

**CALIFORNIA COASTAL COMMISSION**

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# F11d

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-19-0122

**Applicants:** County of Los Angeles, Department of Beach and Harbors

**Location:** Dockweiler State Beach RV Park (12001 Vista Del Mar), Playa Del Rey, City of Los Angeles, County of Los Angeles (APN: 4131-029-900)

**Project Description:** Expansion of existing campground facility to accommodate 19 campervan sites. The applicant proposes a daily flat fee rate of \$45 for each campervan site. The project also includes related amenities, the removal of an existing volleyball net and dog run, native dune enhancement/restoration, and installation of educational signage and a 4-ft. tall wooden split-rail fence.

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION

The applicant, the County of Los Angeles, Department of Beaches and Harbors, proposes to expand an existing campground facility at the Dockweiler State Beach Recreation Vehicle Park ("RV Park"). The expansion would accommodate 19 campervan sites and related development.

The proposed project is being funded in part through the Commission's Mitigation Fund. In the 1980's, the Coastal Commission approved Coastal Development Permit ("CDP") No. 5-82-542 for the construction of an 82-unit condominium project. In 2014, the Coastal Commission approved CDP No. 5-13-0717 for the construction of 30-room boutique hotel. In order to mitigate potential adverse impacts to low cost overnight accommodations, the Commission imposed a special condition in its approval of each of these two CDPs requiring the payment of in-lieu fees ("Mitigation Fund") to provide for off-site lower cost overnight accommodations. Specifically, Special Condition 2 of CDP No. 5-82-542, as amended on March 13, 1992 (CDP No. 5-82-542-A3), required payment of an in-lieu fee of \$608,000; and Special Condition 8 of CDP 5-13-0717 required payment of an in-lieu fee of \$256,416.60 for the provision of low-cost overnight accommodations.

In order to implement these conditions, the Los Angeles County Department of Beaches and Harbors entered into two Memoranda of Understanding (“MOU”) with the Coastal Commission to provide for lower cost overnight accommodations within the coastal zone. The proposed improvements to and expansion of the overnight RV Park subject to this application (No. 5-19-0122) are intended to implement the development required pursuant to the MOUs between the Commission and LADBH and are being funded in part through use of \$636,916.60 from the Commission’s Mitigation Fund. The proposed new campervan sites will serve an acute need for recreational facilities and lower cost overnight accommodations and will offer a form of lower-cost overnight accommodations on oceanfront land suitable for recreational uses in this area.

A primary issue associated with this development concerns biological resources, primarily the southern foredune habitat that exists immediately adjacent to the project site and is considered environmentally sensitive habitat area (“ESHA”) that must be protected under Section 30240 of the Coastal Act. Section 30240(a) provides that ESHA must be protected against any “significant disruption of habitat values,” and only uses dependent on the resources are allowed *within* ESHA, while Section 30240(b) provides that development *adjacent* to ESHA is allowed as long as it is sited and designed to prevent impacts that would “significantly degrade” the ESHA and is compatible with the continued existence of the ESHA. The proposed campground expansion is not a low-intensity use and is not a resource-dependent use and, therefore, would not be consistent with Section 30240(a) if it was sited *in* the sensitive foredune habitat. Accordingly, the project has been designed to avoid the dune habitat, such that no portion of the proposed development will encroach onto the sand dunes, and no significant disruption of the dune habitat is anticipated to occur.

To ensure that potential indirect impacts to ESHA adjacent to the proposed development are avoided, the Commission typically requires a 100-foot buffer between development and ESHA. In this case, the applicant is proposing a reduced ESHA buffer that will range in width but will not measure less than approximately 12-15 feet between the campervan sites and the foredunes. In this instance, although it is not considered to be the kind of low-intensity camping use allowed *in* ESHA, the campervan campground is an appropriate public access amenity allowed *adjacent* to ESHA because the activities generally associated with this form of camping are not expected to significantly degrade the dunes habitat in this case. The applicant is proposing the installation of an approximately four-foot tall wooden split-rail fence to protect the dune enhancement/restoration areas from pedestrian foot traffic; and an education sign to identify the dune areas and help inform the public of the sensitive habitat area. In addition, to mitigate for the potential indirect impacts to the surrounding dune ESHA from increased human activity in the area and for proposing a reduced ESHA buffer of less than 100 feet, the applicant is proposing native dune enhancement/restoration of approximately 0.86 of an acre of foredunes in the project vicinity.

Additionally, the proposed development has been conditioned to assure consistency with the resource protection policies of the Coastal Act. To ensure implementation of the proposed dune enhancement/restoration, **Special Condition 1** requires the applicant to submit a final dune enhancement/restoration program prior to issuance of the permit, as well as a monitoring report five (5) years from the date of the Commission’s approval of the permit. The Commission imposes **Special Condition 2**, which requires flagging and avoidance of native dune vegetation during project activities. **Special Condition 3** specifies time and operation constraints to avoid adverse impacts on sensitive species and bird nesting activities. **Special Condition 4** requires lighting to be

designed to avoid impacts on habitat areas. In addition, because the project site is on a beach parcel and in proximity to coastal waters, the Commission recommends construction-related requirements and best management practices under **Special Condition 5** to prevent pollution of coastal waters. Due to updates and revisions to the project plans during staff review, the Commission imposes **Special Condition 6**, which requires the submittal of final plans incorporating all changes.

