

CALIFORNIA COASTAL COMMISSION

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Th9d

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180th Day: 12/30/14
Staff: A Dobson-LB
Staff Report: 8/18/14
Hearing Date: 9/11/14

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-14-0982

APPLICANT: City of Santa Monica

PROJECT LOCATION: Santa Monica Pier and Beach, City of Santa Monica

PROJECT DESCRIPTION: Demolish and replace the existing timber double staircase (East Stairs) on south side of the pier. Install a new second set of similar timber stairs on the south side of the pier (West Stairs) 86 feet seaward of the existing stairs to meet the City's public safety requirements and improve pedestrian mobility from the pier to the beach. Replace and install 16 total light fixtures (12 are replacing existing lights and 4 are new) on the pier and staircases with LED lighting.

I. STAFF RECOMMENDATION:

Motion:

*I move that the Commission **approve** coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. 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. **Public Access To and Along the Shoreline.** By acceptance of this permit, the applicant agrees that the development shall not interfere with public access along the shoreline or the Pier (except for the temporary disruptions that may occur during the completion of the permitted development).

2. **Construction Responsibilities and Debris Removal.** Applicant shall not allow discharge of silt or debris into coastal waters as a result of this project. By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines;
- (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 to coastal waters.

3. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted 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.

4. **Assumption of Risk, Waiver of Liability and Indemnity Agreement Applicable to Applicant.**

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 this 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.

5. No Future Shoreline Protective Device.

A. By acceptance of the permit, the applicant/landowner agrees, on behalf of itself and all successors and assignees, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this coastal development permit including, but not limited to, the construction of the a seawall, pier extensions, etc. and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, all staircases, lighting, ramps, etc. if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

6. Lighting Plan.

A. By acceptance of this permit, the applicant shall strictly adhere to the lighting plans on record. All lighting within the proposed development shall be shielded so that light is directed downward at the pier and away from the beach sand and ocean. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate for safety purposes at approximately 17,000 lumens.

B. The permittee shall undertake development in accordance with the approved 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.

7. **California State Parks Approval. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide to the Executive Director written evidence from the California State Parks and Recreation (State Parks) that the proposed development is consistent with the terms and conditions of any applicable permit issued by or agreement with State Parks, or letter of permission, or lease, 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 State Parks. 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 legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The City of Santa Monica proposes to demolish and replace the existing timber double staircase on the south side of the pier (East Stairs) descending approximately 15 feet from the pier to the beach; install a second set of similar timber stairs (West Stairs) seaward from the pier to the beach to meet public safety requirements and improve pedestrian mobility from the pier to the beach; and replace and install 16 new LED lighting fixtures along the pier and the stairs for public safety.

The existing Santa Monica pier is approximately 1,600 feet long and a maximum of 270 feet wide, and provides approximately 413,056 square feet of area. The pier consists of a wood deck supported by approximately 2,000 wood and concrete piles. The pier is located at the terminus of Colorado Boulevard in the City of Santa Monica, on the Santa Monica State Beach. The Municipal Pier was built at the present pier location in 1908. The Pleasure Pier (also known as the Newcomb Pier) was built adjacent to the Municipal Pier in 1916. The pier's current uses include a number of restaurants, fast food establishments, small retail shops, an arcade, amusement ride area at Pacific Park, and public parking. The western end of the pier is used for fishing and is improved with the Harbor Guard office and a display area for pier history and marine related issues, bait shop, and a restaurant.

The existing staircase (East Stairs) extending from the pier (near the pier parking lot) down to the dry sand beach (**Exhibit 2**) is in need of repair and, according to the city, this single exit route is not adequate for the public to exit the pier and parking lot in the event of an emergency. To increase public safety, the City proposes to demolish and replace the existing East stairs and install a second set of stairs (West Stairs) to be located approximately 86 feet seaward of the East stairs. The seaward stairs are proposed to be in the dry sand and a considerable distance from the high tide line. The East and West stairs will be built almost identically at approximately 15 feet high, between 72 and 78 feet long, and approximately 12 feet 6 inches feet in width. Both sets of stairs will consist of timber treads and risers of structural grade and timber posts, coated and painted steel guardrails and handrails, with concrete footings and concrete landings, and timber siding to match the existing siding of the pier. Approximately 7.7 cubic yards of sand will be removed for the construction of the stairs' concrete footings, and will be exported to a landfill outside the coastal zone.

