

CALIFORNIA COASTAL COMMISSION

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**W21d**

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-18-0267

Applicant: City of Santa Monica

Agent: Chris Mansour

Location: Santa Monica State Beach
 City of Santa Monica, Los Angeles County

Project Description: A widening of approximately 1 mile of Ocean Front Walk (OFW) pedestrian path and 2 miles of Marvin Braude Bike Trail (Beach Trail) at Santa Monica State Beach, from 14 feet (existing width) to 30 feet (proposed width). The path widening is proposed in order to provide a pedestrian path (12 ft. wide) and a bicycle path (16 ft. wide) separated with a concrete buffer. Other trail improvements include: development of a paved "Pier Plaza" adjacent to the Santa Monica Pier; new seat walls, lighting, and paving along the Ocean Front Walk portion of the trail; creation of a new vertical wayfinding path through the center of the 1550 parking lot; the and replacement of the existing 2-foot high wall under the Santa Monica Pier Bridge with a concrete, 2-foot high wall.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant is not proposing to relocate or realign the current trail. The project is to widen the existing trail. The widening or expansion of the trail is proposed to occur primarily on the landward side. However, in specified locations where there is existing development or temporary structures in the path of the trail expansion, the City has proposed to expand the trail on the seaward side. In

some instances, the expansion of the trail on the landward side would create “pinch points” near existing development (near the café on the sand, near a public beach shower) and in some instances would require the relocation of existing temporary structures, such as volleyball nets. In instances where existing development would be in the direct path of the trail expanded on the inland side (such as, near the public restrooms and the newly developed playground), Commission staff concurs that the trail should be expanded on the seaward side. Nevertheless, the Commission imposes **Special Conditions 1 and 3** to ensure the trail is developed in such a way as to be consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

The proposed trail widening improvements are located along beach with a width that ranges between 450 feet and 900 feet. According to the submitted coastal hazards study and a Coastal Storm Modeling System (CoSMoS) analysis, the trail (with the proposed improvements) is unlikely to be significantly impacted by sea-level rise-induced hazards, such as erosion and wave uprush. However, portions of the trail around and south of the Santa Monica pier are vulnerable to inundation by the year 2100. Because the trail is being substantially redeveloped (as explained above), the new development would not be entitled to shoreline protection under the Coastal Act. Also, the City would need to provide an alternative path in the event that the existing trail does become damaged from coastal hazards. Therefore, only as conditioned can the proposed project be found consistent with the hazards policies found in Chapter 3 of the Coastal Act.

As conditioned, the proposed project is consistent with the Coastal Act Chapter 3 policies and Santa Monica’s certified LUP.

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EXHIBITS

- [Exhibit 1 –Vicinity Map](#)
- [Exhibit 2 – Site Plan](#)
- [Exhibit 3 – Pier Plaza Proposal](#)
- [Exhibit 4 – CoSMoS Analysis](#)
- [Exhibit 5 – 1550 Lot improvements](#)
- [Exhibit 6 – Proposed Boundary Line Agreement, City of Santa Monica](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-18-0267 pursuant to the staff recommendation.*

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

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Submittal of Revised Final Plans.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of the following revised final plans, modified as required below.

1. A site plan that conforms with the plans submitted to the Commission, dated February 20, 2019, modified to include a landward expansion of the beach trail between the “Back on the Beach” Café, and the Montana Avenue restrooms.

2. A Pier Plaza plan that conforms with the plans submitted to the Commission, dated February 20, 2019, modified to include construction out of an easily removable material (i.e. lumber, Trex decking)

3. A construction plan that has been modified to reflect the trail alignment as shown in Item 1 above

B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission’s approval and with the recommendations of any required technical reports.

C. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Other Agency Approvals. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide to the Executive Director a copy of a permit issued by the State Lands Commission, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the State Lands Commission. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director issues a written determination that no amendment is legally required.

3. **Submittal of an Adaptation Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit an adaptation plan for review and approval by the Executive Director. The adaptation plan shall include an alternate path alignment for the entire length of the trail, so that in the event that the trail, or portions of the trail are threatened or destroyed by coastal hazards (wave uprush, flooding, erosion, etc.), the trail

can be relocated inland in a non-hazardous location. The adaptation plan shall also identify the existing trail located landward of the 1550 parking lot as an alternative trail for the beach trail when coastal hazards, including flooding and inundation, make the subject trail seaward of the parking lot unpassable or unusable. Improvements proposed to the path inland of the 1550 parking lot shall be designed to retain the minimum width necessary for all public access uses and transportation modes that would occur on the beach trail, and if such changes are necessary, the final plans shall be reflected in the final revised plans, as required by **Special Condition 1** above.

