

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-15-0885

Applicant: City of Santa Monica

Agent: Pedro Cordova

Location: 1642 Ocean Front Walk, Santa Monica, Los Angeles County
(APN: 4290-023-901)

Project Description: Installation of an approximately 20-foot by 50-foot, 13.5-foot high storage shed/garage and a 5-foot wide by 26-foot long concrete walkway onto the Santa Monica State Beach adjacent to the County of Los Angeles Fire Department Lifeguard Headquarters. The project includes the removal of an unpermitted approximately 8-foot by 30-foot, 9-foot high metal storage container and the adjoining wooden walkway.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to remove an unpermitted approximately 240 square-foot, 9-foot high metal storage container and the adjoining 28-foot long wooden walkway, and to install an approximately 13.5-foot high, 1000 square-foot storage shed/garage (TUFF SHED®) approximately six (6) feet seaward of, and appurtenant to, the Los Angeles Fire Department Lifeguard Headquarters in Santa Monica, and install a 5-foot wide by 26-foot long concrete walkway. The stated purpose of the proposed project is to provide sufficient storage for the lifeguard vehicles, medical supplies and equipment for 21 lifeguard towers, and to consolidate lifeguard equipment that is currently stored out in the open on the beach.

The subject site is located on a beach parcel adjacent to and south of the Santa Monica Municipal Pier on the Santa Monica State Beach between the first public road and the sea. The property is

managed by the City of Santa Monica and is leased to the County of Los Angeles for use by the County of Los Angeles Fire Department Lifeguards. The Lifeguard Headquarters was built in the late 1950's.

The proposed project raises issues regarding impacts to public access, impacts to visual coastal resources, and hazards concerning beachfront development. Given that the applicant has chosen to implement the project on a beach parcel despite risks from wave attack, erosion, sea level rise, and storm flooding, the applicant must assume the risks and agree to no future shoreline protective devices. Therefore, the Commission imposes **Special Conditions 1, 2, 3, and 4** which would require an assumption of risk, a no future shoreline protective device, no future development without an amendment to this permit or new coastal development permit, and a limitation on the seaward encroachment. In addition, because the project site is on a beach parcel and in proximity to coastal waters, the Commission recommends construction-related requirements and best management practices under **Special Condition 5** to prevent pollution of coastal waters and **Special Condition 6** requires compliance with the approved plans and all special conditions of the permit.

Staff is recommending **APPROVAL** of the proposed coastal development permit with **six (6) Special Conditions**.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Santa Monica only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

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EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Project Site
- Exhibit 3 – USGS *COSMOS 3.0* –Projection
- Exhibit 4 – Project Plans
- Exhibit 5 – Photos of Site

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-15-0885 pursuant to the staff recommendation.*

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:

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:

This permit is granted subject to the following 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 of 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:

This permit is granted subject to the following special conditions:

1. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (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.
2. **No Future Shoreline Protective Device.**
 - A. By acceptance of this permit, the applicant(s) agrees, on behalf of itself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-0885 including the storage shed, concrete walkway, and concrete slab and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards in the future. By acceptance of this permit, the applicant(s) and landowner(s) hereby waives, on behalf of himself 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(s) further agrees, on behalf of itself and all successors and assigns that the landowners shall remove the development authorized by this permit, including the storage shed, concrete slab, and concrete walkway if any government agency has ordered that the structure is 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 applicant(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. In addition, in the event that portions of the development are destroyed on the beach before they are removed, the applicant 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.

- 3. Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-15-0885. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-15-0885. Accordingly, any future improvements to the storage shed or walkway authorized by this Coastal Development Permit No. 5-15-0885, 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. 5-15-0885 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- 4. Seaward Line of Development.**

 - A. By acceptance of this permit, the applicant(s) agrees, on behalf of itself and all other successors and assigns, that development described in Coastal Development Permit No. 5-15-0885, is considered ancillary development and the location of the ancillary structure shall not be used to establish the seaward line of any future development.
 - B. 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.
- 5. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

- 6. Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this Coastal Development Permit No. 5-15-0885 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION & LOCATION

The applicant is proposing to remove an unpermitted approximately 8-foot by 30-foot, 9-foot high metal storage container and the adjoining 28-foot long wooden walkway (**Exhibit 4**). The proposed project also involves the installation of an approximately 13.5-foot high, 1,000 square-foot (20-foot by 50-foot) storage shed/garage (TUFF SHED®) approximately six (6) feet seaward of and appurtenant to the 4,900 square-foot Los Angeles Fire Department Lifeguard Headquarters in Santa Monica, and install a 5-foot wide by 26-foot long concrete walkway (**Exhibit 4**). The proposed storage shed will sit on a concrete slab foundation. The stated purpose of the proposed project is to

provide sufficient storage for the lifeguard vehicles, medical supplies and equipment for 21 lifeguard towers, and to consolidate lifeguard equipment that is now stored out in the open on the beach.