Because both East stairs and West stairs are proposed to be double sided (there will actually be 4 staircases in total), there will be 4 concrete landings at approximately 180 square feet each extending onto the sand. With the landings included, the East stairs will be approximately 92 feet in length, and the West stairs will be approximately 98 feet in length. The set of East stairs has an existing timer boardwalk that meets the Beach Bike Path that runs inland of this location. The new West stairs will not have a boardwalk and will not meet the existing bike path or any other path. It will exit onto the existing beach area.

The 16 total lights (12 are replacing existing lights and 4 are new) will be installed in two main locations: 1) there will be two spot light replacements adjacent to the “Pacific Park” on the pier and, 2) on the two new sets of stairs. The existing spot lights are 400W Metal Halide Fixtures, rated at 36,000 lumens. The advantage of replacing these lights and switching to new LED lights is lower energy requirements and a more even distribution of light with a much lower lumen rating. The new LED lights are rated between 16,790 and 17,436 lumens.

The two spot lights existing in the Pacific Park are currently mounted on two decorative pole lights standing approximately 26 feet above the sand. The pole lights face the park and have non-directional ambient lighting, while the spot lights face the beach, lighting the edge of the pier and the location of the new staircase landings. The existing pole lights will remain and the spot lights will be removed and replaced with 2 LED lights with a lower light output.

The pier has 1 timber pole light near the entrance of the existing East stairs and 2 additional timber pole lights existing near the location of the proposed new West stairs. These lights are approximately 12 feet above the pier. The existing spot lights in these three locations will be removed and replaced with the LED lights with lower lumens that will shine in the direction of the parking lot, park, pier, and the stairs. These 3 light poles will be fitted with 10 new LED lights.

Lastly, on the outside of each staircase, there will be two new points for LED lights to be installed facing the stairs and the landings. These lights will be approximately 12 feet above the stairs, and there will be a total of 4 light fixtures (2 on each staircase).

All new lighting will be between 16,790 and 17,436 lumens, low lighting, shielded and designed to avoid shining on the coastal resources adjacent to the pier. The existing combined light emitted on the pier, in comparison to the new lighting, is much greater. The new lights will be positioned a distance from the water, and therefore, will not impact any marine species on the beach, nor in the ocean. To ensure negative lighting impacts are minimized, **Special Condition 6** requires strict adherence to the lighting plan on file.

The City requires all contractors to implement Best Management Practices (BMPs) during demolition and construction to reduce construction related impacts to coastal waters. Water quality during the construction of this project will be protected through the application of **Special Condition 2**. Although the intent of the project is to improve public access, construction may also pose access issues and prevent the public from accessing the pier and/or beach, therefore **Special Condition 1** is applied. Construction will begin during the non-peak summer period, starting after

the Labor Day weekend in September, to minimize impacts to public access. During construction, pier access will be available.

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 Santa Monica Pier, where views of these scenic resources are visible. The visual impact of the new staircase and lighting will not impact the coastal views, as the improvements will be the same height as the pier and no higher than surrounding development and therefore, will not have a negative impact on public coastal and scenic views.

Most projects along the coast involve some form of unpredictable risks from erosion, wave attack, sea level rise, to name a few. The proposed project is on the beach, which is an area that may be subject to potential damage or destruction from natural hazards, including wave attack and storm events. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk **Special Condition 4**, the applicant acknowledges the nature of the hazards that exists on the site and that may affect the safety of the proposed development. In addition, the condition ensures that future lessees of the property will be informed of the risks, and the Commission's immunity from liability. Additionally, because of the inherent hazards posed to development on the site, the Commission imposes **Special Condition 5** to ensure that no future shoreline protection devices shall be constructed to protect the development as approved by this permit and if in the event the development is impacted by hazards, the applicant is obligated to remove the permitted structure and dispose of appropriately.

B. Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Recreation

The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Development

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit

construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. Visual Resources

The stair improvements will be the same height as the pier and no higher than surrounding development and the visual impact of the new staircases and lighting will not impact the coastal views, as proposed. Therefore, as proposed, the project is consistent with Section 30251 of the Coastal Act.

D. Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. 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). On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

G. California Environmental Quality Act

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Santa Monica Pier PROJECT SITE

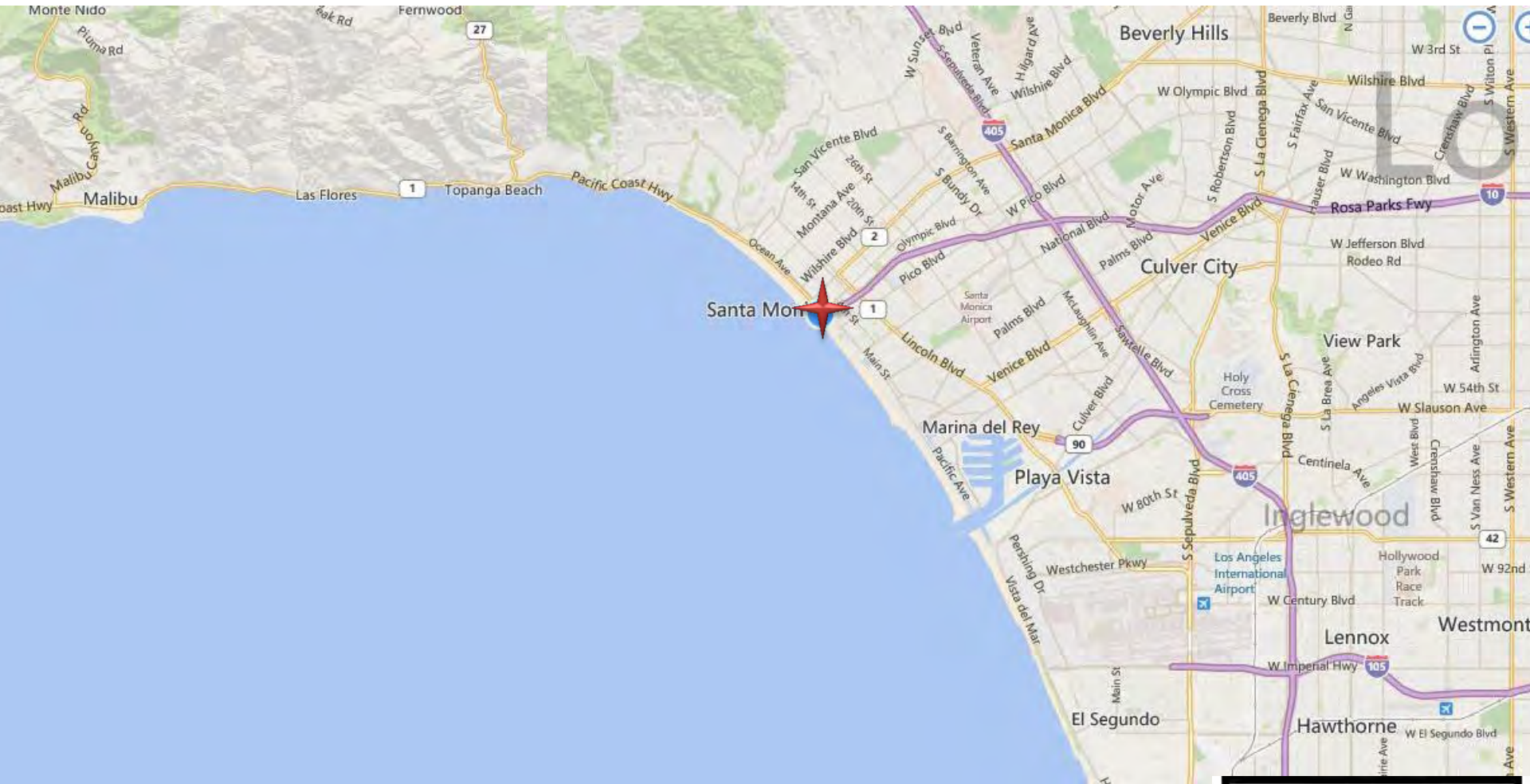


Exhibit 1



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Santa Monica Pier Stairs



Existing stairs

New stair location

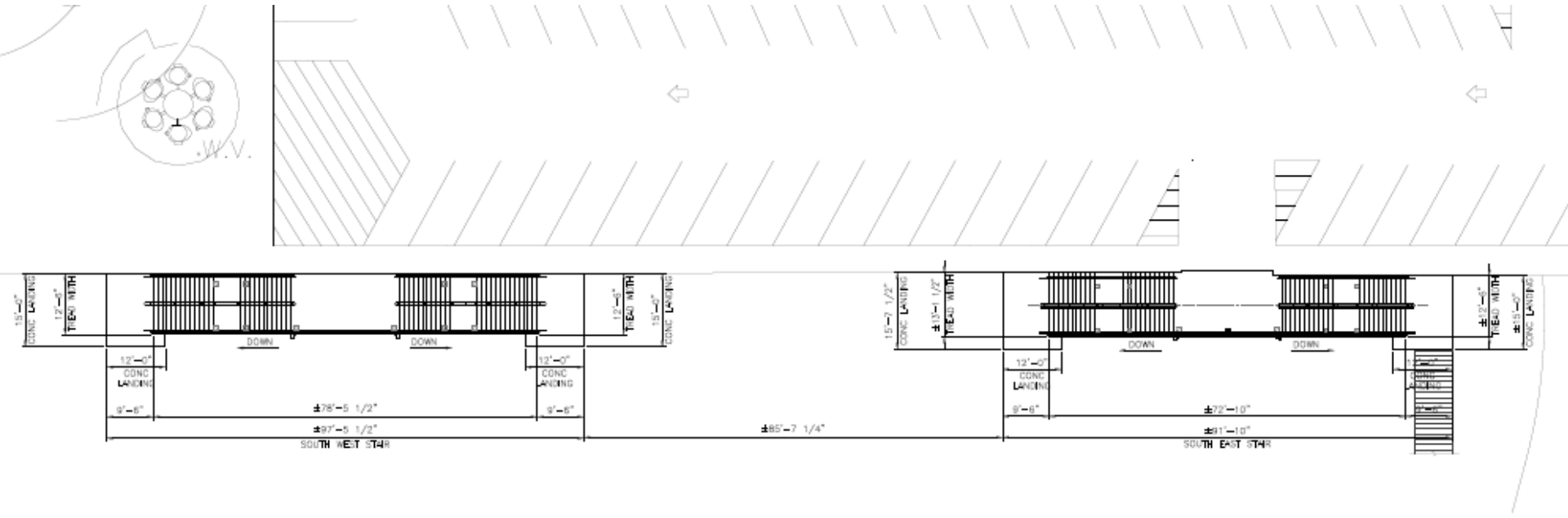
High Tide Line

Exhibit 2



California Coastal Commission

Proposed Stairs



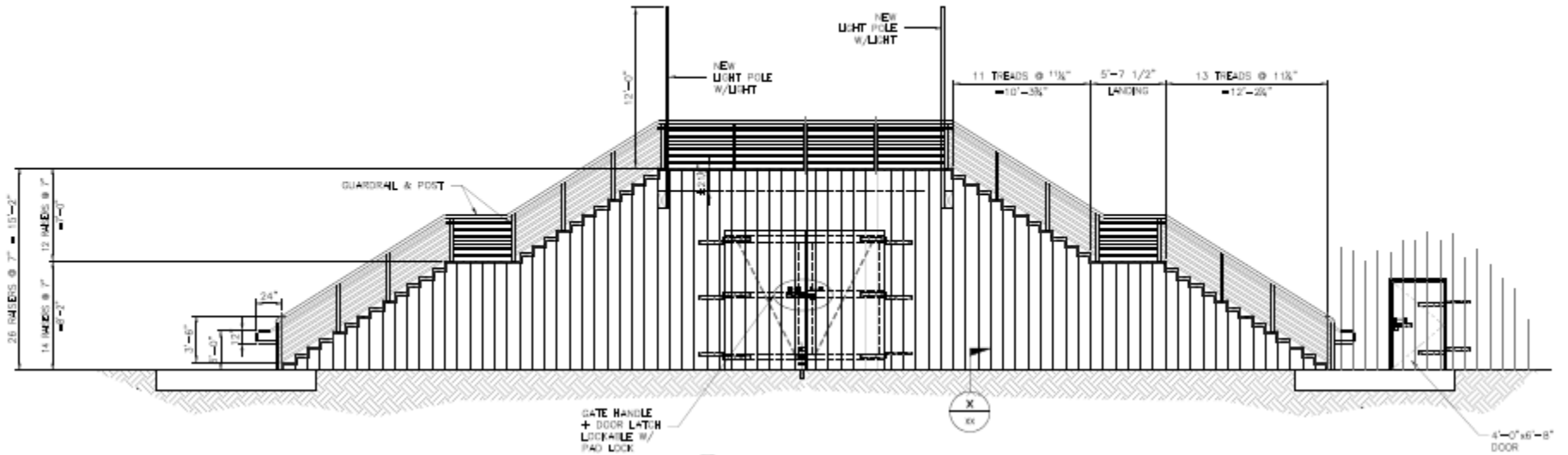
1 NEW SOUTH STAIR LAYOUT
SCALE 3/16" = 1'

