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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-19-0017**
Applicant:	**City of Santa Monica**
Agent:	Kiewit Infrastructure West Co. (Attn: William Searles)
Location:	1855 Main Street, Santa Monica, Los Angeles County (APNs: 4290-013-901; 4290-012-904)
Project Description:	Implementation of Elements 2 and 3 of the City's Sustainable Water Infrastructure Project (SWIP) by constructing an underground advanced water treatment facility under the Civic Center parking lot, along with storm drain and wastewater diversion structures, 15-ft. high access hatches (with 2 elevators); restoration of the solar panel carport and 85-stall parking lot; and landscaping.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The Sustainable Water Infrastructure Project (SWIP) aims to integrate stormwater, brackish/saline groundwater, and municipal wastewater into one cohesive system that will enable the City to produce approximately 1,680 acre-feet per year (AFY) (1.5 Million Gallons per Day) of 'advanced treated water.' The new treated water will be used to meet recycled water demands, such as irrigation, street cleaning, and toilet flushing. The City of Santa Monica is seeking a coastal development permit (CDP) to authorize the development of SWIP Elements 2 and 3. SWIP Element 2 consists of a new below grade Advanced Water Treatment Facility (AWTF) that is capable of producing up to 1.0 million gallons per day (MGD) from a mixture of municipal wastewater and stormwater. The proposed AWTF production flowrate of 1.0 MGD represents approximately 10% of the City's daily wastewater flow volume. The AWTF will also treat stormwater harvested by the two new tanks. SWIP Element 3 consists of the construction of one 4.5 million gallon below-grade

stormwater harvesting tank beneath the City's Civic Center Parking Lot, adjacent to the proposed AWTF. This tank will harvest runoff mainly from the Kenter Canyon and Pico/4th Watershed drainage area, which would be treated at the new AWTF. The existing carport with solar panels and existing 85-space parking lot with landscaping will be restored and restriped to provide 90 parking spaces. The project will also extend the existing Civic Center Drive to Main Street[1].

The project site is located in the southerly portion of an existing large surface parking lot ("Civic Lot") in the City of Santa Monica's Auditorium Special Use District, and is approximately 0.25 mile inland of the beach **(Exhibit 1).** The District is bounded by Pico Boulevard on the south, Fourth Street on the east, Main Street on the west, and Civic Center Drive on the north. The District is within the City's larger Civic Center Specific Plan ("CCSP") area. The Civic Center is an area of deferred certification in the LUP. The Civic Center Specific Plan has not been reviewed or approved by the Commission and, therefore, does not serve as guidance. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. Thus, any relevant policies of the certified Land Use Plan may be used for guidance.

The proposed project raises potential public access issues regarding parking and traffic management. In order to construct the AWTF and stormwater harvesting structures, an existing 85-space public parking lot would be demolished. The City has indicated that some monthly parkers use this surface lot, and would be permanently relocated to Public Parking Structures 7 and 8, both less than a half mile from the project site. Furthermore, the surface lot would be reconstructed and restriped to provide 90 spaces exclusively for visitor parking upon completion of the project. Thus, the project would not result in any permanent loss of public parking in the downtown area, although the new lot (as with the current lot) will only be available to visitors of City Hall and the Civic Auditorium. Public parking areas designated for beach access, which is located closer to the coast, will not be affected by the project.

There would also be intermittent street closures along Main Street, Ocean Avenue, and Pico Boulevard while the new pipe lines and lift stations are installed. However, the City stated that at least one lane of traffic in each direction would remain open during construction, so the public would be able to access this portion of the coast, although the area may experience traffic and delays during construction. Overall, impacts to public access would be temporary in nature, and the City has designed the project to minimize impacts to public access. Therefore, the project can be found to be consistent with the public access policies of the Coastal Act.

The project site is located in an area that could potentially contain cultural resources. In order to better understand the cultural significance of the project site and the surrounding project area, Commission staff underwent tribal consultation, consistent with the Coastal Commission's Tribal Consultation Policy. Due to the project site's location within a sacred village (Sa'angna) and adjacent to sacred water courses and major traditional trade route, there is a potential of ground disturbance activities to impact Tribal Cultural Resources that may still be present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. In past permit action, the Commission has required the applicants to monitor all grading and construction activities and required appropriate recovery and mitigation measures, regarding excavation, reporting and curation. To ensure that the project protects any cultural

[1] Civic Center Drive currently extends between 4th Avenue and Avenida Mazatlan, after which the street feeds into the Civic Center parking lot.

resources that may be present on site and is consistent with past Commission action, the Commission imposes **Special Condition 4**. To assure that the proposed project remains sensitive to the concerns of the affected Native American groups, a Native American monitor should be present at the site during all excavation activities to monitor the work, if artifacts or remains are discovered. The monitor should meet the qualifications set forth in the NAHC's guidelines. **Special Condition 4** also provides guidelines that shall be followed in the event that cultural resources are discovered during construction.

