CALIFORNIA COASTAL COMMISSION
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W21a

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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-17-1009**
Applicant:	**Bel Air Bay Club / Christopher McGranahan**
Agents:	Armbruster Goldsmith & Delvac, LLP; Moffatt & Nichol
Location:	16800 Pacific Coast Highway, Pacific Palisades, Los Angeles County (APN 4415-036-001)
Project Description:	Repair and reinforce two existing groins to their 1947 design footprint and bulk at approximately 5,245 sq. ft. (upcoast groin) and 15,560 sq. ft. (downcoast groin), utilizing 624 tons (531 imported and 93 retrieved onsite) of armor and underlying stone and 8,500 sq. ft. of filter fabric.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to repair and retrofit two existing groins to their 1947 design located on the public beach by retrieving approximately 93 tons of rock that have been dispersed by wave activity and importing 531 tons of rock (**Exhibit 2**). The groins are experiencing scouring and loss of stones within the core, leading to an ineffective structure that will cause the public beach to narrow. Groins are effective at retaining sand within the Santa Monica bay littoral zone, which experiences a high rate of sand drift, and may aid in advancing the shoreline and public beach along this portion of the bay.

The subject groins are located on the public beach seaward of PCH and north of Will Rogers State Beach in Pacific Palisades, City of Los Angeles. The project site is situated along the shoreline of Santa Monica Bay, which spans from Point Dume to the Palos Verdes Peninsula. The Santa Monica Bay shoreline is armored with approximately 19 groins from Topanga Canyon to Malaga Cove including a series of shoreline rock revetments and offshore breakwaters.

In 2003, the Bel Air Bay Club entered into a boundary line agreement with the State Lands Commission (SLC). Part of that agreement includes a maintenance lease which designated the applicant, Bel Air Bay Club (BABC), as the responsible party for repairing and maintaining the groins on the public beach.

The proposed project involves risks of adverse impacts to the environment. Due to its location, which straddles the mean high tide line, the project site is subject to coastal hazards such as flooding from storm events, wave action, and scouring from beach erosion. All of these hazards are anticipated to be exasperated with predicted sea level rise. In addition, placement of the rocks during construction may temporarily impact lateral public access along the shoreline and water quality by increasing turbidity in coastal waters. Therefore, in order to minimize impacts, staff is recommending **approval** of the proposed coastal development permit with **ten (10)** special conditions. The special conditions would require the applicant to: **1)** submit revised final design plans; **2)** submit as-built plans after construction is finished; **3)** assure that timing of construction maintains public beach access; **4)** avoid construction during snowy plover nesting season and grunion spawning season; **5)** conduct construction best management practices (BMPs) to minimize impacts to coastal waters; **6)** attend to any debris or dislodged materials from the groin after completion of the maintenance work, and obtain any necessary CDPs for such work; **7)** submit monitoring reports to the Commission's Executive Director every five years to monitor the groin's condition and track changes to shoreline conditions; **8)** assume the risks of development; **9)** record a lease restriction; and **10)** recognize that approval of this permit does not constitute a waiver of any existing public rights.

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Appendix L – U.S. Army Corps of Engineers. 2009. "Coast of California Storm and Tidal Waves Study Los Angeles Region".
Appendix M – Moffat and Nichol correspondence, 11/12/18 and 11/27/18

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the Coastal Development Permit Application No. 5-17-1009 subject to the conditions set forth in the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of affirmative vote of a majority of the Commissioners present.

Resolution:

*The Commission hereby approves Coastal Development Permit No. **5-17-1009** 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. **Revised Final Design Plans.** PRIOR TO ISSUANCE OF THIS PERMIT, the applicant shall submit, for review and approval of the Executive Director, final revised plans for the groins' design that substantially conform with the plans submitted to the Commission, titled *Groin Repair Permit Support Services*, dated October 3, 2018.

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

2. **As-Built Plans.** After the completion of groin construction, the permittee shall submit to the South Coast District Office, for review by the Executive Director, as-built plans that incorporate a survey and inspection report conducted by a licensed engineer. The as-built plans must substantially conform to the 1947 groin design plan as depicted in Exhibit 3. The survey report and plans shall include site plans and cross sections such as Class A and Class B stone placement, side slope, groin head slope, base width, crest width, total length, and total rock amount utilized in tons. The survey report shall also include photographs that illustrate the as-built groins upon completion.