4. Submittal of a Signage Plan. PRIOR TO ISSUANCE OF THE COASTAL

DEVELOPMENT PERMIT, the applicant shall submit a signage plan for review and approval by the Executive Director. The signage plans shall identify the content and location of all signs and any other project elements that will be used to educate, facilitate, manage and provide public access to and along the trail. Signs shall be sited and designed so as to provide clear information without impacting public views and site character. Signage shall acknowledge the California Coastal Commission's role in providing public access at this location by including the agency name and logo. For any trail that is a component or segment of the California Coastal Trail, trail signage shall identify it as part of the California Coastal Trail and also include the California Coastal Trail logo.

5. Construction Responsibilities. By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

A. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.

B. Any and all demolition and construction material shall be removed from the site as soon as possible (within two days of completion of demolition/construction) and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

C. All trash generated by construction activities within the project area shall be disposed of at the end of each day, or sooner if possible.

D. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

E. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.

F. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: Silt fencing shall be installed between work areas and the water to prevent runoff/sediment transport into the ocean.

G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

H. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

I. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any bay, harbor, street or drainage unless specifically authorized by the California Regional Water Quality Control Board.

J. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

6. Waiver of Rights to a Future Shoreline Protection.

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

B) By acceptance of this coastal development permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the pedestrian path and bicycle path, if any government agency has ordered that the structure is not to be used due to any of the hazards identified above. In the event that portions of the development become unsafe and unusable, 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. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant, on behalf of itself, and its successor and assigns, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding 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; (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 agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

8. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-18-0267. Except as otherwise provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use of land, shall require an amendment to Permit No. 5-18-0267 from the Commission or shall require an additional coastal development permit from the Commission, unless the Executive Director determines no amendment or new CDP is legally required, or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant is proposing to widen approximately one mile of Ocean Front Walk and two miles of the Marvin Braude Bicycle path within the City of Santa Monica in order to improve public safety along the bicycle trail and to increase overall public access to and along the Santa Monica coast. The applicant is not proposing to relocate or realign the current trail. The project is to widen the existing trail between the northern city boundary line and Bay Street. The portion of the Santa Monica beach trail between Bay Street and the southern city boundary line is not included in the scope of work for this project. The widening or expansion of the trail is proposed to occur primarily on the landward side. However, in specified locations where there is existing development or temporary structures in the path of the trail expansion or near the trail expansion, the City has proposed to expand the trail on the seaward side ([Exhibit 2](#)).

The City of Santa Monica has an existing beach trail that stretches the length of beach within the city boundaries. The trail provides lateral public access and recreation opportunities to pedestrians, bicyclists, rollerbladers, and skateboarders. This beach trail system is included in the larger Marvin Braude bicycle trail, which extends from Torrance Beach in the south to Will Rogers State Beach (Pacific Palisades) in the North. The Santa Monica beach trail is also included in the California Coastal Trail network (CCT). The portion of the Santa Monica beach trail between the northern city limit and the northern edge of Ocean Front Walk consists of a single shared-use path that is used by both pedestrians and cyclists. At the intersection with Ocean Front Walk, the path splits into two use paths. Ocean Front Walk is a pedestrian –only path that runs directly adjacent to the first line of development, which includes the various beach parking lots, private residences, and other commercial developments. Ocean Front Walk also runs landward of the 1550 Parking Lot. The Bicycle trail runs adjacent to Ocean Front walk between California Avenue and Broadway Avenue (where the northern end of the 1550 Parking Lot is located). Then, the bicycle trail runs adjacent to the seaward edge of the 1550 Lot, and continues further south and seaward of Ocean Front Walk before connecting to the rest of the Marvin Braude trail in Venice.

The current beach trail in the City of Santa Monica was approved by the Commission in 1986 (5-86-851). The trail is developed on dry tidelands, which have accreted as a result of the breakwater

just north of the pier that was constructed in 1934. The project site is public land, on the Santa Monica state beach, owned by the California Dept. of Parks and Recreation. The City of Santa Monica is the applicant for the subject project, and the City has obtained approval from the land owner. The area inland of the trail supports single family residences, condos, several beach clubs, and public parking lots. Some of these developments have existing leases from the State Lands Commission on the land immediately seaward of the property lines. The expansion of the beach trail on public tidelands is a use consistent with tideland uses.