Because the project site is located in close proximity to the coast and runoff from construction can impact the beach and ocean, the Commission imposes construction-related requirements and best management practices under **Special Condition 1** in order to minimize adverse construction-related impacts upon marine resources and for erosion control. The City has provided a list of erosion control best management practices that would be undertaken for the project, as required by the City of Santa Monica. In order to ensure that the proposed erosion control best management practices are followed, the Commission imposes **Special Condition 2.**

The City is proposing landscaping around the reconstructed parking lot once the AWTF and water storage facility are installed underground. The Commission typically requires that all new landscaping comprise of only low water use, non-invasive plants (Low WUCOLS[2] Ranking) as identified by the California Department of Water Resources. The applicant's landscape plans indicate that most of the proposed plantings adhere to the Commission's requirement for low-water use, non-invasive plants. However, the plan incorporates the usage of *Laegerstromia indica* (crepe myrtle), which is classified as a medium-water use plant. Therefore, the Commission imposes **Special Condition 3**, which requires the submittal of revised landscaping plans, and the installation of non-invasive, drought-tolerant vegetation (low water use plants only) and water-conservative irrigation systems.

As proposed and conditioned, the project can be found to be consistent with the Chapter 3 policies of the Coastal Act. Therefore staff recommends **approval** of this CDP application with the referenced special conditions.

[2] WUCOLS is the acronym for Water Use Classifications of Landscape Species.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-19-0017 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. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** By acceptance of this permit, the permittee agrees to comply with the following construction-related requirements:

   (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

   (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

   (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

   (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

   (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

   (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

   (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

   (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

   (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

   (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

   (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials.

Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

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

2. Adherence to Erosion Best Management Practices. The applicant has developed best management practices to minimize pollutants and reduce runoff levels, in compliance with the City of Santa Monica's ordinances for stormwater pollution control. The Commission requires the applicant to adhere to the following minimum requirements:

(a) Soil stockpiles will be covered or managed via engineering control measures (e.g. water mist). Excavation work forces will be misted to minimize dust generation during construction excavation. Soil track out by construction vehicles will be minimized via tread plates and other engineering control measures (e.g. tread broom cleaning), as necessary.

(b) Polluted runoff (including runoff containing sediments and/or construction wastes) shall not leave the construction parcel. No wash water from any type of cement and concrete machinery or concrete mix truck shall be allowed to leave the construction parcel. Any washing of equipment in the right-of-way shall be contained and properly disposed.

(c) For any paint removal, paint preparation or sandblasting activities that will result in particles entering the air or landing on the ground, BMP steps shall be implemented to prevent or minimize to the maximum extent practicable such particle releases into the environment.

(d) No washing of construction or other vehicles shall be allowed adjacent to a construction parcel. No polluted runoff from washing vehicles on a construction panel shall be allowed to leave the parcel.

(e) To reduce erosion, BMPs will also include temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. Dust control will be accomplished by using the minimum amount of water without adding to runoff.

3. **Landscaping − Drought Tolerant, Non-Invasive Plants.**

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

i. Vegetated landscaped areas shall only consist of native plants or non-native

drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. *All plants shall be low water use plants* as identified by California Department of Water Resources (See: http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf and http://ucanr.edu/sites/WUCOLS/files/183488.pdf).

ii. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

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

4. **Archaeological/Cultural Resources.**

A. By acceptance of this permit, the applicant agrees to comply with the following monitoring conditions during construction:

(i) Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and a minimum of 1 Native American monitor from each tribal entity with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, excavation work, site preparation or landscaping activities associated with the approved development. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, any archaeological monitoring or research plans, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor;

(ii) The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

(iii) The Native American monitor shall be required only for ground disturbance activities within the area shown in **Exhibit 5,** where previously identified ground

disturbance has not occurred in the past. The Native American Monitor shall be required for the first 6 feet of excavation or until native soils have been reached.

B. If an area of cultural deposits is discovered during the course of the project:

(i) All construction and subsurface activities that have the potential to uncover or otherwise disturb cultural deposits in the area of the discovery or may foreclose mitigation options shall cease within 50 feet of the deposit immediately and shall not recommence except as provided in subsection C hereof; and the project archaeologist shall prepare and submit a Significance Testing Plan, for review and approval of the Executive Director, identifying measures to be undertaken to determine the significance of the find. The Plan shall be prepared in consultation with the Native American monitors, and the MLD when State Law mandates the identification of a MLD. The Executive Director shall, in writing, determine the adequacy of the Plan if it can be implemented without further Commission action, provide written authorization to proceed. The Significance Testing Plan results, along with the project archaeologist's recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive Director for a determination of the significance of the discovery. If the Executive Director determines that the discovery is significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan in accordance with subsection C, below.

