

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



F6a

Filed:	12/23/2016
180th Day:	06/21/2017
Staff:	M. Alvarado-LB
Staff Report:	04/20/2017
Hearing Date:	05/12/2017

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-16-0433

Applicant: City of Santa Monica

Project Location: Santa Monica State Beach, 830 Palisades Beach Road, seaward of public parking Lot 8 North (810 Palisades Beach Road), City of Santa Monica, Los Angeles County
(Latitude: 34.0205°; Longitude: -118.5085 °)

Project Description: Removal of two playground swing sets; and construction of an approximately 22,143 sq. ft. ADA compliant playground (“Santa Monica North Beach Park”) on a public sandy beach. The proposed project will incorporate a 6 ft. high sand berm and will include playground equipment over rubber surfacing, series of stamped concrete walkways, concrete seating areas, three (3) 17.6 ft. high shade canopies, 42 in. high and 480 ft. long chain-linked fence, patio for outdoor picnic furniture, wood benches, and terraced and non-terraced landscaping. Americans with Disabilities Act (ADA) compliant accessibility to the play area will be provided throughout and will allow users with physical limitations easier access to the playground.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Commission staff is recommending **APPROVAL** of the proposed playground to provide public low cost recreational opportunities while protecting public access to the Santa Monica State Beach. The project site is on the beach and is bounded by a public parking (Lot 8 North) to the north, public bike trail and sandy beach to the south, a public restroom to the northwest (upcoast), and a private beach club (Jonathan Club) to the southeast (downcoast). Commission staff recommends approval with conditions relating to assumption of risk, no future shoreline protection devices, future development, construction responsibilities, signage, landscaping, and permit compliance.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	3
II. STANDARD CONDITIONS	3
III. SPECIAL CONDITIONS	4
IV. FINDINGS AND DECLARATIONS	7
A. PROJECT DESCRIPTION AND LOCATION.....	7
B. PUBLIC ACCESS.....	11
C. LAND, BIOLOGICAL, AND MARINE RESOURCES.....	11
D. HAZARDS	11
E. LOCAL COASTAL PROGRAM.....	11
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	12

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

- Exhibit No. 1 – Project Location
- Exhibit No. 2 – Project Renderings
- Exhibit No. 3 – Site Plan & Elevations
- Exhibit No. 4 – State Parks Approval letter

I. MOTION AND RESOLUTION

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:

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

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 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

This permit is granted subject to the following special conditions:

1. **Signage.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a signage plan showing the size, wording and location of signs to inform the public of the availability of the park consistent, at a minimum, with the terms of this condition. The size of the signs shall be consistent with the City of Santa Monica sign requirements for public recreational areas. The signs shall be no larger than 12 inches by 18 inches (12" x 18"), and shall be conspicuously placed where the signs and the text are legible from the beach, public parking lot, and bike path and other access points to the project site. The signage plan shall be reviewed and approved by the City prior to submittal to the Coastal Commission.
- B. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **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.
- (n) Staging and storage of construction equipment and materials (including debris) shall not take place on the beach.
- (o) All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

3. Landscaping – Drought Tolerant, Non-Invasive Plants.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final revised landscaping plans, which shall include and be consistent with the following:

- i. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
- a. The total number of new trees, which shall consist of *Pinus torreyana* or other trees that are similar, but not exceeding, in mature height and canopy density, shall be limited to five (5).
- ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

4. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-16-0433. 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. 5-16-0433. Accordingly, any future improvements to the storage shed or walkway authorized by this Coastal Development Permit No. 5-16-0433, 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. 5-16-0433 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Assumption of Risk, Waiver of Liability and Indemnity.

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 waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (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; 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; 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.

6. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the applicant(s) agrees, on behalf of himself 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. 5-16-0433, 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 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 further agrees, on behalf of itself and all successors and assigns, that the applicant shall remove the development authorized by this Permit, due to destruction or damage resulting from waves, erosion, storm conditions, sea level rise, or other natural hazards in the future that leaves the walkway unusable or makes it hazardous to the public. In the event that portions of the development break off or separates, 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.