3. **Timing of Construction and Public Access**. The permittee shall conform to the permittee's construction lay down plan from the revised final design plans titled *Groin Repair Permit Support Services*, as required from Special Condition 1, that identifies areas for construction equipment staging, armor stone staging, lateral public access route along the beach, machinery route to the construction zone, and staging of barriers and flaggers. By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the beach and public parking lots resulting from construction activities, including, at a minimum, complying with the following:

   A. Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition.
   B. No construction shall occur during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. The applicant shall schedule the project and make allowances for project suspension such that complete restoration of public access to the beaches and public parking lots occurs during the "peak use" beach season. Construction activities during "non-peak use" beach season shall maintain pedestrian access to and along the beach at all times during construction, utilizing flaggers and signs to redirect pedestrians safely around the portion of the beach within the immediate vicinity of the proposed construction area.
   C. Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to public access at the beach and the public beach

parking lots. Construction equipment, materials, or activity shall not be placed on the sandy beach outside of the immediate construction zone as identified on the revised final plans required by Special Condition 1 of this CDP.

D. During construction, the project shall not occupy more than 12 parking spaces required for equipment and material staging as identified in the revised final plans required by Special Condition 1 of this CDP. The construction staging area shall be gradually reduced as less materials and equipment are necessary.

4. **Timing of Construction**. To avoid adverse impacts on grunion and snowy plovers, construction shall not occur between March first and September thirtieth of any year.

5. **Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:

   A. No demolition or construction materials, equipment, 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. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
   C. 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.
   D. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
   E. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
   F. 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.
   G. 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 and any receiving coastal waters.
   H. The discharge of any hazardous materials into any receiving waters shall be prohibited.
   I. 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.
   J. 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.
   K. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. **Future Permit Requirement.** This permit is only for the development described in CDP 5-17-1009. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by CDP 5-17-1009. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP 5-17-1009 from the Commission or shall require an additional CDP from the Commission, except as follows:

    A. If any debris, rock, or material becomes dislodged from the groin after completion of the repairs, the permittee shall either redeposit this material within the as-built footprint or remove and dispose of this material at an approved disposal site as soon as possible after such displacement occurs. The permittee shall contact the Coastal Commission South Coast District Office immediately to determine whether such activities require a coastal development permit or amendment to CDP 5-17-1009.
    B. If it is determined that a CDP or permit amendment is required, the permittee shall submit a shoreline monitoring report, prepared by a licensed civil engineer, which collects data on changes to public beach profile of the subject site. The monitoring report shall provide the following:
        i. As-built plans, as provided by Special Condition 2, showing the permitted structures in relation to the existing topography of the shoreline and showing measurement points that will be used yearly to measure the footprint of the groin structures (only necessary in the first submitted report). An analysis of the shoreline relative to sea level rise shall also be included.
        ii. An evaluation of changes to the downcoast Will Rogers State Beach profile showing the existing topography of the shoreline utilizing survey methods as indicated in section B.i above.
        iii. An evaluation of the condition and performance of the approved shoreline protection device. Special attention should be paid to the concrete cap located on the downcoast groin, noting any cracks, changes in gapping distance, spalling or exposure of reinforcing material.

7. **Shoreline Monitoring Report**. On five-year intervals, the applicant shall undertake a thorough visual inspection of the groins, by means of diver surveys, remote operated vehicle or other similar efforts and check for groin permeability, foundation scour or settlement and erosion. The applicant shall submit, for review and approval of the Executive Director, a shoreline monitoring report which identifies the conditions of the groins and changes to the public beach shoreline as indicated in Special Condition 6 (B.i. B.ii, and B.iii). The report shall also include recommendations for repair, maintenance, modifications or other work to the groins. Other work includes information for design alternatives to determine the least environmentally damaging alternative at the time, including possible removal of the groin structures and nature-based infrastructure solutions.

8. **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 waves, storm waves, and erosion; (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.

9. **Lease Restriction.** PRIOR TO ISSUANCE OF THIS PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the lessee and lessor have executed and recorded against the parcel(s) governed by this permit a lease restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The lease restriction shall include a legal description of the entire parcel or parcels governed by this permit. The lease restriction shall also indicate that, in the event of an extinguishment or termination of the lease restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property now or in the future.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant proposes to repair and reinforce two existing groins which have been partially dismantled due to natural coastal processes. The proposed project involves retrieving approximately 93 tons of rock which have been displaced from the groins, importing 531 tons of new rock to be placed within the footprint of the groins, and the placement of 8,500 sq. ft. of filter fabric within the groins to help keep the underlayer rocks in place (**Exhibit 2**).