C. A permittee seeking to recommence construction following discovery of cultural deposits determined to be significant pursuant to the process established in the Significance Testing Plan in subsection B(i) shall submit a Supplementary Archaeological Plan for the review and written approval of the Executive Director, prepared by the project archaeologist in consultation with the Native American monitor(s), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD. The Supplementary Archaeology Plan shall identify proposed investigation and mitigation measures; in-situ preservation is the preferred mitigation and can be achieved through such methods such as, but not limited to, project redesign, capping, and deeding the cultural resource areas in open space. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the approved Supplementary Archaeological Plan, as well as, to the extent applicable, the original approved archaeological plan.

(i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made in writing by the Executive Director.

(ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not

recommence until after an amendment to this permit is approved by the Commission to authorize a new archaeological approach.

(iii)A report verifying compliance with this condition shall be submitted to the Executive Director for review and written approval, upon completion of the mitigation measures detailed in the approved archaeological monitoring plan and/or Supplementary Archaeological Plan required to protect significant archaeological finds.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The Sustainable Water Infrastructure Project (SWIP) aims to integrate stormwater, brackish/saline groundwater, and municipal wastewater into one cohesive system that will enable the City to produce approximately 1,680 acre-feet per year (AFY) (1.5 Million Gallons per Day) of 'advanced treated water.' The SWIP will produce water of advanced treated quality that, when properly permitted, can be used for Indirect Potable Reuse (IPR) via aquifer recharge. In the interim, the new treated water will be used to meet recycled water demands, such as irrigation, street cleaning, and toilet flushing. SWIP has three basic elements all designed to operate as a cohesive and integrated system for the harvesting, treatment and conjunctive reuse of the nonconventional water resources that are available to the City. SWIP Element 1 was approved by the Commission in April 2019 (refer to 5-18-1234-W). The City of Santa Monica is seeking a coastal development permit (CDP) to authorize the development of Elements 2 and 3, which are detailed below.

SWIP Element 1 authorized upgrades to the existing Santa Monica Urban Runoff Recycling Facility (SMURRF) with a modular containerized reverse osmosis (RO) treatment unit, advanced oxidation treatment and solar panel array. The SMURRF currently reclaims and recycles urban runoff and low flow stormwater runoff from the Pico-Kenter outfall (located at the western end of Pico Boulevard)for non-potable reuse. When not harvested by SMURRF, this water is typically transported to the ocean, where it adversely impacts the beach water quality and does not improve the City's drought resiliency. By advance treating some water for reuse, the SWIP helps to improve beach water quality. The solar panels installed as part of Element 1 will also be used to offset grid energy used at the SMURRF.

In addition to upgrading the treatment and source of energy at SMURRF, Element 1 leverages the existing Clean Beaches Initiative Project Stormwater Tank (CBI tank) located adjacent to the Beach Lot 1 North (1550 Pacific Coast Highway), by incorporating the existing horizontal subdrain system beneath the existing CBI tank to provide brackish groundwater as a secondary source for treatment and reuse when stormwater or other runoff is scarce. In addition to servicing the City's current reclaimed water customer base, any surplus water from the upgraded SMURRF will be used for aquifer recharge once properly permitted. Advanced treated SMURRF water shall be distributed via the City's existing purple pipe system.

SWIP Element 2 consists of a new below grade Advanced Water Treatment Facility (AWTF) that is capable of producing up to 1.0 million gallons per day (MGD) of treated water from a mixture of municipal wastewater and stormwater (**Exhibit 2**). The City currently generates approximately 10 to 14 MGD of wastewater per day that goes to the City of Los Angeles Hyperion Water Reclamation Plant. The new AWTF would treat a portion of the City's wastewater for immediate

non-potable reuse and, when properly permitted, for IPR via aquifer recharge. The proposed AWTF production flowrate of 1.0 MGD represents approximately 10% of the City's daily wastewater flow volume. The AWTF will be located underground beneath the City's Civic Center Parking Lot. A wastewater diversion structure and pump station will be built along a 54 ft. long Coastal Interceptor Sewer on Ocean Avenue, and a new force main will convey wastewater to the new AWTF. The AWTF will also treat stormwater harvested by the two new tanks explained under Element 3. When stormwater is available, the AWTF will be operated to treat a blend of wastewater and stormwater. It is expected that the AWTF will treat a minimum of 80% wastewater at all times. Depending on the stormwater availability the ratio of treated water would vary between 80% and 100%. There will be no discharges to surface water associated with Element 3, as all overflows will be routed to the City's existing sanitary sewers via new pipelines built as part of SWIP. Advanced treated water from the proposed facility will subsequently be distributed via the City's existing recycled water system (referred to locally as the 'purple pipe system'). A new connection line will be built between the new AWTF and the nearest point of the existing purple pipe system on Main Street to circulate the treater water. Treated water must meet the Department of Drinking Water (DDW) Groundwater Replenishment Reuse Project (GRRP) Standards.

SWIP Element 3 consists of the construction of one 4.5 million gallon below-grade stormwater harvesting tank beneath the City's Civic Center Parking Lot, adjacent to the proposed AWTF (**Exhibit 2**). This tank will harvest runoff mainly from the Kenter Canyon and Pico/4th Watershed drainage area. The captured stormwater w be treated at the new AWTF. The existing carport with solar panels and existing 85-space parking lot with landscaping will be restored and restriped to provide 90 parking spaces. The project will also extend the existing Civic Center Drive to Main Street[3].