Moreover, given that the applicant has chosen to implement the project on a beach parcel despite risks from wave attack, erosion, sea level rise, and storm flooding, the applicant must assume the risks and waive any rights that it may have to future shoreline protective devices. Therefore, the Commission imposes **Special Conditions 7, 8 and 9** which require an assumption of risk, waiver of the right to a future shoreline protective device, and no future development without an amendment to this permit or new coastal development permit.

A fee structure was not proposed as part of the County's prior applications for the subject development (CDP Application No. 5-17-0537 and 5-18-0683), which were withdrawn on June 4, 2018 and January 15, 2019, respectively. The County has revised the proposal to include a daily flat rate of \$45 for each campervan site. **Special Condition 10** reflects the proposal and ensures that the proposed new campervan spaces will be operated and maintained as lower cost accommodations for the general public in perpetuity.

Commission staff has worked closely with the County, and after discussions and numerous revisions to the proposal, is supportive of the proposed project description and proposed fee structure. The proposed project, as conditioned, will serve to provide important public recreational improvements as well as dune restoration in a location where both are critically needed. Thus, staff recommends that the Commission **approve** with conditions Coastal Development Permit 5-19-0122 as further discussed in this report. The applicant is in agreement with staff's recommendation. The motion and resolution to approve the permit are on page 5.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Conceptual Site Plan and Enhancement/Restoration Plan

Exhibit 3 – Photos of the Site

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0122 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 Coastal Development Permit 5-19-0122 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. 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 permittees 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 permittees 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. **Dune Enhancement/Restoration Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final enhancement/restoration program and a fencing and signage plan. The plans shall include the following:
  - A. **Dune Habitat Area Footprint.** The dune habitat enhancement/restoration area shall generally include an approximately 0.86-acre footprint.
  - B. **Dune Enhancement/Restoration Plan.** The plan shall include procedures for identification and removal of exotic plant species that may be found in the area. The plan shall include the following:
    - i. Site plan (with topography) with the boundaries of the development work, and the location and species of non-native invasive plants to be removed and the location and species of the native plants to be protected.
    - ii. Only manual methods (e.g., hand-pulling, shovels, and other hand tools) shall be used to remove target non-native invasive plants. And native plants will be avoided to the maximum extent feasible during the course of manual plant removal activities;
    - iii. No herbicides or rodenticides shall be employed.
    - iv. Non-native invasive plant material shall be properly disposed of off the project site.
    - v. Best management practices to be implemented to avoid the recruitment or spread of non-native invasive species;
  - C. **Five-year Monitoring.** Five years from the date of issuance of Coastal Development Permit No. 5-19-0122, the permittee shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist or qualified resource specialist that assesses whether the dune enhancement/restoration is in conformance with dune enhancement/restoration program approved pursuant to this special condition and provides at or less than 5% relative coverage of exotic plant species. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the conformance of the resultant enhancement/restoration with the requirements of this special condition.

If the monitoring report indicates the enhancement/restoration is not in conformance with or has failed to meet the performance standards specified in the dune enhancement/restoration program approved pursuant to this permit, the permittee, or successors in interest, shall submit a revised or supplemental enhancement/restoration plan for the review and approval of the Executive Director. The revised enhancement/restoration plan must be prepared by a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

- D. **Wooden Split-rail Fencing.** Split-rail fencing shall be installed around the perimeter of the camper van camping site. No fencing shall be within the southern foredune habitat

area. All proposed site fencing shall be the minimum amount of fencing necessary to meet project objectives (including in terms of sensitive habitat protection, wayfinding and public access, etc.). Minor adjustments to the fencing parameters (i.e., types and configurations) may be authorized by the Executive Director to allow for adaptation in response to habitat changes and/or campground use patterns. All changes are subject to Executive Director review and approval unless the Executive Director determines that an amendment to this CDP or a separate CDP is legally required.

- E. **Signage.** The plan shall include the provision for the installation of signage to be incorporated into the design of the fencing adequate to identify and inform the public of the southern foredune site as a sensitive dune habitat. The signage shall blend in with the surrounding natural environment and not detract from the character of the area. Signs that become subject to erosion or otherwise become unsightly shall be relocated or replaced. The plan shall show the location, size, design, and content of all signs. The signs shall be no larger than 24 inches by 36 inches. No signs shall be posted on the sandy beach unless specifically authorized by the approved signage plan, a separate coastal development permit, or an amendment to this coastal permit, unless the Executive Director determines that no permit or amendment is required.