The upcoast groin is approximately 180 ft. long and 15 ft. wide (approximately 2,700 sq. ft.) and is composed of approximately 1,113 tons of rock and concrete. The downcoast groin is 205 ft. long (only appx. 165 ft. of groins will be affected) and 10 ft. wide (approximately 2,050 sq. ft.) and is composed of sheet pile, 712 tons of rocks, and timber. A concrete storm drain that is owned and operated by the County of Los Angeles exists within the footprint of the downcoast groin. No work is proposed on the existing storm drain outlet. The applicant proposes to repair the two groins to their 1947 design footprint and bulk as originally permitted by the United States War Department.

The 1947 Groin Design Plan (**Exhibit 3**) shows that the groins consisted of 3-ft. thick armor stone (Class A[1]) on the outside of the groins as well as smaller, 0.5-2.0-ft. thick underlayer stone on the inside of the groins (Class B). Both groins were designed at a 1H: 1V slope at the sides and 1.5H: 1V slope at the head. The upcoast groin was design with an approximately 15-ft. wide base and 4-ft. wide crest, while the downcoast groin was design with a 10-ft. wide base and a 3 to 5-ft. wide crest.

The applicant proposes to repair the upcoast groin by retrieving approximately 57 tons of rock from the beach and water and installing 321 tons of new Class A & B stones in the middle of the structure to fill the voids. The applicant also proposes to place larger "Class A" stones at the landward and seaward ends of the groin and the outer layer along the length of the groin, which would sit on top of the smaller stones, which make up the inside of the groin.

For the downcoast groin, the applicant proposes to retrieve 36 tons of rock from the beach and water and to install 210 tons of new Class A & B stones. The new and retrieved stones would be placed in the same fashion as those of the upcoast groin. For both groins, the applicant proposed to retrieve and reuse existing rocks that have been displaced from the groins to the maximum extent feasible. Additionally, a total of approximately 8,400 sq. ft. filter fabric is proposed to be utilized for both the upcoast and downcoast groins to hold the underlayer stones in place. The filter fabric would be covered by the larger stones and would not be visible.

The project site is located on the beach seaward of the BABC, located at 16800 PCH, Pacific Palisades, north of Will Rogers State Beach in the City of Los Angeles (**Exhibit 1**). The subject site is adjacent to the south flank of the Santa Monica Mountains within the Santa Monica Bay, which spans from Point Dume to the Palos Verdes Peninsula. There are approximately 19 groins located along the shoreline within the Santa Monica Bay, including a rock revetment immediately upcoast of the groins, all of which are located seaward of PCH on state tidelands.

The proposed project consists of repair of two groins located on the sandy beach and extending into the Santa Monica Bay. Therefore, work will occur on tidelands, submerged lands, and public trust lands within the Commission's original jurisdiction, and, under Section 30601 of the Coastal Act, the applicant must obtain a CDP from the Coastal Commission.

B. OTHER AGENCY APPROVALS

The groins were originally constructed in 1927 by a private company. Shortly thereafter, the BABC purchased the property. The details of the original 1927 groin design are unknown; however, the 1947 design is considered similar to the 1927 design due to historic photographs of the site. On November 9, 1937, a lease agreement was established between the BABC and the State Lands Commission (SLC) that determined the boundary line between private property and public trust / state tide lands under the California State Lands ordinary High Water Mark agreement #OR 15482-

[1] "Class A and B" are terms used by civil engineers which refers to quarry-type stone sizes including width and weight. Class A 'armor' stones are typically 3+ feet wide, which describe the diameter of the roughly-shaped stone, and weigh between 9 to 20 tons. Class B 'core' stones are typically smaller than 3 feet in width and weight between 0.65 to 2.0 tons, which are utilized as an under layer beneath armor stone.
Reference: October 1990. United States Army Corps of Engineers (USACE). "*Engineer Manual*". Page 4-3. https://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM_1110-2-2302.pdf.

23. The history of the 1937 Boundary Line agreement is detailed in the Bel Air Bay Club Title Settlement and Boundary Line agreement BLA 272/AD455, dated October 20, 2003.