The subject site is located on a beach parcel within the Santa Monica State Beach between the first public road and the sea (**Exhibits 1 & 2**). The proposed project site is adjacent to and seaward (west) of the County of Los Angeles Fire Department Lifeguard Headquarters (hereafter referred to as the “HQ”), which was constructed in the late 1950’s. The HQ is surrounded by the Santa Monica Municipal Pier and pier volleyball courts to the north, beach boardwalk and city parks to the east, playground equipment and Muscle Beach to the south, and by the beach and a bike path to the west (seaward). The property is managed by the City of Santa Monica and is leased to the County of Los Angeles for use by the Fire Department Lifeguards. As part of an agreement between Los Angeles County and the City of Santa Monica for lifeguard services approved in 2009 (10-year agreement), the City agreed to fund the proposed storage shed. The County of Los Angeles considered replacing the HQ because of its age and inadequate size; however, the cost was prohibitive.

B. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a) of the Coastal Act states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The proposed project site is located on an approximately 750-foot wide beach near the Pier in Santa Monica and is located seaward (or westerly) of the existing Lifeguard Headquarters (HQ), which is adjacent to and seaward of the Ocean Front boardwalk, or the lateral public walkway, which runs the length of the beach (**Exhibit 2**). The Santa Monica Beach and Pier are very popular and heavily used. Ocean Front Walk, which provides pedestrian and bicyclist access to and along the beach and also provides public beach access from various beach parking lots, is also very popular.

The proposed storage shed will be bounded by the main lifeguard facility, a park, and the Ocean Front boardwalk on the landward (easterly) side; the Santa Monica Municipal Pier and Pier volleyball courts on the northerly side; a sandy children's play area with playground equipment, outdoor gymnastic facilities, and public restrooms on the southerly side; and sandy beach with a concrete bike path and a wooden pedestrian walkway on the seaward (westerly) side (see **Exhibit 2**).

The applicant proposes to install a storage shed/garage next to, but six feet seaward of, the existing Lifeguard HQ. The applicant has indicated that the proposed development cannot directly abut the existing facility with a zero-foot gap because there are existing telecommunication antennas that project off the building, which are imperative to the lifeguard radio operations. In addition, according to the applicant, the antennas cannot be relocated without causing distortion and interference, thereby negatively affecting communication for the lifeguards.

The intent of the proposed project is to provide sufficient storage for the lifeguard vehicles, medical supplies and equipment for the lifeguards, and to consolidate equipment currently stored out in the open on the beach, thereby reducing visible clutter.

The proposed project site is located on the beach area between the Lifeguard HQ and the concrete bike path and is 120 feet seaward of the existing, unpermitted storage container. Lifeguard vehicular traffic regularly utilizes this area for access to and along the beach. In addition, because of the broad beach and distance from the water, beachgoers do not use this area for beach activities. Beachgoers generally use the area that is seaward of the bicycle path and closer to the water (see **Exhibit 5**). Occasionally, a portion of this beach area is used for parking bicycles for the annual summer Twilight Concerts held on Thursdays at the Santa Monica Pier. Although the proposed storage shed will take up sandy beach area, the beach is very broad along this area and the floor area is not significant and will not adversely impact the area used by beachgoers and the area between the facility and bike path can still be used for activities.

Project Alternative

The City provided an alternate location analysis for the proposed storage shed/garage. The City considered locating the structure along either the north, south or east sides of the existing headquarters building. The City did not consider off-site locations because the equipment needed to be close by and readily available for emergency responses. The north side did not provide a viable alternative because of the existing volleyball courts located between the Pier and the Lifeguard HQ. The courts are heavily used and cannot be relocated without impacting other uses to the east or landward of the building. To the east, adjacent to the HQ parking lot, there is a small municipal park that could not be removed because it is designated as a City park and is not part of the headquarters. The south side, adjacent to the southern side of the HQ parking lot, was also considered. This area is a landscaped area with outdoor art sculptures and utility meters and valves (**Exhibits 2 & 5**). This alternate location would align the proposed storage shed/garage with the existing parking lot and would be within already developed areas of the beach. Placing the proposed storage shed at the landscaped area, however, would prevent use of one of the lifeguard access points to the beach; the landscaped area is located in between two lifeguard vehicular access points to the beach from the parking lot. In addition, the alternate location would have a functional impact due to the proximity to the Ocean Front boardwalk. Locating the proposed ancillary structure to this alternate site would re-direct lifeguard vehicular traffic closer to the Children's play area located

approximately 60 feet south of the landscaped area and would result in pedestrian circulation impacts.

The alternate site to the south of the headquarters building is also not the most feasible alternative because the utility meters and valves that occur within the landscaped area would need to be relocated. In addition, the Nautical Art outdoor sculptures would need to be evaluated, removed, and possibly relocated as well. Therefore, the City selected the beach area directly west of the Lifeguard HQ to maintain vehicles and emergency access, and to minimize public access impacts.

The proposed development will not restrict coastal access. The Commission finds that the proposed development will not obstruct access to the beach and is consistent with Section 30210, 30211, and 30212 of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

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, Pacific Palisades bluff, and the Santa Monica Mountains. The project site is located on the beach, and the area provides beachgoers, pedestrians, and bicyclists views of these scenic resources.

The viewshed from the project site includes those coastal views from the area surrounding the main lifeguard facility and from the Ocean Front boardwalk. Viewpoints from the surrounding area include the beach, the boardwalk, bike path and separate wooden walkway on the beach, and the Pier. From inland streets, such as portions of Seaside Terrace and Arcadia Terrace, the coastline and the ocean horizon are visible.