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

**2. Habitat and Sensitive Species Protection Measures during Project Activities.**

- A. Prior to any project activities, a qualified Resource Specialist shall survey the project site and identify with flags, stakes, or other markers all areas of existing native vegetation. Avoidance measures shall be implemented for native dune vegetation in areas where these species exist as a natural community and in areas where these species co-occur with non-native species.
- B. The limits of development work shall also be clearly demarcated to identify the boundaries of the construction area and habitat area.
- C. An appropriately trained biologist shall monitor all project activities for disturbance to sensitive species or habitat area. Based on field observations, the biologist shall advise the applicants regarding methods to minimize or avoid significant impacts, which could occur upon sensitive species or habitat areas. The biological monitor shall have the authority to stop work if any adverse impacts to sensitive species at the project site and/or within the project vicinity could result from continuation of the proposed development. The applicants shall not undertake any activity that would disturb sensitive species or habitat area unless specifically authorized and mitigated under this coastal development permit or unless an amendment to this coastal development permit for such disturbance has been obtained from the Coastal Commission.

**3. Timing and Operational Constraints.**

- A. To avoid adverse impacts on sensitive bird species, construction and maintenance activities shall not occur during the bird nesting season between March 1 and August

31 of any year. A qualified biologist or environmental resources specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species, prior to commencement of any development. The permittee shall submit the contact information of all monitors with a description of their duties and their on-site schedule. Project activities, including expansion of camping facilities and vegetation removal, shall not occur until any sensitive species (e.g., species listed on state or federal endangered/threatened species lists) have left the project area or its vicinity. In the event that any sensitive wildlife species exhibit reproductive or nesting behavior, the biologist/environmental specialist shall require the permittee to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. The permittee shall cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The permittees shall immediately notify the Executive Director if the monitor determines that any activities outside of the scope of this coastal development permit occur. If significant impacts or damage occur to sensitive wildlife species, the permittees shall submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

- B. The permittee may undertake construction and maintenance activities between March 1 and August 31 of any year upon obtaining a written statement of the Executive Director authorizing construction maintenance on specified dates. To obtain such a determination, the permittee must submit a declaration from the Department of Fish and Game stating that construction on the specific dates proposed will not cause adverse impacts to any sensitive or endangered species. The declaration must contain an assessment of the foraging, breeding, and nesting activities of sensitive bird species found in the area and a statement that the maintenance activity on the specific dates proposed will not interfere with the foraging, breeding, and nesting activities of the sensitive bird species.

- 4. **Lighting.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, a lighting plan for the proposed development. All development lighting shall be directed away from and/or shielded so as not to illuminate habitat areas. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

- 5. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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



- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The permittee(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related

materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**6. Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of revised final project plans with graphic scale to the Executive Director for review and approval. The final plans shall be in substantial conformance with the project plans submitted to the Coastal Commission's South Coast District Office on January 15, 2019, but shall be modified to achieve compliance with this condition, including that the revised plans shall show the following required changes and clarifications to the project:

- A. **Development Footprint.** No portions of the development shall encroach onto dune habitat areas.
- B. **Grading Limits.** No grading shall be undertaken within dune habitat areas.
- C. **Construction Material.** Project related fences, benches, walls, bollards, or support structures shall not contain any of the following: petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary products of petroleum, including creosote, or carbonaceous materials or substances.
- D. **Signage.** The plan shall show the location, size, design, and content of all signs necessary for the operation of the development. The signs shall be no larger than 24 inches x 36 inches, and shall not extend above 6 feet in height.

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

**7. Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-19-0122. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-19-0122. Accordingly, any future improvements to the storage shed or walkway authorized by this Coastal Development Permit No. 5-19-0122, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-19-0122 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**8. Assumption of Risk, Waiver of Liability and Indemnity.**

- A. By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the permittee 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.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the permittees shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

**9. No Future Shoreline Protective Device.**

- A. By acceptance of this permit, the permittee(s) agrees, on behalf of itself and all other successors and assigns, that the project is new development for which there is no right to shoreline protection and hereby waives on behalf of itself, and all other successors and assigns, any rights that may exist under applicable law to construct a shoreline protective device to protect the development approved pursuant to Coastal Development Permit No. 5-19-0122, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards in the future.
- B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the mixed use commercial/residential, garage, foundations, and hardscape if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above.
- C. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and/or ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the beach and Pacific Ocean.

**10. Implementation and Operation.** The permittee shall construct, operate, and maintain the proposed campervan spaces as lower cost accommodations for the general public on a first come first served basis in perpetuity. The campervan spaces shall be available to the public at no more than \$45 (forty-five) dollars per space per night. This fee may be increased in the future, but any such increase shall not exceed the annual percent increase of the

California Consumer Price Index for Urban Areas. Any future increases to the fee shall be reported to the Executive Director. Any increase in the fee that would exceed the CPI shall not occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION AND LOCATION**

The applicant, Los Angeles County Department of Beaches and Harbors, is proposing to expand a campground facility at the Dockweiler State Beach Recreation Vehicle Park (“RV Park”) to accommodate 19 campervan sites, which will each range from approximately 220 to 300 square feet and will consist of a pad and barbecue grill (**Exhibit 2**). The expansion includes removal of a volleyball court net and an approximately 110-square-foot enclosed dog run, and the construction of a new asphalt drive loop off the southern (downcoast) end of the existing RV Park. In addition, the applicant proposes to enhance approximately 0.86-acre of southern foredune habitat area adjacent to and surrounding the camper van site, which will include: the removal of non-native vegetation on a regular basis to allow native vegetation to re-establish throughout the dunes; the removal of an old bicycle path to the south west (seaward) of the proposed camping area; the installation of an approximately four-foot tall wooden split-rail fence to protect the dune enhancement/restoration areas from pedestrian foot traffic; and educational signage to identify the dune areas and help inform the public of the sensitive habitat area (**Exhibit 2**).