- 7. **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. 5-16-0433 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The City of Santa Monica ("applicant") proposes to remove the two existing swing sets, and construct an approximately 22,143 sq. ft. playground ("Santa Monica North Beach Park") on a public sandy beach, seaward of Pacific Coast Highway, near the Montana Avenue overpass (**Exhibit 2 & 3**). The proposed project will consist of two distinct play areas: an area for younger children (ages 2-5) and for older children (ages 5-12). The two play areas will be separated by a

concrete walkway atop an artificial sand berm with a maximum height of 6 ft. (measured from top of existing beach grade) and with terraced landscaping and additional play surfaces. The terraced landscaping will be supported by three (3) landscape/retaining walls with a total height of 4 ft. but only 6 in. of the walls will be exposed above-grade. The proposed project will also include playground equipment over rubber surfacing, series of stamped concrete walkways, concrete seating areas, three (3) 17.6 ft. high shade canopies supported by concrete piles, 42 in. high and 480 ft. long chain-linked fence, patio for outdoor picnic furniture, wood benches, and non-terraced landscaping (**Exhibit 2 & 3**). Americans with Disabilities Act (ADA) compliant accessibility to the play area will be provided throughout and will allow users with physical limitations easier access to the playground and to the coast. Approximately 1,806 cubic yards of grading (cut and fill) is proposed.

The project site encompasses 0.6-acres of the sandy beach at 830 Palisades Beach Road, approximately 1-mi. northwest (upcoast) of the Santa Monica Beach (“Beach”) municipal pier and approximately 0.60-mi. southwest (downcoast) of the northern city limit in Santa Monica, Los Angeles County. The proposed playground will be located directly seaward of Pacific Coast Highway (“PCH”) and public parking Lot 8 North (810 PCH (“Lot 8N”)), landward of the Marvin Braude public bike trail, and adjacent to a public restroom, the Montana Avenue pedestrian overpass (over PCH) to the beach, and the Jonathan Club (**Exhibit 1**). The property is managed by the City of Santa Monica (“City”) and owned by the California Department of Parks and Recreation, whom supports the proposal.

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The purpose of the proposed project is to provide public low-cost recreational opportunities along the coast and to help improve accessibility closer to the coast for all children with a universally accessible design. Commission-approved parks and recreational playground/facilities exist south of pier, where the beach width varies from approximately 400 ft. to 700 ft. However, the beach width increases north of the pier from 400 to over 900 feet wide, and in this particular case, the project site will be located landward of the public bike trail and a section of beach that is approximately 600 ft. wide, with the playground equipment at the most landward end of the beach. In addition, because of the broad beach and distance from the water, beachgoers do not heavily use the project site for beach activities. Beachgoers generally use the area that is seaward of the bike trail and closer to the water. Therefore, the proposed project will offer recreation along the coast while being sited in a location where it will minimize adverse impacts to coastal public access.

In order to provide the public with clarity regarding that the playground is available for public access, **Special Condition 1** requires a signage plan that includes the provision for the installation of signage to inform the public of their right to utilize all public access areas on site but may identify that the areas are limited to children and adults accompanying the children into the playground. The plan shall show the location, size, design, and content of all signs. No signs that restrict public access to the public beach shall be permitted.

Construction activity on the beach for the construction of the playground could affect the public’s ability to gain access to, and/or make use of, the coast. Approximately 24 public parking spaces located within the Lot 8N will be temporarily displaced during construction. However, according to the applicant the proposed construction will be completed after Labor Day, following the peak

summer period, in the fall to minimize impacts to public access. The duration of the project is not expected to exceed nine (9) months. In addition, public coastal access to Santa Monica State Beach and the ocean is available northwest (upcoast) and southwest (seaward) of the project site at the existing coastal access point from Lot 8N and the bike trail. Continuous pedestrian/bike access along the access point and trail will not be impacted during construction activities. With regards to post-construction public access impacts, the applicant has submitted parking data indicating that there is an adequate supply of parking within Lot 8N to support the increase of intensity of use of the beach that may result from the proposed development, and to continue to adequately serve beachgoers. Therefore, the City's proposed project will minimize any adverse impact to public access.