The existing pathway is an approximately 14 foot wide concrete trail that extends from the Venice border at the southern edge to the Pacific Palisades border at the northern edge ([Exhibit 1](#)). The pathway provides lateral access along the length of the Santa Monica beach to both pedestrian and bicycle traffic, with no established barrier to separate the different modes of transportation. The lateral beach path connects with several vertical access ways to the beach as well as to several vertical access ways to the bluffs above.

The City has noted that there is an inadequate level of amenities adjacent to and north of the pier, and that this area of the beach path is prone to congestion and conflicts between pedestrians and cyclists. In addition, the existing beach path lacks safe crossing points; this is notably true around the 1550 parking lot where large numbers of beach visitors cross the path to get to the beach/pier from the parking lot. As the number of visitors to the Santa Monica beaches increases each year, it has become increasingly necessary to widen the existing path in order to reduce pedestrian/bicycle conflicts.

The existing 14-foot wide trail is proposed to be a widened to 30 feet along the area specified in [Exhibit 2](#). The 30-foot pathway will consist of a 16-foot wide pedestrian component and a 12-foot wide bicycle component, separated with a 2-foot wide concrete/curb area. The path is to be reconstructed using concrete. The City has looked into alternative materials (including a softer resin-based paving material for the pedestrian portion of the path), and determined that concrete is the most appropriate material for the path considering the projected intensity of use and the level of maintenance required for the trail. A majority of the existing concrete trail will be removed, replaced in the same alignment with like material, and widened to the intended 30-foot width. In the areas where the lateral trail connects with vertical beach access ways, the trail will only be widened. In addition to the proposed trail widening, the project's scope of work also includes new seat walls, upgraded lighting, and new paving along Ocean Front Walk. A new wayfinding path will also be installed in the 1550 Parking Lot (located adjacent to the Santa Monica Pier) in order to facilitate access to the pedestrian path and the beach from the parking lot.

The City is also proposing to construct a new pier plaza adjacent to the north side of the pier, surrounding the existing Bubba Gump structure, a visitor serving restaurant. The plaza would occupy 4,150 sq. feet of public beach area, would require approximately 1,700 cubic yards of grading, and would be constructed out of an easily removable lumber material.

The City of Santa Monica does not have a certified Local Coastal Plan (LCP). However, the City does have a certified Land Use Plan (LUP) that can be used as guidance when determining consistency with the Coastal Act Chapter 3 policies. The LUP was certified by the Commission in 1992. The City is in the process of updating its LUP, but it has not been finalized or certified by the Commission at this time. The project site is located on the Santa Monica Beach, most of which falls

in the Commission's original jurisdiction area. In any case, the standard of review for this CDP application is Chapter 3 of the Coastal Act.

B. OTHER AGENCY APPROVALS

The proposed project received an approval in concept from the City of Santa Monica on February 21, 2018. The California Department of Parks and Recreation issued a conditional approval for the project on March 21, 2018, citing that "the project provides needed improvements to the safety and circulation of the existing recreational pathway." The California Department of Parks and Recreation imposed conditions to require construction monitoring; a coastal development permit; compliance with ADA requirements; and submittal of other relevant studies and post-construction monitoring reports.

C. HAZARDS

Coastal Act Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following:

(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, geological instability, ore 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.

Sea Level Rise and Coastal Hazards

The project site is located on the sandy beach, and is therefore vulnerable to erosion, flooding, wave runup, and storm hazards. These hazard risks are exacerbated by sea-level rise that is expected to occur over the coming decades. In this geographic area, the main concerns raised by beach development are impacts to public access and recreation, and whether hazardous conditions might eventually lead to a request to build a shoreline protection device to protect the proposed development, which would further impact public access and recreation and would have detrimental effects to natural processes and coastal resources.

Sea-level Rise

Sea-level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea-level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea-level rise continues to accelerate. Since the advent of satellite altimetry in 1993, measurements

of absolute sea-level from space indicate an average global rate of sea-level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years. Recent observations of sea-level along parts of the California coast have shown some anomalous trends; however, there is unequivocal evidence that the climate is warming, and such warming is expected to cause sea-levels to rise at an accelerating rate throughout this century.