The proposed accessory structure will add to the bulk of the Lifeguard HQ and could impact ocean views. As seen from the Ocean Front boardwalk, however, views of the ocean are partially obstructed by the existing approximately 4,900 square-foot, 25-foot high lifeguard building. Since the proposed 13.5-foot high accessory structure will be installed directly behind (or seaward of) the main building, the proposed project will not result in further obstruction of ocean views.

In addition, views that will be obstructed will be limited to the views from the Ocean Front boardwalk. As designed, view obstruction of the beach and ocean due to the proposed project will be minimal.

The alternate location to the south, with the landscaped area, would align the proposed storage shed/garage with the existing lifeguard parking lot and would be within already developed areas of

the beach. Placing the proposed storage shed along the south side of the main facility, however, would expand the building footprint parallel to the Ocean Front boardwalk and would reduce the beach and ocean viewshed from the boardwalk.

By locating the shed along the western side of the existing HQ building, the views of the beach, ocean and pier from the boardwalk will be preserved. Therefore, the City selected the beach area directly west (seaward) of the Lifeguard HQ to minimize visual impacts. Although the proposed accessory structure will be visible from the surrounding area, including the beach and bike path as one looks inland, the visual impact of the project will not be significant. However, to ensure that future development will not have an adverse visual impact, a future improvement condition (**Special Condition 3**) is required. The Commission finds the proposed project will not interfere with and will maintain the public coastal views. As conditioned, the Commission finds the proposed project will not have a significant impact on visual resources and is consistent with the relevant policies of the City's Local Coastal Land Use Plan and with Section 30251 of the Coastal Act.

D. HAZARDS

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 30253 of the Coastal Act states, in relevant part:

New development shall:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) 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.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the

alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

1. Wave Uprush and Flooding Hazards

The subject site is located on a beach parcel within the Santa Monica State Beach and adjacent to the Santa Monica Pier. Presently, there is a wide sandy beach between the subject development and the ocean. The mean high tide line is approximately 550 feet from the seaward edge of the proposed project site. This wide sandy beach currently provides the main lifeguard building and other structures in the area some protection against wave uprush and flooding hazards. However, similar to other nearby beach fronting communities such as those at Surfside in Seal Beach (south of the subject site) the wide sandy beach is the only protection from wave uprush hazards.

Even though wide sandy beaches afford protection of development from wave and flooding hazards, development in such areas is not immune to hazards. For example, in 1983, severe winter storms caused flooding and heavy damage to beachfront property with similar wide beaches in areas such as Playa del Rey and Surfside (Seal Beach). Heavy storm events such as those in 1994 and 1998 caused flooding of the Surfside community. More recently, Hurricane Marie, located offshore of Baja California, resulted in large swells in Newport Beach and coastal flooding in Playa del Rey and Seal Beach in August 2014. Furthermore, the hurricane (50-mph sustained winds and 100-mph gusts) also resulted in strong storm surge along the south facing beaches of Orange County. As a result, the Commission has required assumption-of-risk deed restrictions for new development on beachfront lots in Surfside and other similar communities.

Section 30253(a) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Based on historic information and current conditions at the subject site, the proposed development is not considered to be sited in a high hazard area. The project site is located on the beach approximately 550 feet inland. This existing development was not adversely effected by the severe storm activity which occurred in 1983, 1994, 1998, and 2014. Since the proposed development is landward of existing development (bike path) which has escaped storm damage during severe storm events, the proposed development is not anticipated to be subject to wave hazard related damage.

However, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. Therefore, the presence of a wide sandy beach at this time does not preclude wave uprush damage and flooding from occurring at the subject site in the future. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983, 1994 and 1998, resulting in future wave and flood damage to the proposed development.

Given that the applicant has chosen to implement the project despite risks from wave attack, erosion, sea level rise, or flooding, the applicant must assume the risks. Therefore, the Commission

imposes **Special Condition 1** for an assumption-of-risk agreement. In this way, the applicant is notified of the potential hazards and that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. The assumption-of-risk condition is consistent with prior Commission actions for development along the beach. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

2. Future Shoreline Protective Devices

Section 30253 requires that new development does not require the construction of shoreline protective devices. In the case of the current project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. However, as previously discussed, nearby beachfront communities have experienced flooding and erosion during severe storm events, such as El Nino storms. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is foreseeable that the proposed structure may be subject to wave uprush hazards.

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. In addition, the construction of a shoreline protective device to protect new development would conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including beaches which would be subject to increased erosion from such a device.

As briefly noted, above, shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property, inconsistent with sections 30210 and 30211 of the Coastal Act.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach, inconsistent with sections 30210 and 30211 of the Coastal Act.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches, inconsistent with sections 30210 and 30211 of the Coastal Act. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a

public beach. As set forth in earlier discussion, this portion of Santa Monica State Beach is currently characterized as having a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season, inconsistent with sections 30210 and 30211 of the Coastal Act.