The boundary lines established by the 2003 agreement allowed SLC and BABC to "settle forever the location of the seaward boundary of the lands owned by the BABC" and that the "BABC property shall not be subject to the public trust for commerce, navigation and fisheries, except as provided in Public Res. Section 6339(a); restrict, limit and prohibit forever the ability of the State to ever challenge or dispute the validity of the new boundary line…"

California Code, Public Resources Code - PRC § 6339(a) states:

> *Boundaries established by boundary agreements entered into and recorded pursuant to Section 6336, as to all parties thereto, shall be fixed and permanent without change by reason of fluctuation due to the forces of nature, except that any lands that may thereafter be submerged or become subject to the ebb and flow of the tide, shall, so long as such conditions exist, be subject to the easement in favor of the public for commerce, navigation, and fisheries.*

The sandy beach in between the mean high tide line (MHTL) and the property boundary **(Exhibit 5)** ranges from approximately 40 ft. wide at the west to 100 ft. wide at the east. The area of the wet and dry sand seaward of the BABC is subject to the public trust, and maintained by BABC under a SLC lease. The subject beach is relatively narrow compared to nearby beaches such as Venice and Santa Monica, which are approximately 300 ft. to 500 ft. wide, respectively.

In 1947, a permit was issued by the United States War Department (**Exhibit 4**) authorizing the construction of "two stone groins, 180 and 205 ft. long, spaced approximately 800 ft. apart, with crown widths of 4 ft., varying in elevation from 3 to 12 ft. above mean lower low water, and extending seaward from mean high tide line, approximately 125 and 110 ft., respectively." The permit included plans which illustrate the profile and cross sections of the two groins **(Exhibit 3)**. This is the design to which the applicant proposes to restore the two groins.

In 1952, an updated SLC boundary agreement established the private property lines and sovereign lands and, in 2003, an updated boundary agreement between SLC and BABC established the current boundary lines including two lease areas. One of the lease areas includes maintenance of the groins pursuant to Lease PRC 8465.1, allowing groin repairs for 20 year periods for the purposes of controlling beach erosion. The lease expires on October 19, 2023. The lease that is included in the Title Settlement and Boundary Line Agreement dictate that the BABC is responsible for maintaining the groins. On February 1, 2018, the SLC issued an approval letter stating that "no authorization [from the SLC]…is required for the proposed repairs… subject to Lease No. PRC 8465.1" (Appendix G).

On May 24, 2018, the LA Regional Water Quality Control Board issued an Order allowing discharges into state waters for the repair of the two groins (Appendix H). On June 4, 2018, the US Army Corps of Engineers issued a permit (SPL-2018-00024-GLH) for the repair and maintenance of the two groins (Appendix I). The LA County Department of Beaches and Harbors is aware of the project and has expressed support for the staging of construction equipment on the adjacent public beach parking lot (Appendix J).

C. PUBLIC ACCESS

Article X Section 4 of the California Constitution provides:

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

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.*

In the past, the Commission has conditioned the BABC to maintain lateral access seaward of their property for use by the public (CDP Nos. 5-92-108 and A-5-PPL-02-162/ 5-02-099). The public access areas (**Exhibit 5**) are identified in the maintenance lease settlement agreement between the BABC and the SLC and include areas of dry sand, the wet sand when the public beach is inundated, and an area inland of the sand berm when the sand berm is present (Special Condition No. 2 of CDP No. 5-92-108) (Appendix B).

The applicant has submitted a construction lay down plan (**Exhibit 2**), in which the applicant proposes to utilize heavy machinery to retrieve and relocate the dispersed rocks in the area and import new rocks. Heavy machinery used for moving large rocks will be staged at the westernmost portion of the State Beach parking lot that is operated by LA County Department of Beaches and Harbors. The applicant has assessed the utilization of the private club parking lot to stage heavy machinery; however, it is not feasible to use the private parking lot as a staging area because the existing seawall and other structures located in between the parking lot and beach would not allow the applicant to move the machinery or construction supplies from the parking lot to the project site. The applicant has also assessed the possibility of utilizing the public roadway west of the site. However, the road has a narrow shoulder and is highly trafficked, increasing dangerous conditions to the public due to the presence of oversized machinery on the road. Thus, the western most portion of the parking lot provides the most direct and safest route to the groins.

The applicant proposes to utilize no more than 12 parking spaces for approximately three (3) off-season months during construction activities. No dumping or storage of rocks would occur within the parking lot. The machinery would be routed across the dry sand and along the wet sand on the

public beach in order to place the rocks, producing temporary impacts to lateral public access due to the presence of construction equipment and movement of large heavy rocks. In order to minimize impacts to lateral beach access, flaggers and signage would notify beachgoers of the construction zone, and a public access path routed along the BABC boundary line would be demarcated. According to the applicant, construction would occur during low tide to the maximum extent feasible and would include signage notifying the public of the alternative beach path consistent with the construction lay down plan. Therefore, **Special Condition 3** is imposed to ensure compliance with the construction lay down plan, as revised per Special Condition 1, that provides maximum access along the beach at all times by utilizing temporary signage, flags, and a conspicuously posted pathway during all construction activities. The applicant shall avoid construction during "peak" beach recreation season and shall be limited to the "non-peak" season.