The proposed construction activity will occur in a location where there is a potential for discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, or debris, in a location where it could be carried into coastal waters could impact water quality. The applicant is requiring that the contractors implement Best Management Practices (BMPs) during construction, including placement of straw wattles or sand bags for erosion control. To ensure that BMPs are incorporated to reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes **Special Condition 2** 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 BMPs following construction; and requires monitoring and maintenance of the system.

The applicant is proposing landscaping, including five (5) *Pinus Torreyana* trees along the project site boundary adjacent to the public parking lot. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). The term drought tolerant is equivalent to the term 'low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

The proposed project will also implement water efficiency and conservation measures (i.e. drip irrigation and bubblers). To ensure the proposed project incorporates and implements these measures, the Commission imposes **Special Condition 3**, which requires the applicant to utilize drought-tolerant, non-invasive vegetation and water conservative irrigation systems.

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. From PCH, the coastline and the ocean horizon are visible above Lot 8N. Consequently, the proposed playground could impact ocean views. As seen from the PCH, however, views of the ocean are partially obstructed by the existing landscaping, public restroom, two swing sets, Jonathan Club

fencing, and Montana Avenue pedestrian overpass. It is important to note, that historically the project site has consisted of play equipment, although only the two swing sets remain. In addition, a visual analysis provided by the applicant demonstrates that the coastline and the ocean horizon will still be visible from PCH and will only be partially obstructed by the proposed development; views that will be obstructed will be limited to the views from PCH. Moreover, the applicant has agreed to limit the number of proposed trees to five (5) *Pinus torreyana* trees, or trees similar in height and canopy density, to help soften the development while preserving views of the coastline as viewed across Lot 8N from PCH, consistent with the requirements of Special Condition 3. As designed, view obstruction of the beach and ocean due to the proposed project will be minimal. However, to ensure that future development will not have an adverse visual impact, a future improvement condition (**Special Condition 4**) is required.

The applicant has provided a Summary Report of Coastal Hazard Analyses prepared by American Geotechnical, Inc. for the proposed project. It is concluded in the analysis that the proposed site will be reasonably safe from coastal hazards including shoreline movement, waves and wave runup, and flooding with future sea level rise during the anticipated 50- to 75-year design life of the development. However, development adjacent to the ocean is inherently hazardous. Given that the applicant has chosen to implement the project on the beach despite potential risks, the Commission is imposing its standard waiver of liability special condition (**Special Condition 5**) to ensure that the applicant is aware of the hazards and restrictions on the subject property; is aware that the project site is in an area that is potentially subject to wave action, sea level rise, erosion, and flooding which could damage the proposed structures; and is aware that the Commission is not liable for such damage as a result of approving the permit for development.

To further ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes **Special Condition 6**, which would prohibit the applicant from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. The Coastal Act limits construction of these 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. 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: 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. Special Condition 6, also establishes requirements related to response to future coastal hazards, including relocation and/or removal of structures due to the threat of or actual damage or destruction to the premises resulting from waves, erosion, storm conditions, sea level rise, or other natural hazards in the future, and in the event that portions of the development fall to the beach before they are removed, requiring the applicant or successor(s) to 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 conclusion, with Special Conditions addressing adverse impacts to public access and recreation, impacts to the public will be minimized to the greatest extent feasible. In addition, the Commission

imposes **Special Condition 7** requiring compliance with the approved plans and all special conditions of the permit. Therefore, the proposed project, as conditioned, is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. LAND, BIOLOGICAL, AND MARINE RESOURCES

The proposed development has 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. The proposed development will have no significant adverse impact on adjacent habitat, recreation areas, or parks. Therefore, the Commission finds that the project conforms with Section 30240(b) of the Coastal Act.

D. HAZARDS

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.

E. 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.

F. 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.

APPENDIX A- SUBSTANTIVE FILE DOCUMENTS

1. City of Santa Monica LUP
2. Coastal Development Permit (CDP) Application No. 5-16-0433
3. *Summary Report of Coastal Hazard Analyses* prepared by American Geotechnical, Inc. dated August 18, 2016
4. California State Parks (owner), Los Angeles District letter of support dated May 4, 2016
5. *Geotechnical Investigation Report, Proposed Santa Monica North Beach Play Area, Santa Monica, California* prepared by Willdan Geotechnical dated November 9, 2015.