The State of California has undertaken significant research to understand how much sea-level rise to expect over this century and to anticipate the likely impacts of such sea-level rise. In 2013, the Ocean Protection Council (OPC) adopted the National Research Council (NRC) report, “Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past Present and Future”, as the best available science for the State of California, and recommended in its 2013 State Sea-Level Rise Guidance that state agencies and others use these projections in their planning processes. Two subsequent OPC reports have updated the best available science, including the Rising Seas in California: An Update on Sea-Level Rise Science, released in April 2017 by a working group of OPC’s Science Advisory team, and the State of California Sea Level-Rise Guidance: 2018 Update. The Coastal Commission has adopted the April 2017 Update on Sea-Level Rise Science and the 2018 Sea-Level Rise reports as the best available science its 2018 Sea-level Rise Policy Guidance. The OPC’s most recent projections in its statewide sea-level rise guidance is that in this area sea levels may rise between 1.8 and 5.3 feet by the year 2100 though there is a risk of much more significant sea-level rise depending on various uncertainties, including the dynamics of ice sheet loss. The projection is given in a range largely because researchers cannot know exactly how much greenhouse gases we will continue to emit over the coming decades – large-scale curtailment of greenhouse gas emissions would keep sea-level rise towards the lower end of the projections, while business as usual emissions scenarios would result in the higher end of the projections. Because the world has continued along the “business as usual” scenario (and data suggests temperatures and sea-level rise are tracking along the higher projections), OPC and the Natural Resources Agency have continued to recommend against relying on the lower projections in planning and decision-making processes.

As our understanding of sea-level rise continues to evolve, it is possible that sea-level rise projections will continue to change as well (as evidenced by the recent updates to the best available science). While uncertainty will remain with regard to exactly how much sea-levels will rise and when, the direction of sea-level change is clear and it is critical to continue to assess sea-level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea-level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

On the California coast, the effect of a rise in sea-level will be the landward migration of the intersection of the ocean with the shore, which will result in increased flooding, erosion, and storm impacts to coastal areas. On a relatively flat beach, with a slope of 40:1, a simple geometric model of the coast indicated that every centimeter of sea-level rise will result in a 40 cm landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as a seawall, an increase in sea-level will increase the inundation of the structure. More of the structure will be inundated or underwater than is inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently. Accompanying this rise in sea-level will be an increase in wave heights and wave energy. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water.

Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea-level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

The applicant has submitted a Coastal Hazards Analysis dated March 22, 2018 prepared by Anchor QEA for the proposed beach trail. The study took a conservative approach and assumed an 81 year lifespan (i.e. 2100) for the path; the Santa Monica Land Use Plan Update, on the other hand, estimates a life span of 5 years for the California Coastal Trail. The results of the study are stated as follows:

There is the potential for inundation at the Site path during 100-year storms, with increased frequency and depth as SLR increases. Storm inundation is more likely to result in erosion than typical tides, due to increased wave action during storms. Once waters recede, potential damage to the Site is expected to be minimal, with potential localized scour along the interface of the hard surface path and the beach sands. To serve its purpose of providing coastal access consistent with the existing pedestrian and cycling paths and existing developments in the area, the project improvements must be constructed at similar elevations. The City may consider employing adaptations such as temporary sand berms, if needed, to address inundation from storms or extreme tides.

According to the USGS Coastal Storm Modeling System (CoSMoS), portions of the proposed bike path are subject to inundation. This finding holds true for both the Medium-High scenario (3.3 ft.) and the High scenario (6.1 ft.), as described in the 2018 OPC guidance. The affected areas include the pier area (including the area under the pier and the 1550 parking lot), as well as the entirety of the trail south of the pier until the end of the project site ([Exhibit 4](#)). In the affected areas, the beach path cannot be moved inland any further without encroaching into significant existing development. Although the beach bike path is subject to storm-surge flooding impacts, the path is not likely to be impacted by wave uprush, particularly in the North Beach region. This can be attributed to the width of the Santa Monica Beach, which is over 500 ft. wide and reaches widths up to 900 feet in some areas of the North Beach, unlike the South Beach area where the existing development around the pier encroaches far seaward and the remaining beach sand is “squeezed.”

The current beach trail is set back between 275 feet and 900 feet from the shoreline (the North Beach Portion of the trail is set back further than the area of the trail near the pier), and the current alignment is proposed to be maintained. Although the northern portion of the trail has not been shown to be vulnerable to wave-uprush impacts from sea level rise, the southern portion of the trail is vulnerable to inundation over the life of the development. The portions of the trail that are proposed to be expanded on the landward side are mainly on the North beach side. In light of sea level rise, the trail should be expanded on the landward side wherever feasible. The City has proposed expansion on the landward side where feasible.