Exhibit 3

California Coastal Commission

Proposed Stairs

1 SOUTH WEST STAIR PLAN
SCALE 1/4" = 1'-0"



1 SOUTH EAST STAIR PLAN
SCALE 1/4" = 1'-0"

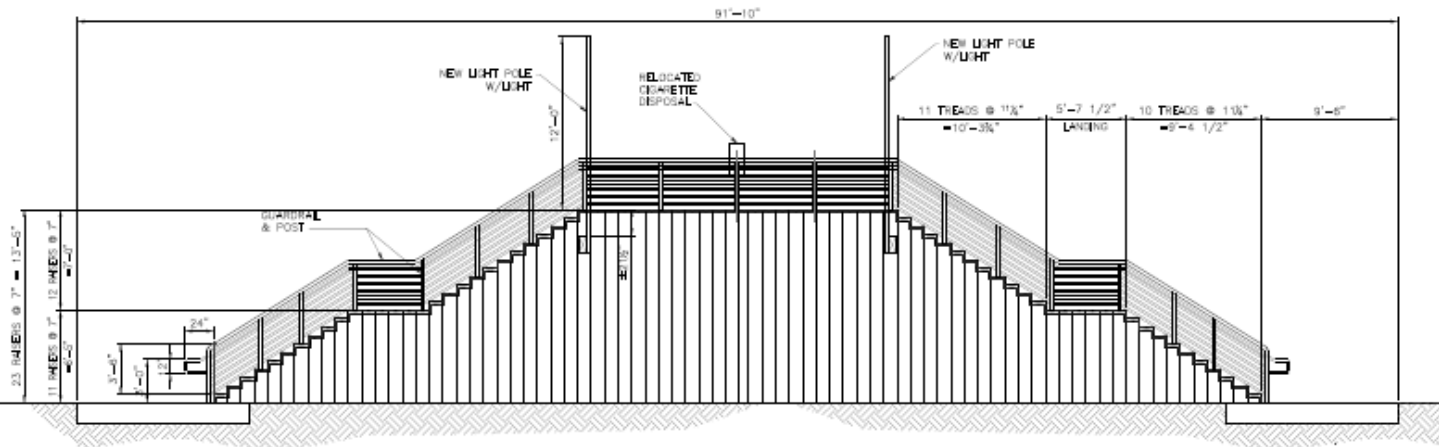