Two new stormwater diversions and new force main lines would also be built to capture stormwater from the Kenter Canyon and Pico/4th Watershed. The two new diversion structures will be constructed on Main Street and on Pico Boulevard. Force main lines will convey stormwater from these diversion structures to the Civic Center Tank. Civic Center Tanks will have overflow discharge lines to the City's storm drain system.

When stormwater is being treated at the AWTF, an automated monitoring system will control the entire SWIP system to ensure the optimum mixture of stormwater and municipal wastewater is received at the AWTF and that the maximum amount of stormwater and urban runoff is captured for treatment. Treated wastewater and stormwater would be utilized for immediate non-potable reuse and, when properly permitted, IPR via aquifer recharge. The stormwater tank would serve to improve beach water quality by reducing the volume of untreated stormwater discharged into the ocean. In addition, the stormwater tank allows for compliance with the non-point source control requirements set forth in the recently approved Enhanced Watershed Management Plan (EWMP) for Santa Monica Bay Jurisdictional Groups 2 & 3. Overall, SWIP will help the City to increase its local water production while improving the beach water quality of the Santa Monica Bay.

The project site is located in the southerly portion of an existing large surface parking lot ("Civic Lot") in the City of Santa Monica's Auditorium Special Use District, and is approximately 0.25

[3] Civic Center Drive currently extends between 4th Avenue and Avenida Mazatlan, after which the street feeds into the Civic Center parking lot.

mile inland of the beach **(Exhibit 1).** The District is bounded by Pico Boulevard on the south, Fourth Street on the east, Main Street on the west, and Civic Center Drive on the north. The District is within the City larger Civic Center Specific Plan ("CCSP") area, which encompasses a number of areas including a total of five special use districts and is bounded by Pico Boulevard on the south, Fourth Street on the east, Ocean Avenue on the west, and Colorado Avenue on the north. The project site is surrounded by surface parking spaces, the Civic Auditorium, Early Childhood Lab School construction site, Civic Garage structure, the Santa Monica Courthouse, 4th Street, and Santa Monica High School located across 4th street. The project site is owned and operated by the City.

The Civic Center is an area of deferred certification in the LUP. The Civic Center Specific Plan has not been reviewed or approved by the Commission and therefore, does not serve as guidance. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. Thus, any relevant policies of the certified Land Use Plan may be used for guidance.

B. DEVELOPMENT - PUBLIC FACILITIES

Section 30250 of the Coastal Act states:

> *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30254 of the Coastal Act states, in applicable part:

> *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division… Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

Section 30254.5 of the Coastal Act states:

> *Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.*

Section 30412 of the Coastal Act cited above states, in applicable part:

> …

(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.

(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:

(1) The siting and visual appearance of treatment works within the coastal zone.
(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.
(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.

(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division…

Section 30254 requires that new or expanded public works facilities be designed and limited to accommodate needs generated by levels of development permitted consistent with the Coastal Act.

The proposed project is classified as a "treatment work" according to the definition set forth in the Federal Water Pollution Control Act (referenced in Section 30210 of the Coastal Act). The Federal Water Pollution Control Act defines treatment work as follows:

A) The term treatment works means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 1281 of this title, or necessary to recycle or reuse water at the most

> *economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land used for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment. (B) In addition to the definition contained in subparagraph (A) of this paragraph, treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 1311 or 1312 of this title, or the requirements of section 1281 of this title. 33 U.S.C. § 1292(2)(A-B)*

As such, the Commission is within its purview to evaluate the proposed project in terms of siting, design, and service area per Coastal Act section 30412, stated above. This provision authorizes the Coastal Commission to evaluate the SWIP as it relates to siting and visual appearance of the development within the coastal zone, the geographic limits of the portions of the SWIP within the coastal zone, the timing of use of the treatment work within those service areas, and projections indicating the necessary capacity needed for service areas within the coastal zone. Although this is a limited list of factors, they may implicate several policies in Chapter 3 of the Coastal Act. The first of these factors–the siting of a facility–for example, may affect not only aesthetics (see, e.g., section 30251), but also coastal access (see, e.g., sections 30210 to 30212), the nature and extent of any impacts of the project on biological resources and water quality (see, e.g., sections 30230, 30231, and 30240), the nature and extent of geologic stability issues raised by the project (see, section 30253), and whether the project raises archaeological issues (see Section 30244).