Furthermore, the agent, Moffatt and Nichol, provided an image showing three projected shoreline positions including a present day shoreline, 50 cm sea level rise (SLR) shoreline and 100 cm SLR shoreline with the groins removed or abandoned (**Exhibit 6**). The projections indicate that with 100 cm of SLR, the MHTL will migrate inland and only stop when it reaches the seawall seaward of the BABC, virtually eliminating the public beach. It is difficult to predict changes to the shoreline due to climate uncertainties and the variable nature of the coast. However, if constructed as proposed, the groins could aid in retaining sand at the subject site and accrue additional sediment to maintain the public access on the beach that may otherwise be lost if the groins were removed.

As conditioned, adverse impacts to public access to and along the coast or to nearby recreational facilities in this area has been minimized. Thus, the proposed development conforms with Sections 30210 and 30211 of the Coastal Act.

D. MARINE RESOURCES & WATER QUALITY

Sections 30230, 30231, and 30233 of the Coastal Act address the protection and management of marine resources. Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long- term commercial, recreational, scientific, and educational purposes*.

Section 30231 of the Coastal Act states:

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

vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states, in pertinent part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
(6) Restoration purposes.
(7) Nature study, aquaculture, or similar resource dependent activities.

Section 30610(d) of the Coastal Act states:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for…Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Section 13252(a) of the California Code of Regulations states, in relevant part, for purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or

environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

Biological Productivity

Sections 30230 and 30231 require protection and restoration of marine resources and biological productivity.

The proposed groin repairs will require the use of heavy machinery in order to install up to six tons of rocks on the dry sandy beach and within the intertidal zone. This may create temporary turbidity in ocean waters and may impact the biological productivity of marine resources in the area. The applicant provided a survey (Appendix H) of terrestrial and marine species in the project area and assessed the biological impacts that the groins and construction of the groins could have on the identified species. The survey sites include the construction staging area, the upper beach, the intertidal and shallow sub tidal project areas (where the groins are located), and a 100-ft. radius buffer of each site. According to the report, there is no evidence of grunion at the subject beach; however, due to the presence of the sandy beach and the spawning activities of grunion in the nearby area, there is the potential for grunion to spawn at the beach. In addition, although no snowy plovers were observed at the subject site, the dry sand has the potential to provide habitat for the snowy plover. Therefore, in order to minimize impacts to potential nesting and spawning of such species, **Special Condition 4** requires construction to occur outside of expected spawning times for grunion (i.e. March 1 through August 31) and nesting season for western snowy plovers (i.e. March 1 to September 30).

The project site is partially located within open coastal waters. Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of the area and foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition 5** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. In addition, construction shall occur during low tide to the maximum extent feasible to minimize turbidity and contamination of coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

Fill of Coastal Waters
Section 30233(a) of the Coastal Act applies to fill of open coastal water, and contains three basic requirements: 1) the fill must be limited to certain allowable uses listed in Section 30233(a), 2) there must be no feasible less environmentally damaging alternative, and 3) feasible mitigation measures must be provided to minimize adverse environmental effects.

Here, repair of a groin or other shoreline protective device that protects private oceanfront development is not an allowable use under any of the specific uses listed in Section 30233(a). Therefore, the project does not comply with this component of Section 30233(a), and could not be found consistent with Section 30233 of the Act.

However, the groins themselves were installed prior to the adoption of the Coastal Act and their installation is not the subject of this CDP application. Under Section 30610(d), routine repair and maintenance activities that do not result in the enlargement of the object of the repair and maintenance are typically exempt from the requirement to obtain a CDP. However, under Section 13252 of the California Code of Regulations, certain extraordinary "methods" of repair and maintenance must still obtain a CDP because they involve a risk of substantial adverse environmental impact, including repair or maintenance of a groin that involves: (1) the placement of solid materials on a beach or in coastal waters (Section 13252(a)(1)(B)); (2) the presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or within 20 feet of coastal waters (Section 13252(a)(1)(D)). Thus, under Section 13252 of the Commission's regulations, the Commission reviews only whether the *method* of repair and maintenance is consistent with Chapter 3 policies, not the underlying development or use itself.