In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from shoreline protective devices. The applicant is not currently proposing a seawall and does not anticipate the need for one in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There is a wide sandy beach in front of the proposed development that provides substantial protection from wave activity. The Pier and the break water to the north also help protect the beach area. Moreover, according to the U.S. Geological Survey (USGS) Coastal Storm Modeling System (CoSMoS) 3.0 for Southern California, the proposed project site will not be subject to sea level rise within the lifetime of the development, which the City has indicated to be 25 years (**Exhibit 3**). The proposed storage shed and walkway are appurtenant structures and do not represent a significant investment. The City has indicated that if threatened the proposed storage shed/garage and concrete pad can be removed. Therefore, in the event the proposed development was subject to wave attack, erosion, sea level rise, or flooding, the development could be removed to avoid the hazard. Therefore, since the storage shed and walkway are not a significant investment, protection, such as a shoreline protective device, would not be required to protect the storage shed and walkway in the event that the project site were subject to wave attack, erosion, sea level rise, or flooding due to storms. Rather, removal of the storage shed and walkway would likely be the feasible alternative that would minimize impacts on coastal resources. The appurtenant and removable nature of the structure minimizes any hazard associated with the presence of the storage shed and walkway in an area where wave attack, erosion, or flooding could occur.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes **Special Conditions 2 and 3** prohibiting the applicant, or future land owner, from constructing a shoreline protective device. With the acceptance of the permit, the applicant agrees to no future shoreline protective devices for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the

future. Consequently, as conditioned, the development can be approved consistent with Section 30251 and 30253.

By imposing the “No Future Shoreline Protective Device” special condition, the Commission requires that no shoreline protective devices shall ever be constructed to protect the development approved by this permit in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. The Commission also requires that the applicant remove the structure if any government agency has ordered that the structure be removed due to wave uprush and flooding hazards. In addition, in the event that portions of the development are destroyed on the beach before they are removed, the applicant 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.

3. Future Development

In past permit actions the Commission has limited new beach development to a stringline, disallowing new development seaward of the line of existing development, unless a wave hazard analysis demonstrated that an additional setback was needed. In this case, the line of existing development would be used unless a wave hazard analysis required a further setback to minimize future hazards associated with wave attack, erosion, sea level rise, or flooding, or to reduce impacts to public beach access.

The proposed shed will be located seaward of the main lifeguard facility, extending the existing line of development further seaward. However, the shed is considered temporary by the City, and is ancillary to the main Lifeguard HQ. In past permit actions the Commission has not considered ancillary structures for purposes of establishing the seaward extent of future development. Therefore, the location of the proposed structure shall not be used to establish the seaward line for future development. To ensure that the proposed project does not result in future encroachment of any future development the Commission imposes **Special Conditions 4**. With the acceptance of the permit, the applicant agrees that the ancillary structure approved by this permit will not be used to establish the seaward line of any future development.

4. Conclusion

To ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes **Special Conditions 1, 2, 3, and 4**. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

E. WATER QUALITY/BIOLOGICAL ASSESSMENT

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy

populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

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

Section 30230 of the Coastal Act requires that marine resources be maintained, enhanced, and where feasible, restored, and further requires that uses of the marine environment shall sustain the biological productivity of coastal waters. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters be maintained, and where feasible, restored through measures aimed at reducing water resource impacts from proposed development. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

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 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. Sediment discharged into coastal waters may cause turbidity, which can reduce foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 5**, which outlines construction best management practices, construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and placed as far away from a storm drain inlet and receiving waters as possible.

F. LOCAL COASTAL PROGRAM (LCP)

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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will therefore not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