However, the existing trail cannot be moved further inland between the Santa Monica Pier and the Venice border at Bay Street because the trail is already aligned adjacent to existing development, such as existing public parking lots and pre-coastal structures. The current trail alignment in this

location is set-back as far landward as possible and the expansion in this location must occur on the seaward side.

In light of sea level rise, flooding and inundation on the trail, an adaptation strategy is needed in order to ensure that lateral public access along the Santa Monica Beach is maintained. Therefore, the Commission imposes **Special Condition 3** which requires the applicant to submit an adaptation plan to identify an alternate alignment for the path in the event that the path or portions of the path are damaged by coastal hazards, and to identify alternate routes to accommodate all modes of transportation supported by the proposed trail when the subject trail becomes impassable due to hazards, specifically the portion of the existing trail landward of the 1550 parking lot. Although the trail is only 12 ft. wide in this location, it meets the standards for a Caltrans Class I Shared Use Path, and alternate routes should also be able to accommodate that use.

Shoreline Protective Devices

The Coastal Act contains policies that have the effect of restricting shoreline protection because such structures generally cause adverse impacts to coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. As a sandy beach erodes, the shoreline will generally migrate landward toward the structure, resulting in a reduction and/or loss of public beach area with no increase of the landward extent of the beach. A beach that rests either temporarily or permanently at a steeper angle, under natural conditions, will have less horizontal distance between the mean low water and mean high water lines, which narrows the beach sandy area available for public access. This also affects public access through a loss of sandy beach area. Shoreline protection devices such as revetments, seawalls, and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent beaches. Such a protective structure is often placed on public land rather than on the private property it is intended to protect, resulting in a physical loss of beach area formerly available to the general public. In general, shoreline protection devices are not attractive, can detract from a natural beach experience, and adversely impact scenic public views. Shoreline protective devices can also prevent the natural inland migration of Public lands (whether submerged lands, tidelands, or public State lands) in areas where they are not adjacent to adjudicated property lines. Shoreline protective devices, by their very nature, tend to conflict with various LCP and Chapter 3 policies because shoreline structures can have a variety of adverse 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.

Because shoreline protection devices, such as seawalls, revetments, and groins, can create adverse impacts on coastal processes, Coastal Act Section 30253 specifically requires that new development minimize risk to life and property in areas of high flood hazards and prohibits development that could "...create [or] 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," including the natural shoreline and seacliffs. However, Section 30235 of the Coastal Act recognizes that existing development may be protected by shoreline protective devices subject to certain conditions. This limitation is particularly important when considering new development, such as in this case, because if it is known that a new development may need shoreline protection in the future, it would be unlikely that such development could be found to be consistent with Section 30253 of the Coastal Act. Therefore, the Commission's action on this project must consider the effects of wave uprush, flooding, and storm events (with sea-level rise considerations) on public access and recreation.

Per Section 30253, past Commission action has generally required new development to be sited and designed outside of hazardous areas. There are portions of the trail, as proposed, that cannot be located outside of known hazardous areas, specifically the portions of the trail that are near the pier and south of the pier where there the trail cannot be located in a more inland location, and will be subject to coastal flooding by approximately 2100. Similarly, the proposed Pier Plaza will be subject to hazards. To minimize risks to life and property, as required by Section 30253, **Special Condition 3** requires the applicant to develop and implement an adaptation plan identifying an alternate path alignment for relocating the trail in the event it is threatened by coastal hazards. Similarly, the Pier Plaza, is proposed to be constructed out of temporary materials, such as Trex decking, that can be removed if damaged or unusable due to flooding or hazards. If Pier plaza is damaged from coastal hazards, the City would not be entitled to rebuild the plaza in the same location. As conditioned, the project can be found consistent with Section 30253 as new development that minimizes risk in hazardous zones.

Because a significant portion of the trail is being removed and replaced, and because the entire length of the trail would be almost double its current width, the trail would not be entitled to shoreline protection as “existing structures” consistent with Section 30235 now or in the future, however it could be entitled to protection as a coastal dependent use in danger from erosion. In this case, the trail does provide a coastal dependent use, but there are alternative locations and alignments located much further inland where the trail could be placed in such a way so as not to require shoreline protection. Furthermore, a Coastal Hazards Analysis dated March 22, 2018 prepared by Anchor QEA for the proposed beach trail states that potential shoreline erosion under a 100 year storm is not expected to affect the proposed trail improvements due to the width of the beach). As required by **Special Condition 3**, submittal of an adaptation plan will outline where the trail can be relocated to a more inland location in order to prevent the trail from being subject to coastal hazards well into the future, and as conditioned the project is consistent with Section 30253 because it will not now nor in the future require a shoreline protective device.