The primary intent of Section 30250 of the Coastal Act is to direct new development toward areas where community services are provided and potential impacts to resources are minimized. Section 30250 also requires when siting such development, including the associated supporting infrastructure, that the development be located so as not to cause significant adverse effects, either individually or cumulatively, on coastal resources. Section 30254 of the Coastal Act sets limitations on the approval of new or expanded public works facilities such that their development is scaled to accommodate needs generated by levels of development found by the Commission to be consistent with the Coastal Act. Coastal Act Section 30254.5 places limits on the Commission's ability to impose permit terms or conditions on the development of any sewage treatment plant that would prejudice or otherwise obviate the plant's ability to provide sewage treatment to any Coastal Act-consistent future development that the Commission determines could be accommodated by the plant. Coastal Act Section 30412 further restrains the Commission's actions with regard to water quality issues, especially the development of publicly-owned wastewater treatment works, prohibiting the Commission from taking actions that would be in conflict with the State or Regional Water Quality Boards and limiting the Commission's determinations on the development of such treatment works within the coastal zone to issues regarding: (a) the siting and visual appearance of the treatment works; (b) geographic and temporal limits of service areas; (c) the timing of the use of capacity of treatment works for those service areas to allow for phasing of development; and (d) the sizing of treatment works as determined by development projections.

As stated previously, SWIP intends to produce 1.5 MGD of treated water (recycled from a mix of stormwater, groundwater, and wastewater sources) for non-potable uses (such as irrigation and street cleaning). The water treated at the AWTF would consist of at least 80% wastewater at any given point, but the project would not result in any discharges to surface water (i.e. the ocean). All treated water would be redistributed for municipal non-potable use, with overflow routed to existing municipal sanitary sewers. The treated, recycled water would be used within the City of Santa Monica, which has a population of 91,411.[4] The City of Santa Monica is an older community that is densely populated and almost completely built out. The project site is located in an urbanized area located approximately 0.25 mile inland from the sea, and is not subject to coastal hazards (as will be explained later). Although the proposed project would increase the amount of water available for non-potable reuse, the project is intended to serve the needs of the *current* population and is not being proposed to provide utility services for a future development. Thus, the proposed project is consistent with Sections 30250 and 30254 of the Coastal Act because the proposed project is located in an area that can accommodate it and the additional capacity would accommodate growth expected to occur within and outside the coastal zone without significantly inducing population growth.

C. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in pertinent part:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:…*
> *(2) adequate access exists nearby, …*

Section 30210 of the Coastal Act provides maximum public coastal access and recreational activities, provided that such access is balanced with public safety needs, rights of the public, rights of property owners, and protection of natural resource areas from overuse. Section 30212 of the Coastal Act requires new development to provide public access to and along the shoreline, wherever feasible. The two primary issues that this project raises with regard to public access pertain to parking and traffic management.

Parking

[4] July 1, 2018 estimate from the U.S. Census website (https://www.census.gov/quickfacts/fact/table/santamonicacitycalifornia/PST045218)

The applicant is proposing to construct a new AWTF and one stormwater storage tank within the existing Civic Center surface parking lot. The proposed development would require significant grading of the surface lot (140,000 cu. yd. of cut and 70,000 cu. yd. of fill), which would temporarily remove all 85 parking spaces during the construction phase of the project. The surface parking lot currently provides monthly permit parking for City Hall employees, as well as short-term parking for Civic Center and City Hall visitors.

The City has provided Commission staff with additional information to mitigate for the lost parking spaces during the construction phase of the project, approximately 18 months. Court and Sheriff's department staff would be permanently relocated to Public Structures 7 and 8 (0.33 mi. and 0.28 mi. from the project site, respectively), where the City has arranged to provide 150 assigned parking spaces. According to a 2018 parking study conducted for the Civic Center parking areas,[5] Structures 7 and 8 generate approximately 1,044 vacant parking spaces during a peak business hour. Therefore, there are enough parking spaces to accommodate the 150-space relocation without taking away spaces that could otherwise be used by the public to access the coast and other nearby recreation areas. The City has also identified Parking Structures 5 and 6 as additional parking options (located 0.43 mi. and 0.42 mi. from the project site, respectively) while the Civic Center lot is under construction. After the project is completed, the City would replace and restripe the lot to provide 90 parking spaces (an additional five spaces over the original number of provided spaces). The lot would be used exclusively for short-term visitor parking at the conclusion of the project, and would not be used by any monthly parkers.

The Walker Parking Study further indicates that the temporary displacement of the 85 parking spaces for 18 months will not impact public coastal access. The report findings demonstrate that there is sufficient parking throughout the entire Civic Center parking lot to accommodate peak summer demand for coastal access, even when combined with the demand for other Civic Center uses and the new Multipurpose Sports Field (approved under CDP No. 5-18-0767). Furthermore, the parking study identified public parking lots located within the project vicinity and closer to the coast that provide plenty of parking opportunities for beach visitors. Such beach parking areas include Lot 1N, Lot 1S, Lot 2S, Lot 3S, and Lot 30 **(Exhibit 3).** These closest lots provide 1,404 public beach parking spaces.

According to the applicant, the project is slated to take approximately 18 months to complete once initiated. The 85 parking spaces are proposed to be removed during the entire 18-month period before being replaced at the completion of the project. Overall, the parking lot displacement is a temporary impact that will be returned with five more spaces than originally existed prior to the project.