Accordingly, the project may be found consistent with Section 30233 so long as it does not enlarge the object of the repair and maintenance activities (Section 30610(d)) and satisfies the second and third requirements of Section 30233(a) (no feasible less environmentally damaging alternative and feasible mitigation measures to minimize adverse environmental effects). Here, the purpose of the project is to restore two groins to their 1947 design footprint and bulk as originally permitted by the United States War Department and not an enlargement or expansion of the groins. Therefore, in order to be consistent with Section 30233, the project must ensure that there is no feasible less environmentally damaging alternative and must include feasible mitigation measures to minimize adverse environmental effects.

Alternatives Analysis
The beach seaward of the BABC experiences a general lack of sand supply and high sand drifting, resulting in the narrowing of the beach. The applicant submitted an alternatives analysis identifying short-term and long-term solutions to beach erosion at the subject site. Short-term solutions included a temporary sacrificial sand dike, geotextile bags, and sand berms. A sacrificial sand dike would act as a barrier to waves and runup and does not impact the downcoast sand supply. However, this solution is temporary and would not provide the needed long-term solution to address erosion at the site. Geotextile bags consist of sand placed in polypropylene or polyester bags and would act to disperse wave energy. Such bags could be displaced and thrown around by waves, which would result in debris in coastal waters and not be effective at maintaining the sand supply at the site. Additionally, the plastic components of the bags could leach into ocean waters, resulting in increased toxicity to the marine environment. Finally, sand berms have been utilized laterally along the subject beach; however, due to the sharp wave breaking angle and high sand drift rate at the

subject site, sand berms would not be effective to address long-term erosion at the site. The evaluated short-term solutions could provide some immediate relief to erosion at the site. However, they are temporary solutions to a long-term problem, and could result in unintended consequences that could be harmful to the marine environment. Thus, long-term solutions that would have minimal impact to the marine environment should also be evaluated.

Long-term solutions evaluated by the applicant include managed retreat, beach nourishment, shoreline armoring, reinforcing the existing foundation, and no project. The first long-term alternative, managed inland retreat of the structure in order to allow for the inland migration of the beach, is not feasible due to the presence of PCH landward of the site. The second long-term alternative would be to "move the threat away from the structure". This would include re-nourishing the beach and constructing sand retention structures which block wave energy such as groins and/or breakwaters, which is feasible from a coastal engineering perspective. The third alternative would be to construct seawalls and rock revetments intended to protect the public beach from erosion and coastal flooding as was approved by the Commission in 2002 (CDP No. A-5-PPL-02-162 & 5-02-099) for the private property landward of the public beach. This is also feasible from a coastal engineering perspective. The fourth alternative that was analyzed by the applicant implies abandoning the groins and focusing on preserving the BABC and its associated structures. The fourth alternative would sacrifice the public beach and require robust reinforcements of the existing structure's foundation, including protective devices, which could further exacerbate erosion of the public beach. Considering the BABC already has a seawall seaward of its structures, it's not entirely clear why this alternative was included in the applicant's analysis especially recognizing that, at this point, the groins are intended to protect the public beach, not the BABC or its associated structures. Thus, this alternative would not be consistent with the Chapter 3 policies of the Coastal Act. The fifth alternative considered is the "no project" alternative, which would result in abandonment of the groins and possible narrowing of the public beach. This alternative would allow the portion of the coastline in front of the BABC to be characteristic of the upcoast shoreline in which there is no sandy beach and is completely developed with a rock revetment.

Between repairing the existing groins and installing a new seawall and/or rock revetments and/or a breakwater seaward of the public beach, repairing the existing groins to their 1947 design and footprint is the least environmentally damaging alternative project that would offer protection of the public beach at the site. The placement of groins perpendicular to the beach minimizes the amount of rock placed horizontally along the sandy beach. Furthermore, as shown in the applicant's biological assessment (Appendix K), the rocks provide habitat for intertidal marine species such as barnacles, limpets, littorines, and alga to attach onto the surface. Therefore, the repair of the groins is the most feasible alternative to maintain the public recreational beach.