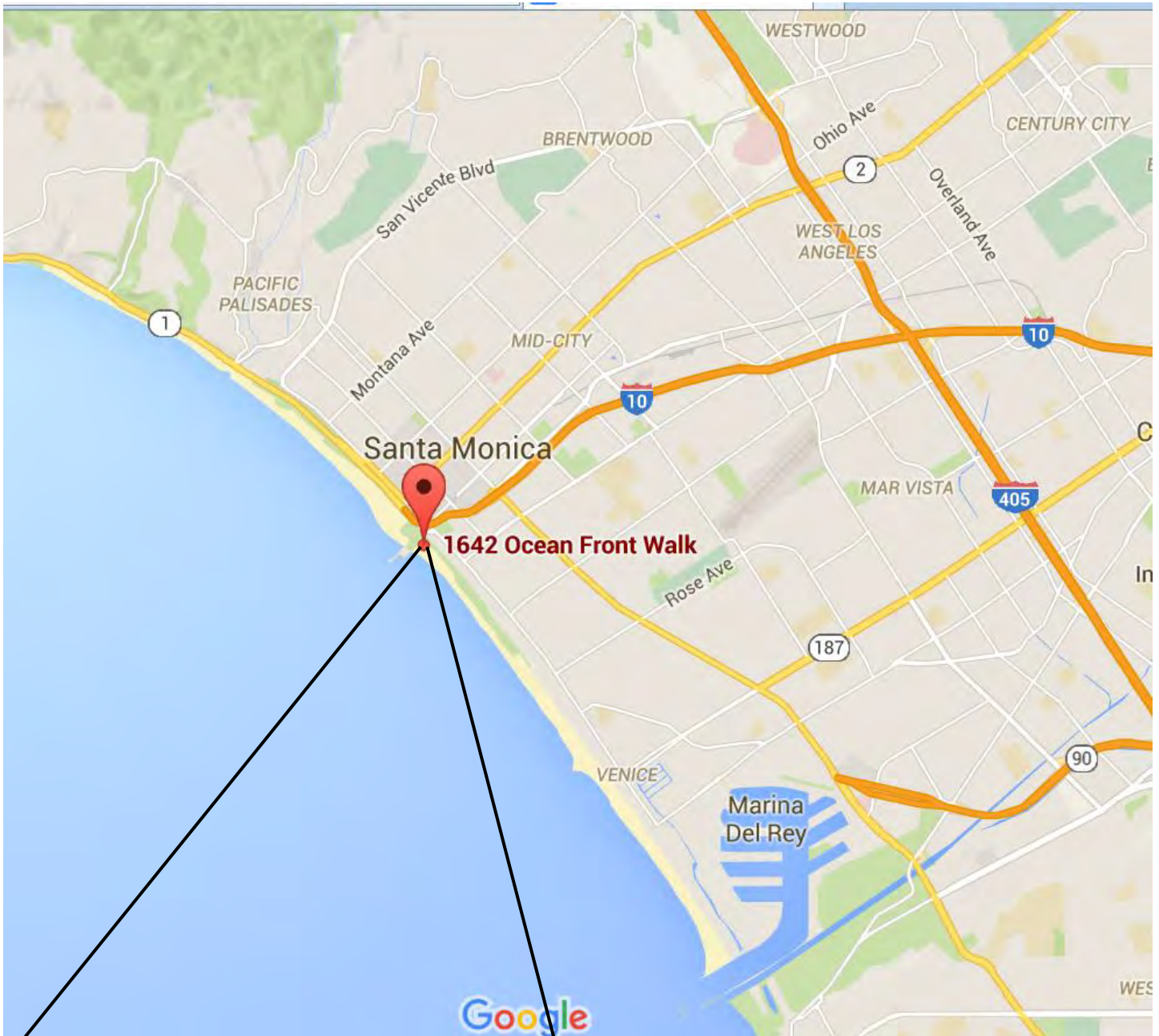
The development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

Special Conditions imposed will mitigate adverse impacts to coastal resources and public access.

The **Special Conditions** address the following issues: **1)** an assumption of risk agreement to acknowledge inherent coastal hazards adjacent to the project; **2)** no future shoreline protective device to mitigate for potential adverse impacts to shoreline sand supply, access, and recreation; **3)** future development condition to ensure the applicant is aware of future obligations to apply for a permit if any further development is proposed; and **4)** limitation on seaward encroachments; **5)** storage of construction materials, mechanized equipment and removal of construction debris to protect coastal water quality from pollutant discharges; and **6)** compliance with the proposed project and all special conditions of the permit. The Commission also analyzed various alternative locations for the project but determined that they were either infeasible or would have greater environmental impacts. Therefore, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect the proposed project, and finds that the project is consistent with CEQA and the policies of the Coastal Act.

Appendix A - Substantive File Documents

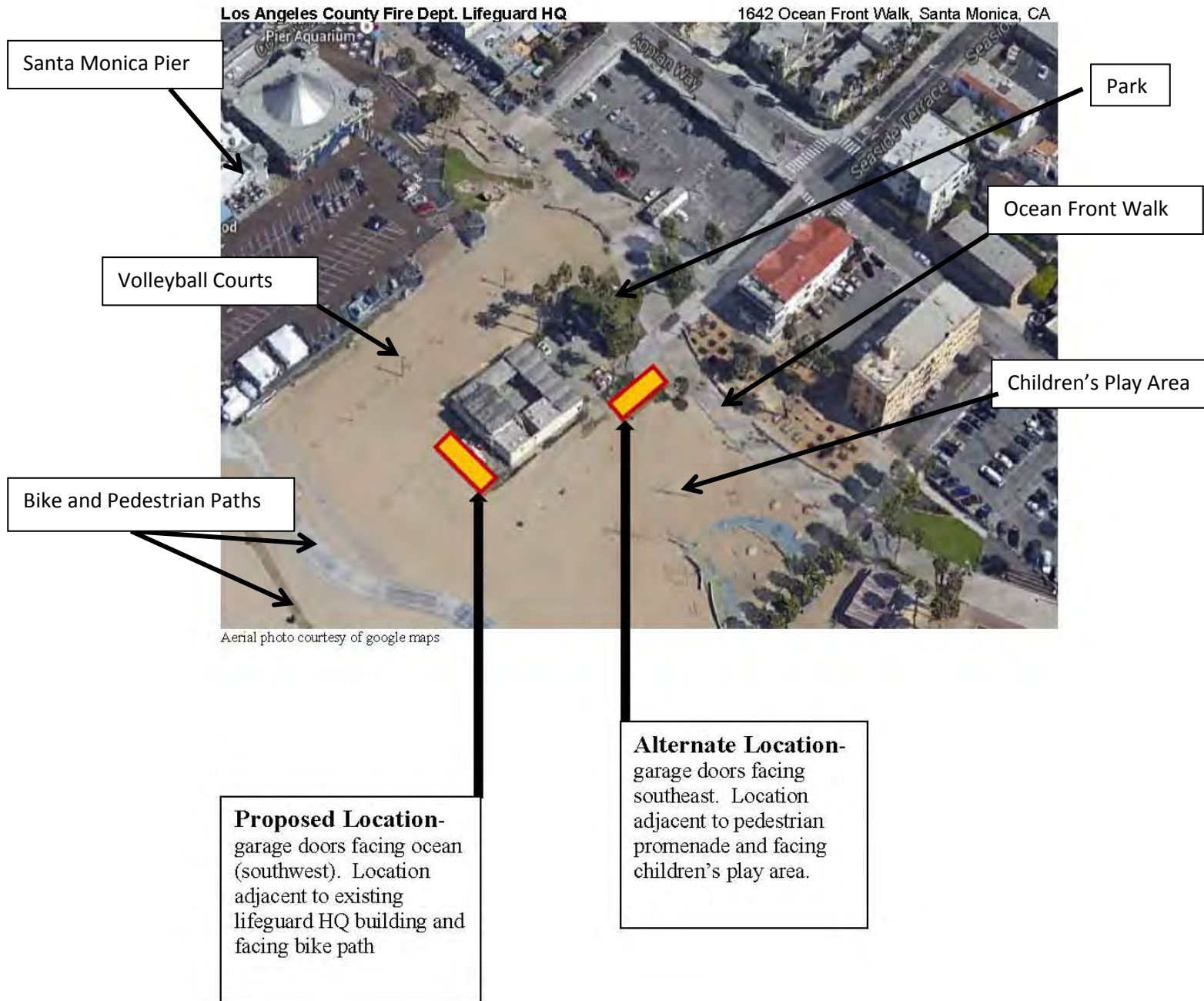
- City of Santa Monica certified Land Use Plan
- USGS *COSMOS* 3.0 – 2100 Shoreline Position and Sea Level Rise Projection
- Coastal Development Permit Application No. 5-15-0885