Proposed new camping amenities include picnic tables on the sandy beach areas adjacent to each campervan site, two Americans with Disabilities Act (ADA) accessible picnic tables and barbecue grills, a 125-square-foot modular restroom building and new waste disposal area within the existing footprint of the RV Park, a space for food service (e.g. food truck), and an outdoor wash basin.

The approximately one-acre project site is located within Dockweiler State Beach, along the base of the seaward embankment of Vista Del Mar (public right-of-way) in the Playa del Rey and El Segundo Dunes planning area of the City of Los Angeles, just southwest of the Los Angeles Hyperion Water Reclamation Plant (**Exhibit 1 & 3**). Specifically, the project site is located off the downcoast end of the existing RV Park. Dockweiler State Beach is bordered to the north by Ballona Creek and Venice, to the south by El Segundo and Manhattan Beach, to the east by Los Angeles International Airport (LAX), and to the west by the Pacific Ocean. The beach lies directly under the flight path of LAX. The Vista Del Mar public right-of-way is approximately 50 to 55 feet above mean sea level and supported by a sandy bluff which rises approximately 25 feet above the beach. Southern foredune habitat areas exist along the base of the bluff and along the perimeter of the project site. An approximately 600-foot wide sandy beach and a meandering public bicycle pathway exist seaward of the project site and the southern foredunes.

### **B. BACKGROUND**

In the 1980’s, the Coastal Commission approved Coastal Development Permit (“CDP”) No. 5-82-542 for the construction of an 82-unit condominium project. In 2014, the Coastal Commission approved CDP No. 5-13-0717 for the construction of 30-room boutique hotel. In order to mitigate potential adverse impacts to low cost overnight accommodations, the Commission

imposed a special condition in its approval of each of these two CDPs requiring the payment of in-lieu fees (“Mitigation Fund”) to provide for off-site lower cost overnight accommodations. Specifically, Special Condition 2 of CDP No. 5-82-542, as amended on March 13, 1992 (CDP No. 5-82-542-A3), required payment of an in-lieu fee of \$608,000; and Special Condition 8 of CDP 5-13-0717 required payment of an in-lieu fee of \$256,416.60 for the provision of low-cost overnight accommodations.

In order to implement these conditions, the Los Angeles County Department of Beaches and Harbors (“LADBH”) entered into two Memoranda of Understanding (“MOU”) with the Coastal Commission to provide for lower cost overnight accommodations within the coastal zone. The proposed improvements to and expansion of the overnight RV Park subject to this application (No. 5-19-0122) are intended to implement the development required pursuant to the MOUs between the Commission and LADBH and are being funded in part through use of \$636,916.60 from the Commission’s Mitigation Fund.

In 2017 and 2018, the applicant applied for a coastal development permit for the same project currently before the Coastal Commission (CDP Application No. 5-17-0537 and 5-18-0683), which were withdrawn on June 4, 2018 and January 15, 2019, respectively, prior to a Coastal Commission public hearing on the project. Since then, Commission staff has worked closely with the County, and after a few discussions and a revision to the proposal, supports the proposed project description and proposed fee structure.

### **C. BIOLOGICAL 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 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.*

The proposed campground expansion will serve an acute need for recreational overnight facilities and will offer a form of lower-cost overnight accommodations on oceanfront land suitable for recreational uses in this area. At the same time, the campground project raises concerns relating to potential adverse impacts to coastal resources, primarily the southern foredune habitat that exists immediately adjacent to the project site.

A larger dune habitat area once covered approximately 4.5 square miles of coastline, between Westchester south to the base of Palos Verdes peninsula and from the Pacific Ocean inland for approximately one-half mile (*El Segundo Blue Butterfly Draft Recovery Plan*, September 1997). Dune coverage has significantly reduced over the years due to human activities and development. Within the vicinity of Dockweiler State Beach, only approximately 302 acres of the dune system presently exist within the LAX Dunes area located directly north of Hyperion Plant and west of the airport, and smaller foredunes exist along the base of the Vista Del Mar bluffs.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat area (“ESHA”) be protected. Section 30107.5 of the Coastal Act defines ESHA as “*any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments*”. The California Department of Fish and Wildlife identifies southern foredunes as very rare habitat and as essential components of beach ecosystems. California dune ecosystems have suffered a disproportionately high amount of human impact because the coast is a highly desirable area for industry, tourism, recreation, and residential settlements<sup>1</sup>. As a result, dune ecosystems are listed as very rare by the CDFW Natural Diversity Database (CNDDDB; southern foredunes, G2, S2.1; southern dune scrub, G1, S1.1)<sup>2</sup>. The southern foredunes at Dockweiler State Beach rise to the level of ESHA because they are rare and are easily disturbed and degraded by human activities and development as shown by the significant loss of dune habitat and the high cover of non-native and invasive species. Also, southern foredunes rise to the level of ESHA with or without relative vegetation coverage if dune morphology is present. Therefore, protection of the dune habitat is required by Section 30240(a) of the Coastal Act.