Design alternatives for groins

The applicant also submitted design alternatives for repair of the groins. The upcoast groin repair includes three alternatives: 1) original design consisting of 3-ft. min. thickness stone with class B stone core, 1H:1V side slopes, 1.5H:1V groin head, 4-ft. wide crest; 2) shallower side slopes of 1.5H:1V (increased overall groin footprint by approximately 20%); and 3) shallower side slopes of 2H:1V (increased overall groin footprint by approximately 50%) for enhanced stability. The downcoast groin repair includes three alternatives: 1) original design; 2) shallower side slopes of 1.5H:1V; and 3) shallower side slopes of 2H:1V. Additional materials, to the proposed amount, for shallower side slopes are listed below:

Side slope	Class A armor stone*	Class B under layer stone*
1.5H:1V	±1,100 (upcoast) ±300 (downcoast)	±1,200 (upcoast)
2H:1V	±1,300 (upcoast) ±360 (downcoast)	±2,000 (upcoast)
*tons of stone required **in addition** to the 531 tons of new stone currently proposed		

Currently, the subject site experiences erosion of the dry beach above the mean lower low water (MLLW) shoreline, otherwise known as 'subaerial volume,' and increasing surf zone volume[2], meaning that more sand is moving to and staying in nearshore areas and not at the dry beach at the subject site. The applicant suggests that this is due to the increased deterioration of the groins (Appendix M). The repair of groins to the 1947 footprint would increase sand retention at the subject site by approximately 10,000 - 15,000 cu. yds. (Appendix M), and will likely add to loss of sand at the downcoast area. However, the width of the sandy beach at Will Rogers State Beach has remained consistently wider than that of the upcoast beach, where the subject site is located, and suggests that there has not been any significant reduction in subaerial volume. According to the applicant, and confirmed by LA County Department of Beaches and Harbors, the downcoast beaches do not receive artificial sand supply, indicating that there is adequate amount of sand which naturally deposits onto the beach there (Appendix J). Regardless, volumetric changes at neighboring areas do not exhibit similar characteristics to the subject site due to the presence of existing protective structures such as the Gladstone's parking lot/ PCH revetment immediately upcoast of the subject site and the southern public beach groins downcoast of the subject site. Furthermore, the design alternatives would result in larger footprints of the groins on the public beach due to an approximately 30% - 200% increase in the amount of rock needed. The alternatives would not necessarily hold more sand, but would rather require less maintenance due to increased stabilization from a larger footprint (Appendix M).

The proposed groin repair project would not expand beyond its existing footprint or be larger than what was originally approved by the United States War Department in 1947 (Coastal Act Section 30610). The repair of the groins to their 1947 design and footprint is the least environmentally damaging alternative because it is the smallest and most narrow design that would be effective in maintaining the public beach that the groins are intended to protect, which is an important coastal resource protected by the Coastal Act. The proposed groins would not result in a significant impact to the downcoast beach's sand supply due to the consistent width of the beach that provides access to and along the shore. Thus, the proposed groin repair requires the minimum amount of rock necessary and is the most feasible alternative to protect the public portion of the beach seaward of the BABC facilities.

Therefore, in order to ensure that the proposed project is designed to be the least environmentally damaging alternative, **Special Condition 1** requires the applicant to submit final revised plans that substantially conform with the plans submitted to the Commission, titled *Groin Repair Permit Support Services* dated October 3, 2018 (**Exhibit 2**). In addition, **Special Condition 2** requires the

[2] Surfzone is the sand volume located below the MLLW line seaward to the location of the depth of closure at basement elevation of -50 feet MLLW. Please *see* Section 4.3.4 "Sediment Volume" of Appendix L.

applicant to submit as-built plans once the repairs are complete. The as-built plans shall include a survey conducted by a licensed engineer that identifies the groins' bulk and mass.

As conditioned and for the reasons stated above, the proposed project is consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

E. HAZARDS/ SEA LEVEL RISE

Section 30253 of the Coastal Act states:

> *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.*

The applicant provided two reports, *Beach Preservation Study* dated March 2016 and *Groin Repair Study* dated February 2017 (Appendices C & D) prepared by Moffatt and Nichol, to analyze impacts of the groins to the public beach relative to sea level rise. According to these reports, there has been a decrease in the width of the subject beach between 20 ft. to 50 ft. from 1989 to 2002, resulting in an erosion rate of 1.5 to 3.8 ft. per year. According to the Ocean Protection Council's (OPC) SLR guidance (2018), the subject site will likely experience 2.3 ft. to 3.3 ft. (or 100 cm) of sea level rise based on low emissions and high emissions by 2100, respectively. There is a 0.5% chance that sea levels will rise between 5.5 ft. to 6.8 ft. by 2100 based on low and high emissions, respectively. According to the Beach Preservation study (Appendix C, pg. 14), a maximum water level of 8.5 ft. MLLW was once observed in 1982. In the subsequent years until now, the subaerial beach at the subject site has continued to exhibit a narrowing shoreline due to high sand drifting and groin deterioration, thereby depositing sand in the nearshore areas. However, the downcoast shorelines have also experienced a slight reduction in subaerial sand volume as well (*see* Appendix C**,** *pg. 24*). The general lack of sand supply, sharp wave breaking angle and increased surf zone volumes from sand movement coupled with storm events, indicate that a loss of public beach has been occurring.