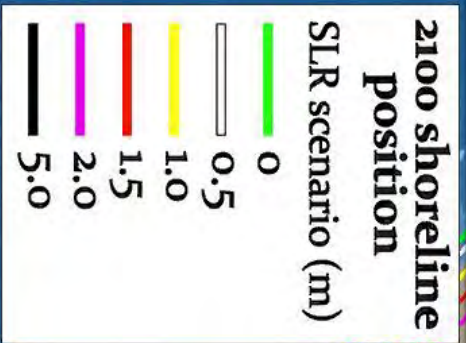


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EXHIBIT # 1
PAGE 1 OF 1

Section 2- Project Area





© 2016 Google

Imagery Date: 5/1/2015 34°00'31.10" N 118°29'53.17" W elev 25 ft eye alt 2909 ft

Google earth

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EXHIBIT # 3
 PAGE 1 OF 1



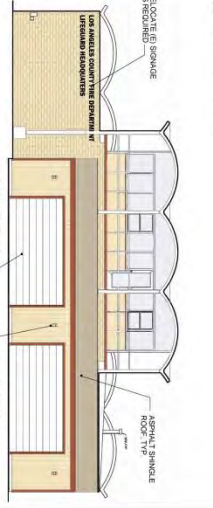
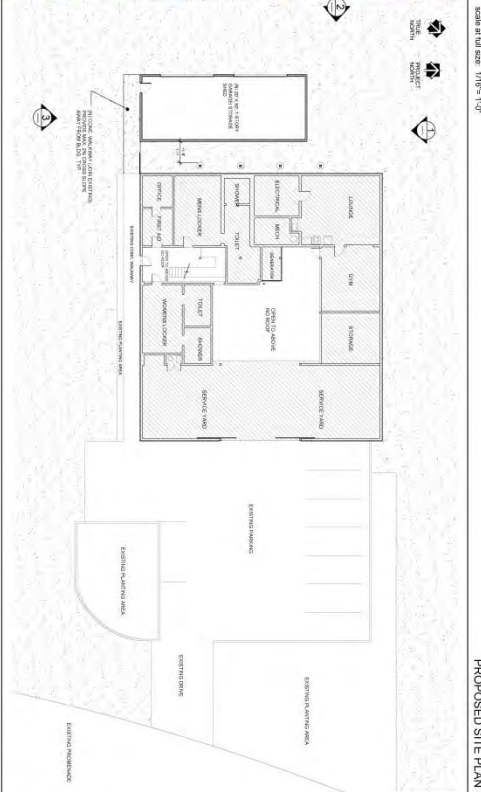
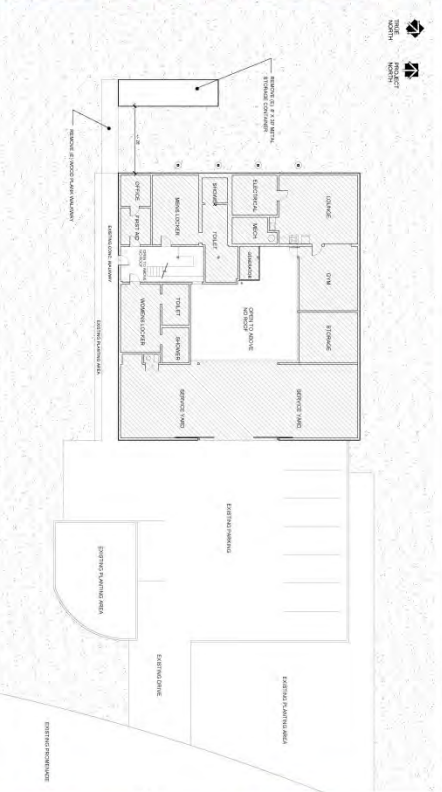
- | SHEET INDEX | |
|-------------|--|
| 1. T.1 | TITLE SHEET - SITE PLANS,
PHOTOGRAPHS, & ELEVATIONS |
| 2. A.1 | PROJECT NOTES & ELEVATIONS |
| 3. A.2 | PLANS & SCHEDULES |
| 4. A.3 | SECTIONS & DETAILS |