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<sup>1</sup> Nordstrom, K.F. and N.P. Psuty, 1980. Dune District Management: A Framework for Shorefront Protection and Land Use Control. *Coastal Zone Management Journal*, V.7:1-23

<sup>2</sup> The G-rank (global) and S-rank (state) represent the overall status of an element and reflects a combination of rarity, threat, and trend factors. G1 = Critically Imperiled-At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors. G2 = Imperiled-At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors. S1= Critically Imperiled-Critically imperiled in the state because of extreme rarity (often 5 or fewer populations) or because of factor(s) such as very steep declines making it especially vulnerable to extirpation from the state. S2= Imperiled-Imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the state.

The project site is adjacent to and surrounded by southern foredune habitat. The applicant provided a Habitat Assessment prepared by Michael Baker International dated October 4, 2017. Based on the assessment, the surrounding foredunes are vegetated with two plant communities: **1)** southern foredune, such as beach bur (*Ambrosia chamissonis*), salt heliotrope (*Heliotropium curassivicum*), beach primrose (*Camissoniopsis cheiranthifolia*) alkali mallow (*Malvella leprosa*), sea rocket (*Cakile maritima*), and salt grass (*Distichlis spicata*); and **2)** exotic plant species, which are almost exclusively ice plant (*Carpobrotus edulis*).

Section 30240 states that only resource-dependent uses are allowed within ESHA. The proposed campground expansion is not a low-intensity use and is not a resource-dependent use allowed in ESHA under the Coastal Act. Consequently, the project has been designed to be sited outside of the ESHA to avoid any direct impacts. The applicant proposes to site the campervan expansion area immediately adjacent to the downcoast boundary of the existing RV Park. The construction site is currently comprised of sandy beach, a beach volleyball court net, and an enclosed dog run. No portion of the proposed development will encroach onto the sand dunes, and no direct impacts to the sand dunes are anticipated.

Nonetheless, there is a potential for indirect impacts to the surrounding dune ESHA from increased human activity in the area resulting from the proposed campground expansion. To ensure that potential indirect impacts to ESHA are avoided, the Commission frequently requires a 100-foot buffer between development and ESHA. In this case, the proposed project does not adhere to a 100-foot buffer around ESHA; however, the applicant proposes a reduced ESHA buffer that will range in width but will not measure less than approximately 12-15 feet between the campervan sites and the foredunes. Under Section 30240(b), development adjacent to ESHA is allowed as long as it does not “significantly degrade” the habitat and is compatible with the continued existence of the ESHA. In this instance, because the campervan campground involves medium-intensity recreational activities, the impacts of which will be mitigated as described below, the proposed project is not expected to significantly degrade the dunes habitat. The proposed development will result in passive recreational activities limited to parking of the campervans and picnicking. Most physical activity will occur outside of the project site along the beach, although some impacts to surrounding dune habitat could occur as a result of the expanded RV camping area (e.g. if pedestrians walk on dune habitat between the camping area and the beach). To prevent inadvertent impacts to adjacent dune habitat, the applicant is proposing an approximately four-foot tall, wood split-rail fence. The split-rail fence will be installed along the perimeter of the development to prevent indirect impacts associated with increased human activity and ensure the continuance of the southern foredune habitat surrounding the project site. The applicant is also proposing educational signage to identify the dune areas and help inform the public of the sensitive habitat area.

To mitigate for the reduced buffer and inadvertent potential indirect impacts to the surrounding ESHA as a result of increased human activity adjacent to the ESHA, the applicant proposes to enhance the approximately 0.86-acre foredune habitat occurring along the boundaries of the project site. As part of the dune enhancement/restoration program, the applicant proposes to remove all exotic plant species within an approximately 0.86-acre foredune area on a regular basis to help native dune vegetation reestablish throughout the habitat. The intent is to have no more than five percent coverage of exotic plant species within the approximately 0.86-acre foredune habitat area to enhance the native habitat quality of the foredunes. Habitat enhancement/restoration is consistent

with Section 30240 because it is a resource-dependent use and will not significantly degrade the ESHA (and, in fact, will enhance it). The proposed habitat enhancement/restoration includes a removal of non-native plants by hand.

However, if not properly conducted and monitored, the enhancement/restoration program could fail to meet the performance standards specified and/or contribute to the spread of non-natives.

Therefore, to ensure proper implementation of the proposed enhancement/restoration, **Special Condition 1** requires the applicant to submit a final dune enhancement/restoration program prior to issuance of the permit and submit a monitoring report five (5) years from the date of the approval of the permit. If the report concludes that the dune enhancement/restoration is not in conformance with or has failed to meet the performance standards specified in the enhancement/restoration program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental dune enhancement/restoration plan for the review and approval of the Executive Director. Special Condition 1 also requires best management practices to be implemented to avoid the recruitment or spread of non-native invasive species;

To ensure that measures protective of habitat and sensitive species are implemented, **Special Condition 2** is imposed. This special condition also requires that avoidance measures be implemented for native dune vegetation and requires a physical demarcation of the limits of development work.