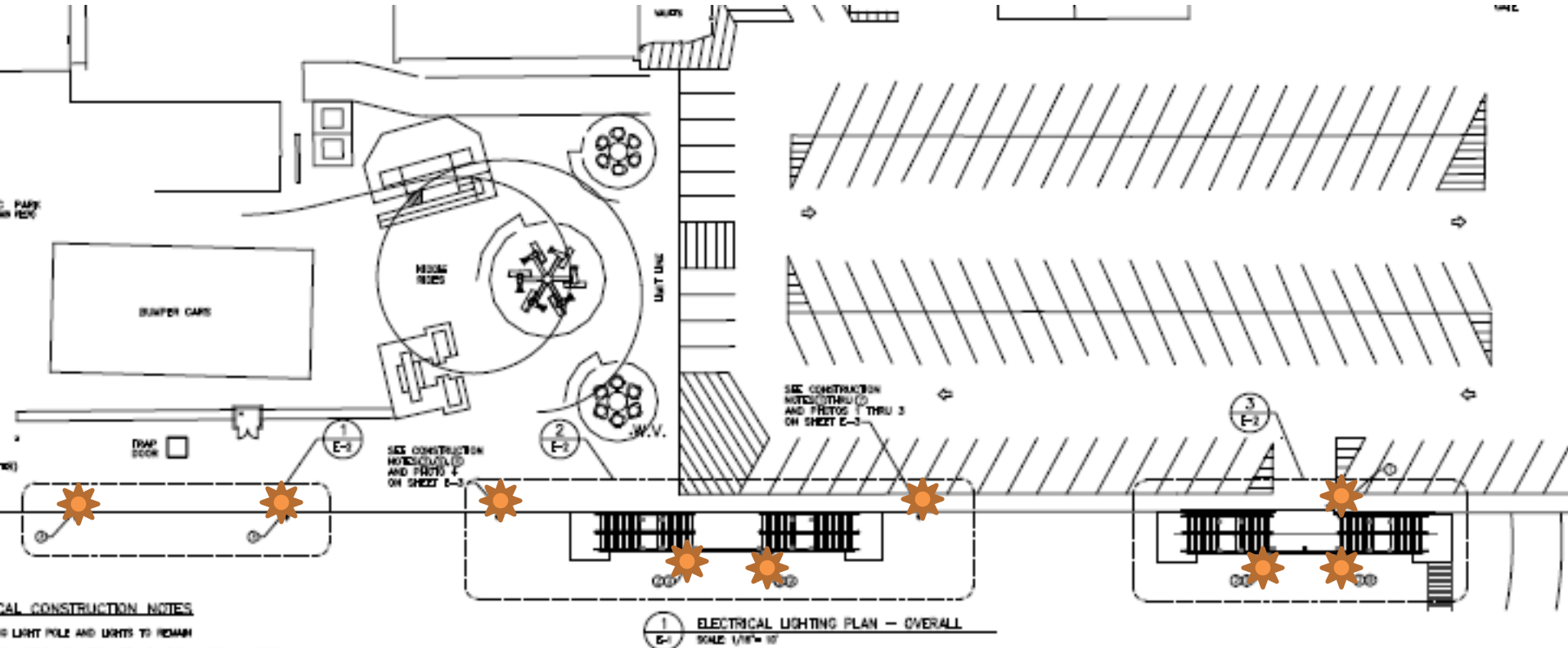


Exhibit 3



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Proposed Lighting



Location of LED Lights

Exhibit 4



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