Traffic/Street Closures

The project site is located approximately 0.25 mile inland from the beach, landward of the first public road parallel to the coast. Pico Boulevard, located 635 feet south of the project site, is a major thoroughfare that provides regional access to Santa Monica Beach. Main Street, located directly west to the project site, is an arterial street that provides lateral access between Venice and the Ocean Park district of Santa Monica. Ocean Boulevard, located approximately 675 feet west of the project, provides access to the Third Street Promenade, the Santa Monica Pier, and Pacific Coast Highway. The proposed project includes the construction of new underground pipelines and three

[5] *Analysis and Recommendations for Parking Management,* Walker Consultants (May 31, 2018)

underground lift stations to transport water runoff between the City's existing pipeline systems and the new AWTF and stormwater holding tanks. The lift stations are to be located on Main Street (adjacent to the project site), on Pico Boulevard, and on Ocean Avenue (one block seaward of the project site). These roads will need to be excavated in order for the pipelines and lift stations to be constructed. While the construction takes place, there would be road closures along the aforementioned streets, which have the potential to impact public coastal access by congesting the main coastal access thoroughfares.

The City addressed Commission staff's concerns by providing additional information on the lane closures anticipated by the project. The City clarified that at least one lane of traffic would be open in each direction during the project construction. The street excavations would not extend to the sidewalks; therefore, pedestrian access to and around the Civic Center, the beach, and other nearby amenities would not be disrupted by the project. The details surrounding the street impacts to Pico Boulevard, Main Street, and Ocean Boulevard are described below.

Along Ocean Boulevard, the applicant proposes to install one 12-inch sewer line, one 8-inch forcemain, and a 4-inch overflow from the southbound lanes that connect to an existing manhole to the north side of Ocean Boulevard (at the intersection of Ocean Boulevard and Vicente Terrace). A new lift station and valve vault would be constructed on the north side of Ocean Avenue. During construction, the left turn lane from Ocean Boulevard to Vicente terrace would be intermittently closed. The bicycle lane would be closed, and pedestrians would be rerouted. A bus stop within the vicinity would temporarily relocated 1000 feet south of its current location. Northbound lanes 1 and 2, and southbound lane 1 would be intermittently closed throughout construction. However, at least one northbound and one southbound lane would remain open for use at any given point throughout the project.

Along Main Street, the applicant proposes to install two 8-inch sewer forcemains and one 8-inch stormdrain on the south side of Civic Center Drive. One 8-inch reclaimed water pipe and one 20-inch storm drain would be constructed on the north side of Civic Center Drive. In addition, one lift station and valve would be constructed on the north side of Main Street. During construction, the bicycle lane would be closed, with bicycle traffic rerouted to Ocean Avenue. At least one northbound and southbound lane would be open for use at any point throughout construction.

Along Pico Boulevard, the applicant proposes to install a lift station, valve vault, and hyrdrodynamic separator with the Civic Center parking driveway area. An 18-inch storm drain will also be installed to connect the existing stormdrain to the proposed hydrodynamic separator and pump station. At least one northbound and southbound lane would be open to traffic throughout construction.

Along Vicente Terrace (between Ocean Avenue and Main Street), the applicant proposes to construct two 8-inch sewer forcemains and one 6-inch sewer forcemain. Vicente terrace will be closed to all vehicle and bicycle traffic between Ocean Avenue and Main Street during construction. However, the sidewalks will remain open and will continue to accommodate pedestrian use.

The project will cause slowdowns along Main Street, a portion of Ocean Avenue, and Pico Boulevard that could impact coastal access (the degree of the impact is not known at this time). However, any potential access impacts that could occur would be temporary (not to exceed the

construction timeline). Furthermore, at least one lane of traffic would be open at all times throughout the project construction. This ensures that coastal access via Pico Boulevard is accessible throughout the course of construction. There are also several coastal access points that are located a short distance away from Pico Boulevard and that will not be impacted by project construction. The closest access point is Bay Street, which is located approximately 350 ft. (or one intersection) south of Pico Boulevard. The next closest coastal access point is via Colorado Boulevard, located approximately 0.4 miles north of Pico Boulevard.

Conclusion

The proposed project would involve the removal of the existing 85-space surface parking lot and intermittent lane closures throughout the approximately 18-month construction period, both of which would impact public access. As explained above, however these impacts would be temporary in nature and the City has demonstrated that the temporary public access impacts would be minimized and that alternative public access routes are available during route closures and construction . Therefore, the project as proposed can be found to be consistent with the public access policies of the Coastal Act.

D. CULTURAL RESOURCES

Section 30244 of the Coastal Act states:

> *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The proposed site is currently developed and has been disturbed in the past. According to the EIR archaeological records indicate the presence of two prehistoric sites within a one-mile radius of the Civic Center area. The EIR states that the potential for archaeological resources is small due to past development of the site. However, there is a possibility of a deeply buried site being uncovered during excavation.