SCOPE OF WORK



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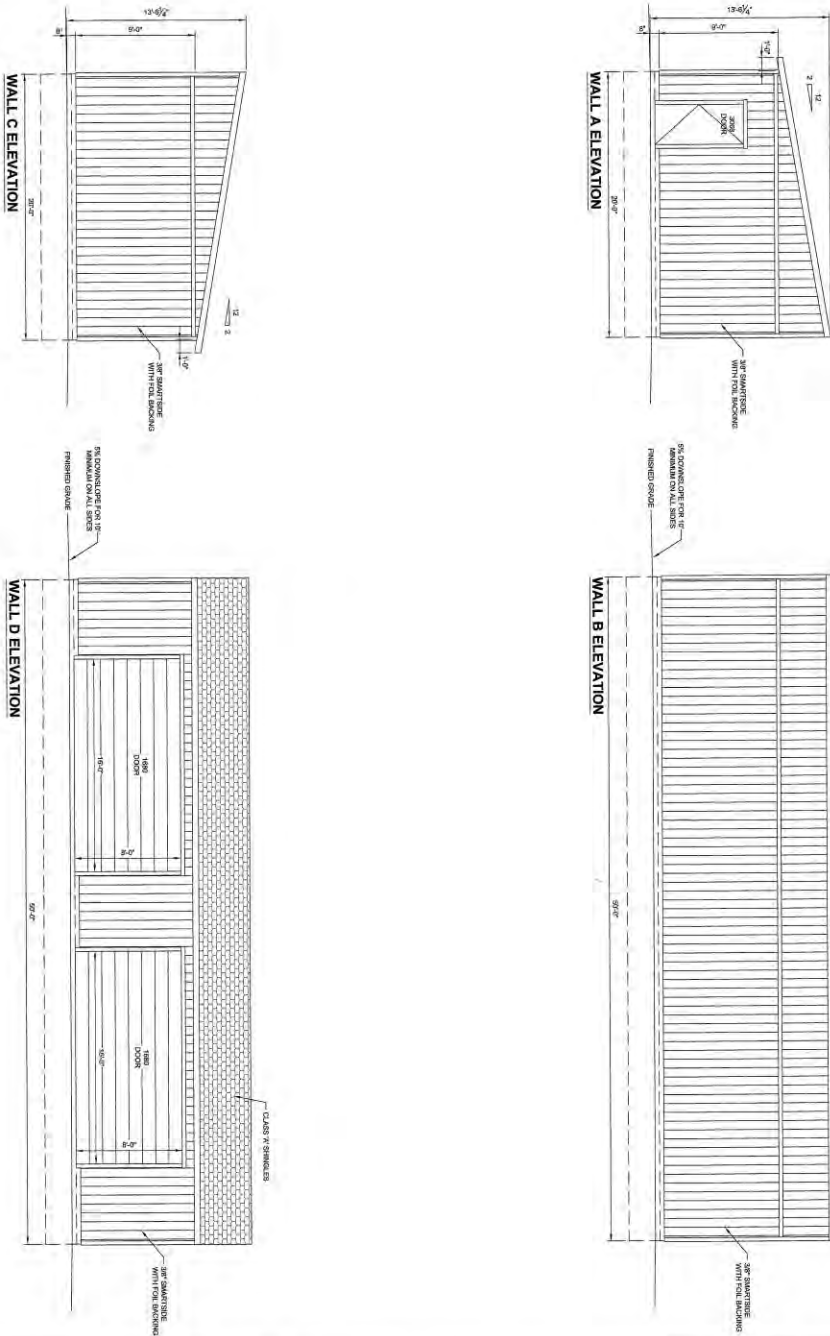
EXHIBIT # 4
PAGE 1 OF 3



Agency/Approval		Owner	
City of Santa Monica		Project Title	
LOS ANGELES COUNTY CRIMINAL JUSTICE SPEED REHABILITATION		Drawing Title	
TITLE SHEET		Revision	
No.	Description	Date	By
Computer File			
\\PACIFIC\333\JUN\03\03			
File No.	Revision		
Drawn by		Project No.	1333
Checked by	PC	1333	
Drawing			
T.1			
1	2	3	4
SHEET			

ACCESSORY BUILDING 20' X 50' = 1000 SQ. FT.