For the reasons stated above, the Commission imposes **Special Condition 6 and Special Condition 7**. Under **Special Condition 6**, the applicant acknowledges that the permitted development (a widened coastal trail and a new pier plaza) is not entitled to shoreline protection. Likewise, under **Special Condition 7**, the applicant assumes the risks of developing in an inherently hazardous area.

Pier Plaza

The proposed project would include the construction of a paved Pier Plaza adjacent to the north end of the Santa Monica Pier ([Exhibit 3](#)). The City has indicated that the Pier Plaza is necessary to direct idle pedestrian traffic out of the pedestrian/bicycle path, which would increase public safety by helping to reduce collisions.

Under Section 30253 of the Coastal Act, new development should not be sited in areas that are subject to geologic, flooding, or fire hazards. In this case, the area where Pier Plaza is proposed is located in an area that will likely become inundated over the next century. In a typical scenario, the Pier Plaza could not be developed in the proposed location due to the inherent flooding risks at that location. However, the Plaza is important in order to maintain public safety in a highly congested area- beach visitors who want to stop and take pictures near the people would otherwise stop in the middle of the bicycle path, which could disrupt the flow of pedestrian and bicycle traffic and even could cause collisions.

It is important to balance the equally important needs of general public safety and the protection of life and property from hazards, including coastal hazards. The area of the beach path adjacent to the north side of the Santa Monica Pier is arguably one of the most congested areas of the beach. Visitors who park in the 1550 Parking lot use the pedestrian crossing adjacent to the north side of the pier to access both the existing path and the beach seaward of the trail. Access to areas seaward of the existing beach path is facilitated by an ADA accessible, wooden path that extends almost to the water's edge.

The Pier Plaza is necessary to contain large crowds away from a highly congested area the pedestrian/bike path. However, the area in which Pier Plaza is located is highly susceptible to coastal flooding and other coastal hazards. Section 30211 of the Coastal Act protects the public's right to access dry sand, and the Commission discourages paving over public beach sand. This is especially true in light of sea level rise impacts. In light of this concern, City has provided preliminary plans illustrating the construction of Pier Plaza out of either natural lumber or composite lumber. In the event that Pier Plaza does become inundated or otherwise damaged from sea-level rise hazards, the City shall remove the Pier Plaza and restore the beach sand, as conditioned by **Special Condition 1 and 3**.

Conclusion

The proposed trail widening improvements are located along a very wide beach with a width that ranges between 450 feet and 900 feet. According to the submitted coastal hazards study and a CoSMoS analysis, the trail (with the proposed improvements) is unlikely to be significantly impacted by sea-level rise-induced hazards, such as erosion and wave uprush. However, portions of the trail around and south of the Santa Monica pier are vulnerable to inundation by the year 2100. Because the trail is being substantially redeveloped (as explained above), the new development would not be entitled to shoreline protection under the Coastal Act. Also, the City would need to provide an alternative path in the event that the existing trail does become damaged from coastal hazards. Therefore, only as conditioned with **Special Condition 1, Special Condition 3, Special Condition 6, and Special Condition 7** can the proposed project be found consistent with the hazards policies found in Chapter 3 of the Coastal Act.

D. PUBLIC ACCESS/RECREATION

Coastal Act Section 30210 states:

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

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The existing path is heavily used by beach visitors to access and travel along the beach. Although the trail is necessary to facilitate pedestrian and bicycle traffic to and along the beach, the trail as it currently stands is proving to be insufficient to meet public access needs, which have been steadily increasing as more people visit Santa Monica. The path is frequently congested, and pedestrian/cyclist conflicts are all too common, especially around the Santa Monica Pier.

In response to this growing concern, the City of Santa Monica has proposed a widening of the existing 14-foot bike path to 30 feet in order to provide separate thoroughfares for bicycles (as well as other fast-moving forms of transportation) and pedestrians. The widening would occur from the shared use path in the North Beach area and along the bicycle-only path in the south. Ocean Front walk between the 1550 lot and the southern terminus would not be improved as part of this project; the City has indicated that it would apply for a CDP for improvements to this portion of the path at a later time. The alignment of the pedestrian/bicycle trail would not be changed; it would be expanded on either the seaward side or landward side, as indicated in [Exhibit 2](#).