In order to better understand the cultural significance of the project site and the surrounding project area, Commission staff underwent tribal consultation, consistent with the Coastal Commission's Tribal Consultation Policy. First, Commission staff wrote to the Native American Heritage Commission (NAHC) to request a Sacred Lands File Check for the project site. The NAHC indicated that no known cultural records were available for the project site in the Sacred Lands File, but encouraged staff to reach out to local Native American tribes who would have a more detailed understanding of the cultural resources in the area. Staff reached out to the tribal organizations to request consultation; the Gabrieleno Band of Tribal Nations-Kizh Nation responded to staff with an interest in consulting on the project. During a phone consultation with the Kizh Nation, the tribe indicated that the project site is located within a known culturally sensitive area (**Exhibit 4**).

According to the Kizh Nation, the project is located within Sa'angna Village, one of the known mainland trading villages in the region. These villages were sited to help facilitate the movement of tribal cultural resources throughout the region, as well as to sister tribes outside of the traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use

areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The Kizh nation also provided a map showing that the project site is located within a known trade route area. Trade routes were heavily used by the Kizh Nation and other tribes for transporting trade goods, accessing recreation and foraging areas, and for connecting nearby villages. The routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to our trade routes, especially the major trade routes. Trade routes are considered "cultural landscapes", as stated in section 21074 (a) of the California Public Resources Code because the landscapes will house the objects, therefore, both cultural landscapes and cultural objects are protected under AB52 as a tribal cultural resource.

Due to the project site's location within a sacred village (Sa'angna) and adjacent to sacred water courses and major traditional trade route, there is a potential of ground disturbance activities to impact Tribal Cultural Resources that may still be present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Several areas within the Civic Center vicinity have been excavated in the past. This includes a 29-ft. deep excavation for an existing stormdrain that runs under the project site, a 38-ft. deep excavation for the Civic Auditorium and Basement, and a 25-ft. deep excavation for the Santa Monica Courthouse. The existing parking lot has been excavated 3 ft. The project proposal includes a 48-ft. deep excavation for the AWTF and a 40-ft. deep excavation for the stormwater harvest tank**.**

In past permit actions, the Commission has required the applicants to monitor all grading and construction activities and required appropriate recovery and mitigation measures, regarding excavation, reporting and curation. To ensure that the project is consistent with the protection of any found cultural deposits and past Commission action, the Commission imposes **Special Condition 4** requiring cultural and archaeological monitoring. To assure that the proposed project remains sensitive to the concerns of the affected Native American groups, a Native American monitor shall be present along with an archaeological monitor at the site during excavation activities within the areas specified in **Exhibit 5** (i.e. the areas that have not been excavated to deep levels in the past) to monitor the work, if artifacts or remains are discovered. The Native American monitor shall meet the qualifications set forth in the NAHC's guidelines.

Therefore, as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act which requires reasonable mitigation measures be provided to offset impacts to archaeological resources.

If a site is found to contain significant cultural resources, a Treatment Plan (Mitigation Plan) shall be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an

amendment is required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

In the event that grave goods or human remains are found the Los Angeles County Coroner's Office will be notified in compliance with state law, and they in turn will request the Native American Heritage Commission to determine the cultural affiliation.

If cultural resources are found onsite by monitors, avoidance of the resources and preservation in situ is the preferred mitigation. If that is not feasible or not preferable to the tribal governments with documented ties to the area, then the other mitigation options may be considered, pursuant to an amendment to this permit. The Commission finds, therefore, that as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

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

Section 30232 of the Coastal Act states:

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

Section 30230 of the Coastal Act requires that marine resources be maintained, enhanced, and where feasible, restored, and further requires that uses of the marine environment shall sustain the biological productivity of coastal waters. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters be maintained, and where feasible, restored through measures aimed at reducing water resource impacts from proposed development. Section

30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. Because the project site is located in close proximity to the coast and runoff from construction can impact the beach and ocean, the Commission imposes construction-related requirements and best management practices under **Special Condition 1** in order to minimize adverse construction-related impacts upon marine resources and for erosion control. The city has provided a list of erosion control best management practices that would be undertaken for the project, as required by the City of Santa Monica. In order to ensure that the proposed erosion control best management practices are followed, the Commission imposes **Special Condition 2.**

The City is proposing landscaping around the reconstructed parking lot once the AWTF and water storage facility are installed underground. The Commission typically requires that all new landscaping comprise of only low water use, non-invasive plants (Low WUCOLS[6] Ranking) as identified by the California Department of Water Resources. The applicant's landscape plans indicate that most of the proposed plantings adhere to the Commission's requirement for low-water use, non-invasive plants. However, the plan incorporates the usage of *Laegerstromia indica* (crepe myrtle), which is classified as a medium-water use plant. Therefore, the Commission imposes **Special Condition 3**, which requires the submittal of revised landscaping plans, and the installation of non-invasive, drought-tolerant vegetation (low water use plants only) and water-conservative irrigation systems.