DRAWING INDEX
A2 - PLANS, SHEAR WALL SCHEDULE
A3 - SECTIONS, DETAILS



PROJECT NOTES

- DESIGN REQUIREMENTS
A. PERMITS: CITY OF DENVER, COLORADO BUILDING CODE WITH AMENDMENTS
B. OCCUPANCY CATEGORY: II
C. CONSTRUCTION TYPE: VAS
- DESIGN SCHEDULE
A. DATE: 01/11/2024
B. DATE: 01/11/2024
C. DATE: 01/11/2024
D. DATE: 01/11/2024
E. DATE: 01/11/2024
F. DATE: 01/11/2024
G. DATE: 01/11/2024
H. DATE: 01/11/2024
I. DATE: 01/11/2024
J. DATE: 01/11/2024
K. DATE: 01/11/2024
L. DATE: 01/11/2024
M. DATE: 01/11/2024
N. DATE: 01/11/2024
O. DATE: 01/11/2024
P. DATE: 01/11/2024
Q. DATE: 01/11/2024
R. DATE: 01/11/2024
S. DATE: 01/11/2024
T. DATE: 01/11/2024
U. DATE: 01/11/2024
V. DATE: 01/11/2024
W. DATE: 01/11/2024
X. DATE: 01/11/2024
Y. DATE: 01/11/2024
Z. DATE: 01/11/2024

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EXHIBIT # 4
PAGE 2 OF 3

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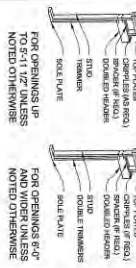
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Customer: CA COUNTY FIRE LIFE GUARD
Description: ACCESSORY BUILDING
Size: 20' X 50' = 1000 SQ FT
Site Address: 1542 PROMENADE
SANTA MONICA, CA 90401

TUFF SHED, INC.
ENGINEERING DEPARTMENT
RICHARD J. WILLS, P.E.
1777 S. HARRISON STREET
DENVER, COLORADO 80210
(303) 733-8833 EXT. 5618

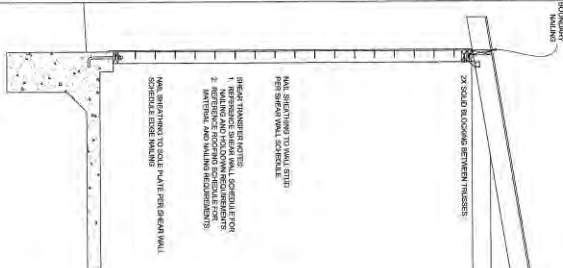
TUFF SHED
Storage Buildings & Garages
TUFF SHED, INC.
1777 S. HARRISON STREET
DENVER, CO 80210
(303) 733-8833
WWW.TUFFSHED.COM

PROJECT NOTES
ELEVATIONS
Scale: 1/4" = 1'-0"
Sheet 1 of 3
A1

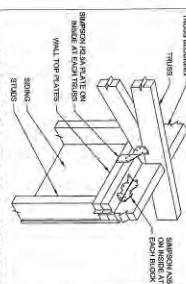
5 ROOFING SHEATHING NAILING DTL



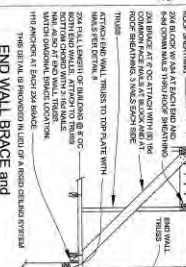
4
HEADER DETAIL
NOT TO SCALE



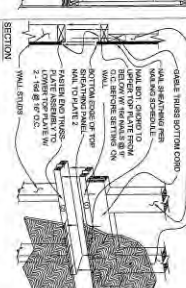
1 SHEAR TRANSFER DETAIL
3/4" x 1'-0"



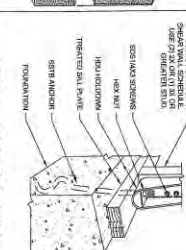
⑥ DETAIL WITH BOTTOM CHORD



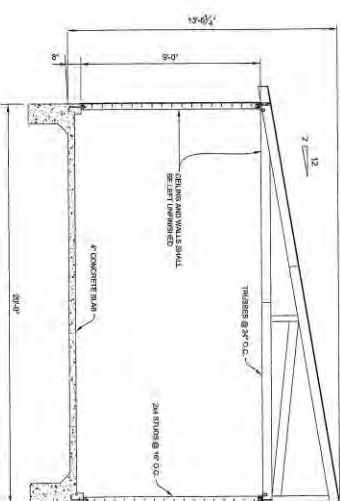
7 NOT TO SCALE



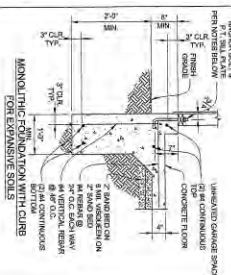
8 ENDWALL ASSEMBLY DETAIL



NOT TO SCALE



BUILDING SECTION



3 CF-1 FOUNDATION DETAIL
344' - 144' OF 5718 MONTH CBC

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EXHIBIT # 4
PAGE 3 OF 3

A3

TUFF SHED
Storage Buildings & Garages
TUFF SHED, INC.
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JANUARY, CA 92050
(714) 632-0611
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PO No. 701900 Inv No. 856278
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EXHIBIT # 5

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