The City has proposed expansion on the seaward side for the stretch of trail between the northern city boundary and the "Back on the Beach Cafe" due to constraints with existing development inland of the trail ([Exhibit 2](#)). The City also proposes a seaward expansion immediately in the areas in front of the Montana Avenue and Wilshire Boulevard public restroom, and the stretch of trail between the 1550 Lot and the southern terminus of the project. The City has stated that the seaward expansion in these areas is necessary to avoid impacting existing development (beach showers, playgrounds, restrooms, etc.), to protect the existing beach access points (lateral access points that connect inland development to the trail), and to reduce the number of curves along the path (which would present a safety concern for cyclists). The area of the path between the Jonathan Club and the Wilshire Boulevard restroom would be expanded landward, as well as the stretch between "Back on the Beach Café" and the Montana Ave restrooms.

The City has asserted that the proposed seaward expansion areas are necessary to avoid impacting existing development. The stretch of public beach between Ocean Front Walk and the bicycle path south of the Santa Monica Pier contains the Los Angeles County Lifeguard headquarters, as well as a slackline park, restrooms, and various playgrounds. The area between the northern City limit and the Back on the Beach Café contains several volleyball courts, as well as the café itself. In the area around the northern city boundary, the City has asserted that a landward expansion is necessary to align the Santa Monica portion of the trail to Will Rogers State Beach portion of the bicycle trail

(which is maintained by Los Angeles County). The County has begun the process of obtaining approvals to widen their portion of the beach path to 30 feet, mirroring the Santa Monica project. The area of the Los Angeles County-managed portion of the trail directly adjacent to the end of the Santa Monica portion of the trail cannot be expanded landward due to the presence of a dune (which could rise to the level of an environmentally sensitive habitat area) landward of the trail. In order to keep the overall trail alignment consistent, the City of Santa Monica would need to expand their trail seaward to match the Los Angeles County portion of the trail. This would protect pedestrian and cyclist safety along the trail and would therefore protect lateral public access along the trail. Expanding the trail seaward in the areas where existing playgrounds and restrooms exist protects low-cost recreation activities that are currently heavily used by the public. Overall, the City has demonstrated that they are widening the trail landward wherever it is feasible. The proposed trail alignment has been designed to protect public access to and along the beach to the best extent feasible and the project is consistent with the public access and recreation policies of the Coastal act.

1550 Parking Lot Improvements

The proposed project includes the development of a new vertical wayfinding path through the center of the 1550 parking lot ([Exhibit 5](#)). This path is intended to provide parking lot patrons a safe path to access the beach path and the beach from the 1550 lot without walking in front of cars that are entering or leaving the lot. The proposed path would eliminate 16 spaces from the 1550 parking lot. However, these lost spaces would be offset through the opening of the Deauville Lot (which would be located behind the 1550 parking lot) for public parking. The Deauville lot would provide 111 public beach parking spaces, which is well in excess of the parking spaces lost through the creation of the wayfinding path. Overall, the proposed wayfinding path would improve public access by providing parking lot patrons with a designated path to access the beach path and the beach. However, there is potential for future development on the site to adversely impact public access. In order to prevent this from occurring, the Commission imposes **Special Condition 8** requiring an amendment to Permit no. 5-18-0267 or an additional CDP for any future development on the site. This includes actions that may ordinarily be exempt from CDP requirements.

Public Trust/Tidelands

The Santa Monica Beach trail is located on the Santa Monica State Beach, which is itself seaward of the 1921 Mean High Tide Line. The 1921 Mean High Tide line is the established boundary between privately held lands and publicly owned submerged lands and tidelands. The City of Santa Monica, the California Department of Parks and Recreation, and the State Lands Commission settled a long-standing dispute regarding jurisdiction over the submerged lands and filled tidelands in a 1991 agreement ([Exhibit 6](#)). This agreement confirmed that the sandy beach areas within the City of Santa Monica a portion are located on filled sovereign tidelands, and are subject to public trust. The agreement also acknowledged that the State Lands Commission held jurisdiction over the submerged lands and tidelands, and further, that the State Lands Commission would transfer their jurisdiction to the California Department of Parks and Recreation for a 60-year period. In effect, the California Department of Parks and Recreation assumed control over the Santa Monica State Beach (considered to be filled tidelands) through an operating agreement with the City.

The proposed project is being undertaken by the City of Santa Monica. The City has submitted an approval letter from the California Department of Parks and Recreation for the project. Although the State Lands Commission no longer has direct jurisdiction over the project, it would appear that the agency would still be party to any development that occurs on public tidelands. Therefore, the

Commission imposes **Special Condition 2**, requiring the applicant to obtain approvals from all pertinent natural resource agencies prior to issuance of the coastal development permit.