The project site and surrounding areas are federally designated Critical Habitat for western snowy plover. However, western snowy plover have a low potential to forage and nest within the project site due to the high level of human disturbance already associated with the on-site beach volleyball court, dog run, RV Park, adjacent bicycle path, and beach grooming. To ensure that potential impacts to western snowy plover are avoided, all work is scheduled to occur outside of bird nesting season. To ensure the proposed project incorporates and implements this measure, the Commission imposes **Special Condition 3**, which specifies time and operation constraints to avoid adverse impacts on sensitive species and bird nesting activities. In addition, expansion of the RV campground facility and continued use of the expansion area for campervan recreation is not expected to interfere with snowy plovers because in addition to the area already experiencing high levels of human disturbance, the project site is located in the back beach area and the snowy plover roosting area is located more than a mile upcoast from the project site.

Regarding lighting, one of the more recently recognized human impacts on ecosystem function is that of artificial night lighting as it effects the behavior and function of many different types of organisms.<sup>3</sup> For literally billions of years the only nighttime sources of light were the moon and stars, and living things have adapted to this previously immutable standard and often depend upon it for their survival. A review of lighting impacts suggests that whereas some species are unaffected by artificial night lighting, many others are severely impacted. Overall, most impacts are negative ones or ones whose outcome is unknown. Research to date has found negative impacts to plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals, and a detailed literature

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<sup>3</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.



review can be found in the report by Longcore and Rich.<sup>4</sup> Therefore, **Special Condition 4** requires lighting to be directed away from and/or shielded to avoid impacts on habitat areas.

Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal water be maintained and enhanced. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal waters via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. The proposed project is not anticipated to result in any significant adverse impact to marine resources or water quality. Construction best management practices would be implemented to avoid or minimize impacts to the environment. In order to ensure prevention of adverse construction-related impacts upon marine resources and to minimize erosion, the Commission imposes **Special Condition 5** requiring the applicant to implement construction best management practices.

Due to updates and revisions to the project plans during staff review, the Commission imposes **Special Condition 6**, which requires the submittal of final plans incorporating all changes.

The Commission finds that the proposed development, as conditioned, is consistent with resource protection policies of the Coastal Act, such as Sections 30230, 30231 and 30240.

#### **D. PUBLIC ACCESS AND RECREATION**

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 30213 of the Coastal Act states:

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

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221 of the Coastal Act states:

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<sup>4</sup> Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

*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.*

Dockweiler State Beach is one of the most visited State Beaches in California. Major transportation corridors or regional connections including the 105 Freeway/Imperial Highway, Culver Boulevard, Manchester Avenue, and the coastal route, Vista Del Mar, link inland areas directly to the State Beach. The beach contains restroom and concession facilities, playground areas, volleyball courts, fire rings, regional bicycle path, and RV campground facilities. The regional bike path, the Marvin Braude Bicycle Trail, connects Torrance Beach to the Pacific Palisades, crossing every coastal city/town in Santa Monica Bay.

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The Chapter 3 policies of the Coastal Act also require that recreational opportunities be provided and that development shall not interfere with public access. To facilitate public access, Section 30213 provides that lower-cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided.

Lower cost overnight accommodations are one type of lower cost visitor serving facility necessary to ensure that lower income members of the public, including those that live further from the coast, are able to access and recreate at the coast. The Coastal Act's requirement to maximize access and promote lower cost visitor and recreational facilities is critical in providing opportunities for individuals and families from underserved communities to visit the coast when they might not be able to do so otherwise due to costs, including costs for overnight accommodations.

Currently, there is a significant lack of lower cost overnight accommodations – particularly lower cost hotel rooms – along most of the coast. New hotel developments are typically higher cost, and lower cost hotels have been closing at more than twice the rate of moderate and high cost hotels combined. This has resulted in coastal cities having as little as 5% lower cost hotel rooms, and the remaining 95% higher cost.<sup>5</sup>

A recent field survey of beach visitors in southern California shows that, on average, visitors from median income households are willing to pay only \$82 per night to stay near the coast, and visitors from households at 80% of median income are willing to pay only \$78 per night.<sup>6</sup> These amounts are far less than the economy room rates at hotels in most coastal locations. Thus, hotel rates, even at lower cost hotels, are likely out of reach for the majority of visitors, especially during summer months when families and others are most likely to recreate at the beach. Other traditionally lower cost overnight accommodations such as camping, cabins and hostels are often booked many months in advance. Ultimately, those of lesser means are too frequently left with fewer opportunities to access overnight accommodations along the coast, which is indicative that more of these types of lower-cost overnight accommodations are needed along California's coastline.

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<sup>5</sup> Ainsworth, J., Hansch, S. and Cavalieri, M. (California Coastal Commission). Public Workshop: Lower Cost Visitor Serving Accommodations. October 2016.

<sup>6</sup> Jon Christensen (UCLA) and Philip King (San Francisco State University), personal communication, 19 October 2016.

The proposed project includes the expansion of a campground facility to provide 19 new campervan sites. The intent of the proposed campground expansion is to help enhance public access to the coast within Los Angeles County. The proposed campervan sites will serve an acute need for recreational facilities and lower cost overnight accommodations and will offer a form of lower-cost overnight accommodations on oceanfront land suitable for recreational uses in this area.