The Commission finds that, as conditioned to require construction-related requirements, best management practices, and non-invasive drought tolerant landscaping the development will be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

F. HAZARDS

Section 30253 of the Coastal Act 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.*

The project site is located approximately 0.25 mi. inland from the beach, landward of the first public road parallel to the sea. Because the project site is not located at the first line of development adjacent to the beach, a coastal hazards survey was not submitted for the proposed project. Nevertheless, Commission staff utilized the USGS Coastal Storm Modeling System (CoSMoS) and guidance from the Commission's Sea-Level Rise policy document and the 2018 Ocean Protection Council (OPC)'s Sea-Level Rise document to analyze the project site's vulnerability to coastal hazards, including coastal flooding, wave uprush, and erosion.

On November 7, 2018, the Commission adopted a science update to its Sea-Level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and

[6] WUCOLS is the acronym for Water Use Classifications of Landscape Species.

built in a way that minimizes sea-level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, "to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development."

In order to analyze the project site for sea level rise impacts, staff first followed the methodology outlined in the OPC's 2018 Sea-Level Rise document to establish a projected sea level range for the new development. The 2018 OPC guidance uses NOAA tide gauges, a projected project lifespan, and risk aversion scenario to estimate a sea level rise range. The sea level rise analysis assumed a 75-year projected lifespan for the project, consistent with the Commission's Sea-Level Rise Policy Guidance for residential development. According to the 2018 OPC update, the projected sea level rise range for the project site is tied to the Santa Monica NOAA Tide Gauge. With regard to the risk-aversion scenario, both the Commission's Sea-Level Rise Policy Guidance and the OPC documents recommend an extreme risk scenario for critical infrastructure (which includes public utilities facilities, such as the proposed development). Under a 75-year projected lifespan, and an extreme risk aversion scenario, and the project's location within the Santa Monica NOAA tide gauge, staff estimated 10 ft. of sea level rise within the project vicinity.

Using the sea level rise estimates listed above, staff used CoSMoS to analyze the project site's vulnerability to sea level rise impacts. Staff ran the CoSMoS model using a 16 ft. sea level rise scenario (the highest sea level rise estimate available under CoSMoS) and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 16 ft. sea level rise and 100-yr. storm scenario, the project site would not be subject to inundation due to coastal flooding or wave uprush. In addition, the project site is not anticipated to be subject to coastal erosion due to the project's location inland of the beach. Therefore, the project site is predicted to be safe from coastal hazards. Because the project site is not anticipated to be adversely impacted by sea level rise impacts, the Commission finds that it is appropriate to site the proposed AWTF and stormwater harvesting tank (both considered to be critical infrastructure) within the project site, consistent with Coastal Act Section 30253.

G. VISUAL RESOURCES

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

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

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The proposed development consists of the construction of a below-grade AWTF and stormwater harvesting tank, and both will be underground. These structures would be accessed through two 15-ft. tall elevator structures that would be constructed within the Civic Center surface parking lot. The proposed structures are significantly shorter than the surrounding development, which is mainly comprised of multi-level commercial structures. Furthermore, there are no public coastal view corridors within the project

vicinity. The proposed development is not anticipated to adversely affect existing ocean views from public areas and is compatible with the character of the surrounding area. Therefore, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act.

H. LOCAL COASTAL PROGRAM (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, except for the areas of deferred certification. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

Although the City of Santa Monica has a certified LUP, the project is located within one of the areas of deferred certification. As discussed above, the proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act. Therefore the Commission finds that approval of this project, as conditioned, will not prejudice the ability of the City of Santa Monica from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

In August, 2016, the City of Santa Monica prepared a Mitigated Negative Declaration for the project. The Mitigation Negative Declaration found that the proposed project could have impacts on cultural resources, construction effects, and biological resources[7], and recommended mitigation measures to reduce potential impacts to a less than significant level.

With regard to Coastal Commission approval, 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)** best management practices to prevent discharge into coastal waters; **2)** Adherence to the City of Santa Monica's erosion control best management practices; 3**)** drought-tolerant, non-invasive landscaping; and **4)** cultural resource monitoring. As conditioned, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any

[7] A biological Resource Assessment identified ornamental trees around the SMURFF site that could provide roosting habitat for nesting birds and bats. However, the SMURFF site is not included within the scope of work for this CDP Application.

significant adverse effect of the proposed project, that there are no remaining significant environmental impacts within the meaning of CEQA, and that the project is consistent with CEQA.

Appendix A - Substantive File Documents

- City of Santa Monica Certified Land Use Plan; City of Santa Monica Civic Center Specific Plan; Civic Center Specific Plan Comprehensive Update, Downtown Redevelopment Plan Amendment and Associated Development, Final EIR; Fifth Addendum to the Civic Center Specific Plan EIR (April, 2015); Sixth Addendum to the Civic Center Specific Plan EIR (October 2016); Seventh Addendum to the Civic Center Specific Pan EIR (April, 2018); *Analysis and Recommendations for Parking Management* prepared by Walker Consultants (May 31, 2018)