California Coastal Trail

The City is in the process of updating their Land Use Plan. Although the plan has not yet been certified by the Commission and is not the standard of review for permit applications, it is important for new development to be consistent with the policies laid out in the draft Land Use Plan update.

Policy 31 of the Land Use Plan update states:

The local segment of the California Coastal Trail (CCT) through the City of Santa Monica shall be identified, signed, maintained and enhanced to connect new and existing pedestrian or bicycle paths or routes with the goal of creating a continuous trail through the City's Coastal Zone, within as close a proximity to the shoreline as is feasible.

Policy 73 of the Land Use Plan update states:

Coastal Recreational and Bike Trail. The City acknowledges the unique need to maintain and improve the coastal-dependent Marvin Braude Walkway (a segment of the California Coastal Trail) (the trail) considering its location in a shoreline area vulnerable to the effects of sea level rise and associated coastal hazards. In the event of damages to the trail, adaptation measures should prioritize landward relocation of the trail's alignment and avoid the installation of any types of hard shoreline protection structure such as revetments or seawalls. However, the landward relocation of the trail shall not be located farther inland than the first public road paralleling the sea, and wherever feasible, seaward of the first line of private residential or commercial development.

The City has indicated that the new bicycle/pedestrian path will continue to be a part of the CCT. The Commission has imposed **Special Condition 4** to ensure that the appropriate CCT signage is applied to the trail after the project is completed. This condition, while aligned with Policy 31 of the LUP update, ensures consistency with the public access policies found in Chapter 3 of the Coastal Act.

With regard to Policy 73 of the revised LUP, the Commission finds that the City has attempted to expand the beach trail landward in every feasible location. The areas in which the path is being expanded seaward would protect infrastructure vital to low-cost public recreation along the beach, and would provide public safety benefits that overall enhance public access along the trail. As such, the project is consistent with the coastal access and recreation policies of the Coastal Act.

E. MARINE RESOURCES AND WATER QUALITY

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Due to the project's location near coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect recreation, water quality, or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and sedimentation during construction and as a result of the pouring of concrete, as well as the use of heavy equipment (fuel and oil leaks).

In order to prevent adverse impacts to marine waters from construction activities, the Commission is imposing **Special Condition 5**. This condition requires specific mitigation measures to be implemented in order to ensure that water quality, biological productivity, and marine resources are protected as required by Sections 30230 and 30231 of the Coastal Act. The required best management practices include provisions to prevent discharges into the water during construction. Only as conditioned will the proposed project ensure the protection of marine resources and water quality as required under the Chapter 3 policies of the Coastal Act.

F. ENVIRONMENTAL RESOURCES

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Policy 38 of the certified 1992 Santa Monica LUP states, in relevant part:

To the extent its jurisdiction allows, the City shall protect and where feasible restore the biological productivity and quality of Santa Monica Bay from any significant disruption of habitat areas, and uses which will cause significant disruption to environmentally sensitive areas shall not be permitted.

The proposed project is located along a sandy beach. A portion of the trail (directly downcoast of the Beach Club) is in close proximity to the Santa Monica Beach Restoration Pilot Project recently

approved by the Commission which contains sensitive dune habitat and supports the foraging (and possibly nesting) of the California Snowy Plover, a species of special concern. Although the project would involve construction along the North beach in the vicinity of the restoration area, the project is not expected to have an impact on the habitat because the trail is located outside of the habitat area. The Bay Foundation, an Environmental non-profit that has worked with the City of Santa Monica to establish the habitat area, submitted a letter in support of the subject trail project. The letter affirms that the proposed trail widening improvements would not negatively impact the habitat area. Nevertheless, **Special Condition 5** requires the applicant to follow best management construction practices, which would include being aware of the habitat area. Therefore, as conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240 of the Coastal Act.

G. LOCAL COASTAL PROGRAM (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan (LUP) for the City of Santa Monica was effectively certified in October, 1991, and is currently in the process of updating its LCP. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area.

Although Santa Monica has a certified Land Use Plan, the city does not have a certified Local Coastal Program (LCP). The Commission finds that the project, as proposed and conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing that the application, as conditioned by any conditions of approval, is 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.

In this case, the City of Santa Monica is the lead agency for purposes of CEQA review of this project. A CEQA Ministerial Exemption was determined for the proposed project by the Santa Monica City Planning Department. 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.