A fee structure was not proposed as part of the original applications. The applicant has revised the proposal to include a daily flat rate of \$45 for each campervan site; the applicant indicates that the fee was selected based on a comparison of similar camping sites up and down the coast. In addition, the proposed campervan sites will offer an even lower-cost alternative to RV camping, which has nightly rates between \$55 to \$65 at Dockweiler Beach. **Special Condition 10** reflects the proposal and ensures that the proposed new campervan spaces will be operated and maintained as lower cost accommodations for the general public in perpetuity.

During construction, the project should be designed and carried out in a manner that will ensure that public access to this beach remains open and clear for recreational uses. Mechanized equipment is required for the project, as well as disposal routes and staging areas. Construction staging and storage will occur adjacent to the project site along the east side of the RV parking lot. Therefore, during the construction phase of the project there would be a temporary impact to public access. However, the applicant proposes to undertake the development during the off-season (after Labor Day), or in January (when the RV Park is closed to the public) to minimize any potential impacts to public coastal access. The peak beach use season runs through the summer from May to October (typically from the start of Memorial Day weekend to October 31). Moreover, the duration of the project is not anticipated to exceed five to six months. Therefore, as proposed, the project staging will be sited so that there will be continued beach access (public parking, RV camp spaces, open bike trails, restroom facilities, etc.), and the project will not have an adverse impact to public access.

In addition, to ensure that future development will not have an adverse impact on the public coastal access and coastal resources, a future development condition (**Special Condition 7**) is imposed, stating that exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-19-0122.

The Commission finds that the proposed development, as conditioned, is consistent with 30210, 30220, 30221, and the other public access and recreation policies of the Coastal Act.

#### **E. HAZARDS**

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30253 of the Coastal Act states, in pertinent 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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30251 of the Coastal Act states that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project site is located on a sandy beach within the Dockweiler State Beach. The applicants are proposing to expand the Dockweiler Recreation Vehicle Park campground facility to accommodate 19 new campervan spaces. Due to its beachfront location, an inherently dynamic and potentially hazardous area, the project site must be examined for the potential for erosion, flooding, wave attack and wave runup hazards, including consideration of potential impacts due to severe storm events. Moreover, these hazards may be exacerbated by expected future sea level rise, which must also be considered.

### **1. 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 April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released *Rising Seas in California: An Update on Sea-Level Rise Science*.<sup>7</sup> This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. The updated projections in the 2017 Rising Seas report and the 2018 OPC Guidance, which are based on the current best available science on sea level rise, suggest that sea levels could rise between 2.1 and 6.7 feet by 2100 at the Los Angeles tide gauge,<sup>8</sup> depending on future greenhouse gas emissions. The OPC Guidance recommends that development of only moderate adaptive capacity, including residential development, use the high end of this range, 6.7 feet, to inform decisions regarding development. The updated Rising Seas science report and OPC Guidance also include an extreme scenario (termed the "H++" scenario) of 9.9 feet of sea level rise by 2100 based on recent modelling efforts that look at possible sea level rise associated with rapid ice sheet loss.

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 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

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<sup>7</sup> Griggs, G, Árvai, J, Cayan, D, DeConto, R, Fox, J, Fricker, HA, Kopp, RE, Tebaldi, C, Whiteman, EA (California Ocean Protection Council Science Advisory Team Working Group). *Rising Seas in California: An Update on Sea-Level Rise Science*. California Ocean Science Trust, April 2017.

<sup>8</sup> The OPC Guidance provides sea level rise projections for 12 California tide gauges, and recommends using the projections from the tide gauge closest to the project site. The projections for the LA tide gauge can be found on page 72 of the OPC Guidance.

more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

In this case, the beach area abutting the project site is a broad breach, approximately 300- to 600-feet in width. The wide sandy beach seaward of the project site will offer some protection against wave uprush and flooding hazards. However, similar to other nearby beach fronting communities such as those at Surfside in Seal Beach (south of the subject site) the wide sandy beach is the only protection from wave uprush hazards.

Even though wide sandy beaches afford protection of development from wave and flooding hazards, development in such areas is not immune to hazards. For example, the County already constructs a seasonal berm along the beach to protect County improvements such as restrooms, bicycle path, and lifeguard stations. Recently, in 2015, the Coastal Commission granted to the applicant, Los Angeles County Department of Beach Harbors, Coastal Development Permit No. 5-14-1345 authorizing the *“Construction of 9 seasonal sand berms, for winter storms wave protection, and measuring approximately 15 feet high and varying in length from approximately 200 feet to 1,500 feet in length,”* for Venice Beach, Dockweiler State Beach, and Hermosa Beach. Prior to the approval of the permit, the Coastal Commission held a public hearing on September 9, 2015 in Arcata. At this hearing, residents of Playa Del Rey raised concerns over the limited length of the proposed berms and requested that they be extended to provide protection to the private ocean-fronting residences located just north of Dockweiler Beach citing past flooding occurrences during winter storm events and the lack of natural vegetation or dunes. The residents discussed flooding caused by paths of water flowing past the berm causing the first public road to flood.