As discussed above in the Public Access section, Moffatt and Nichol provided an image showing three projected shoreline positions including a present day shoreline, 50 cm SLR shoreline and 100 cm SLR shoreline with the groins removed or abandoned (**Exhibit 6**). The projection assumes that beach nourishment will occur. The projections indicate that with 100 cm of SLR, the MHTL will migrate inland and only stop when it reaches the seawall seaward of the BABC, virtually eliminating the public beach. It is difficult to predict changes to the shoreline due to climate uncertainties and the variable nature of the coast. However, if constructed as proposed, the groins could aid in retaining sand at the subject site and accrue additional sediment to maintain the public beach.

Due to projected sea level rise, the groin structures may become submerged in the future, prompting the applicant to request modifications to the groins such as increasing the groin head elevation to accommodate sea level rise. Thus, any future requests to repair or maintain the groin structures

would require a CDP because, as discussed above, repair or maintenance of these groins would involve a risk of adverse environmental impacts located within coastal waters under Section 13252 of the Commission's regulations. Therefore, **Special Condition 6** requires that the applicant apply for a new CDP or an amendment to the CDP herein for any improvement, repair and maintenance activities to the groins. Additionally, in order to monitor the condition of the subject beach and surrounding area, **Special Condition 7** requires the applicant to undertake a shoreline monitoring program, conducted on five-year intervals, which would collect data on changes to public beach profile. In the event the groins require repair and/or maintenance, consistent with **Special Condition 6**, a shoreline monitoring report must be submitted to the Commission's Executive Director with any CDP or CDP amendment application, which, in addition to the requirements outline in **Special Condition 7**, shall also include an alternatives analysis to determine the least environmentally damaging alternative to address the need at the time, including possible removal of the groin structures or nature-based infrastructure solutions to shoreline erosion control. The survey shall also include changes of the beach profile to the downcoast Will Roger State Beach that show impacts of the groins to the nearshore areas over time.

Although the proposed project has been designed to mitigate impacts of coastal hazards, development within and adjacent to the ocean is inherently hazardous, and is always subject to risks from wave uprush, flooding, erosion, and such. Furthermore, the applicant may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop in hazardous coastal areas such as this. Therefore, the applicant must assume the risks of development and is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the applicant's decision to make improvements to development in coastal waters. The assumption of risk, when recorded against the property as a lease restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. Thus, **Special Conditions 8** requires the applicant to assume the risks associated with the proposed development, and **Special Condition 9** requires that the applicant submit a written agreement, in a form of a lease restriction acceptable to the Executive Director, incorporating all of the above terms of this condition and recording them against the property. Furthermore, **Special Condition 10** recognizes the rights of the public, in which approval of this permit does not waive any existing public rights on the property.

As conditioned, the Commission finds that the development does not significantly contribute to erosion and minimizes risks to life and property consistent with Section 30253 of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

The Coastal Act required that the Commission consider the effect on a local coastal program when it approves a project. The Commission is prevented from approving projects that might prejudice the completion of local coastal program.

Section 30604 (a) of the Coastal Act states:

> *Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability. Geologic stability was one of the primary issues because of the number of landslides that had occurred in the sixties and early seventies.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early nineteen seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land) that were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were approved on appeal by the Commission: A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

With the proposed conditions that address the geologic stability, visual resources, flooding hazards, public access, and water quality related to the project and the general area, approval of the proposed development will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604(a) 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 Commission has imposed special conditions to minimize temporary and permanent impacts to water quality, lateral public access and beach recreation. The applicant has demonstrated that the groins aid in advancing the shoreline for the public beach, and have designed the project to minimize adverse impacts to water quality, biological resources, sea level rise, and erosion. The Commission finds that the proposed project, as conditioned to assume the risk of the development,

to supply and implement final revised plans, and to avoid impacts to potentially occurring sensitive species, is consistent with the requirements of the Coastal Act and CEQA.

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. The Commission finds that the proposed project has supplied and will implement a final revised design plan once submitted and construction BMP plan to minimize impacts to the coastal zone. 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.