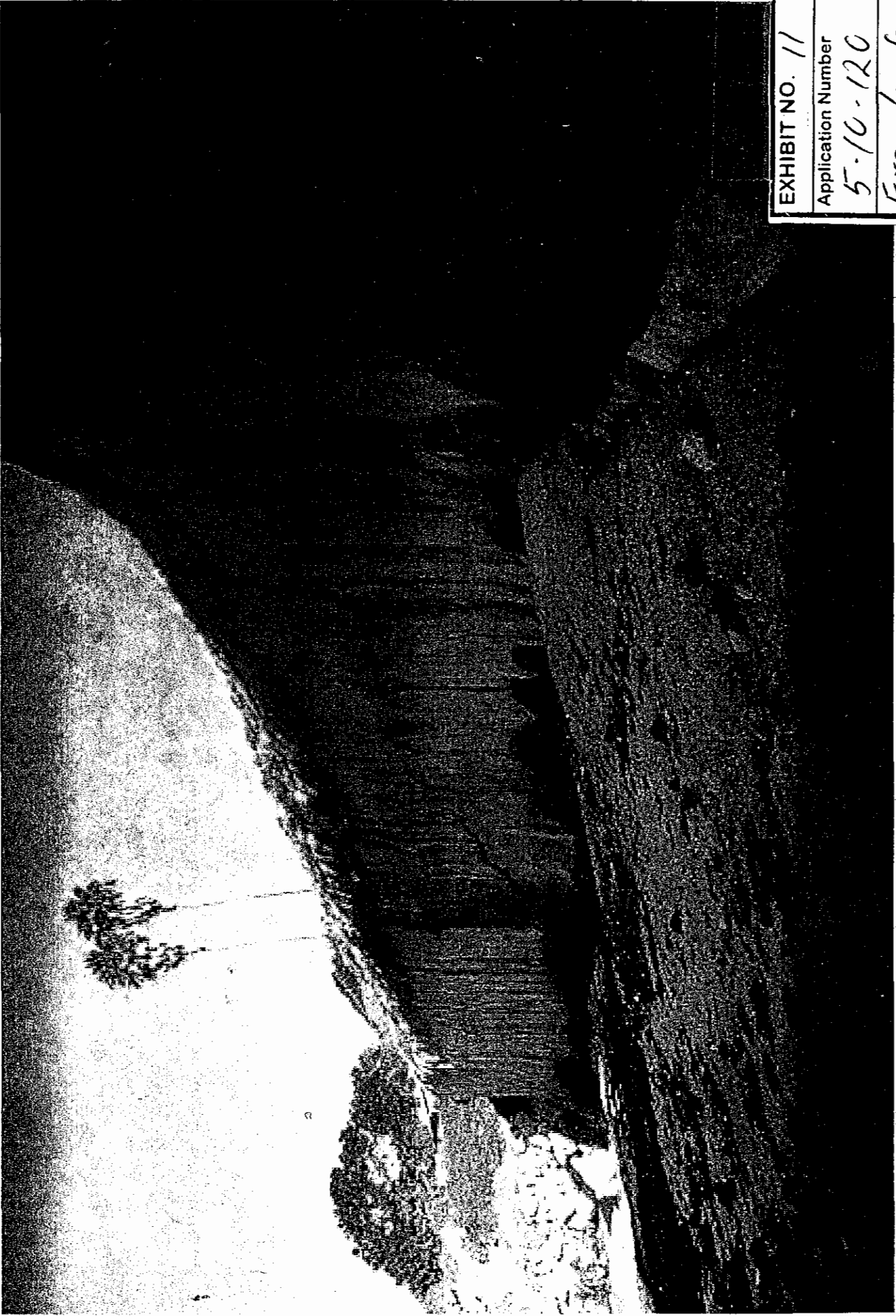


EXHIBIT NO. 11

Application Number

5-10-120

Example of

Textured Well

California Coastal Commission