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

Therefore, the proposed development is located in an area where coastal hazards exist that could adversely impact the development, particularly due to sea level rise. The applicant may determine that the benefits of development at this location outweigh the risks of coastal hazards, and choose to construct the development at this location despite the risk of wave-uprush due to its location adjacent to the ocean. However, the applicant must assume the risks, outlined above. Therefore, the Commission imposes **Special Condition 8** requiring the applicant to assume the risks of the development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards.

## **2. Future Shoreline Protective Devices**

The proposed development is located adjacent to the ocean in an area that may be impacted by coastal hazards as sea levels continue to rise, thus, raising the potential need for a shoreline protective device to protect the proposed RV campground in the future. In the case of the current

project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. However, nearby beachfront communities have experienced flooding and erosion during severe storm events, such as El Nino storms. In light of likely sea level rise scenarios, it is also possible that the proposed structure may be subject to wave uprush hazards at some point in the future.

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

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

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

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches, inconsistent with sections 30210 and 30211 of the Coastal Act. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth in earlier discussion, this portion of Dockweiler State Beach is currently characterized as having a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls can interfere directly with public access by their occupation of beach area that will not only be

unavailable during high tide and severe storm events but also potentially throughout the winter season, inconsistent with sections 30210 and 30211 of the Coastal Act.

In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from shoreline protective devices.

As previously stated, the applicant is not currently proposing a seawall. Given the proposed development is being sited on an oceanfront area, there is a potential that it may be affected by coastal hazards at some point in the future due to sea level rise as discussed above. The proposed development would be inconsistent with the policies of Chapter 3 of the Coastal Act if it required a shoreline protective device now or in the future. To ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes **Special Condition 9**, which requires the applicant to waive any rights that it may have to construct such a device. This condition is necessary because it is difficult to completely predict with certainty what conditions the proposed development may be subject to in the future, and if the site does become vulnerable to wave attack or flooding, a shoreline protective device may not be the appropriate response to such hazards.

The Commission also requires that the applicant remove the development approved in this coastal development permit if any government agency has ordered that the development be removed due to wave uprush and flooding hazards. In addition, in the event that portions of the development are destroyed on the beach before they are removed, the applicant shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. **Special Condition 9** ensures that the risks to life and property from constructing the development in an area potentially subject to coastal hazards will be minimized, as required by Section 30253 of the Coastal Act.

### **Conclusion**

The Commission finds that only as conditioned as described above can the proposed development be found consistent with Sections 30251 and 30253 of the Coastal Act.

### **F. VISUAL RESOURCES**

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*



The Coastal Act protects the visual quality of scenic coastal areas. The proposed development will be located within Dockweiler State Beach. The scenic and visual qualities that must be protected in this area consist of: the views to and along the beach; the public views from Vista Del Mar (the major coastal route directly above and parallel to this stretch of beach) to the beach and ocean; and the views across the beach to the ocean of headlands, dunes, and Vista Del Mar bluffs.

Vista Del Mar is approximately 25 feet above Dockweiler State beach. Because of the limited development and location of Vista Del Mar above the beach, the area along the roadway offers uninterrupted ocean views along most of its length. Section 30251 of the Coastal Act states that development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. The proposed development will be sited adjacent to existing Dockweiler State Beach RV Park campground facility and will be constructed on the beach along the base of the bluff. Therefore, it will not obstruct ocean views from along Vista Del Mar. In addition, the proposed modular restroom addition will be sited within the existing footprint of the RV Park adjacent to the existing restroom building, which will help reduce visual clutter throughout the campground facility. Moreover, as seen from the regional bike path located looking inland toward the project site, the dunes and change in elevation will help reduce the visibility of the campground expansion site. Finally, the applicant is proposing a split-rail fence with a limited height of four feet that will consist of an open design. As designed, view obstruction of the scenic resources due to the proposed project will be minimal.

The Commission finds that the proposed development does not present a significant visual impact to the scenic resources from the roadway or along the beach. Therefore, the Commission finds the project, as conditioned, consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

#### **G. LOCAL COASTAL PROGRAM**

Coastal Act Section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3:

*(a) 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). A denial of a coastal development permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

The Playa del Rey south area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the

Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

#### **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Special Conditions imposed will mitigate adverse impacts to coastal resources and public access. The **Special Conditions** address the following issues: **1)** dune enhancement/restoration program; **2)** habitat and sensitive species protection measures during project activities; **3)** timing and operation constraints; **4)** lighting; **5)** best management practices; **6)** final project plans; **7)** future development; **8)** assumption of risk; **9)** no future shoreline protective device; and **10)** implementation and operation. Therefore, the Commission finds that, as conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect of the proposed project, there are no remaining significant environmental impacts within the meaning of CEQA, and the project is consistent with CEQA and the policies of the Coastal Act.

#### **Appendix A - Substantive File Documents**

- Coastal Development Permit Application (CDP) Nos. 5-17-0537 & 5-18-0683
- *Habitat Assessment for the Dockweiler State Beach RV Park Expansion Project located in Playa del Rey, Los Angeles County, California* prepared by Michael Baker International, dated October 4, 2017.