

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-20-0540

Applicant: Los Angeles County Department of Beaches and Harbors

Location: Venice Beach, Dockweiler State Beach, and Hermosa Beach, Los Angeles County.

Project Description: Construction of nine seasonal sand berms for protection of adjacent public beach facilities from winter storm inundation, measuring approximately 15-ft. high and 20-ft. wide, varying in length from 200 to 1,500 ft., and utilizing sand excavated from the dry beach area within a 75-ft. radius of each berm.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The County of Los Angeles Department of Beaches and Harbors is proposing to construct nine seasonal sand berms adjacent to the County's existing public facilities at Venice Beach, Dockweiler State Beach, and Hermosa Beach in Los Angeles County. Each of the sand berms will be constructed with sand excavated from the dry beach area within a 75-ft. radius. All proposed berms are approximately 15-ft. high and 20-ft. wide, with lengths ranging from 200 to 1,500 linear ft. Construction of the proposed sand berms is anticipated to occur in mid-November in order to protect the adjacent public beach facilities from winter storm inundation. The berms would be removed in spring

(between March and before Memorial Day weekend) and all excavated sand would be redistributed along the beach. No work would occur between Memorial Day in May through Labor Day in September to ensure public recreational use of the beach is not impacted.

Commission staff recommends **approval** of the coastal development permit (CDP) application with six special conditions, including: **1)** timing of construction; **2)** operational responsibilities; **3)** sensitive species monitoring; **4)** assumption of risk; **5)** permit expiration, and **6)** limitations on construction activities.

In order to minimize impacts to the intertidal zone of each beach, the proposed sand berms would be located as far inland from the subject beach mean high tide line (MHTL) as feasible. Three berms are proposed for construction on Venice Beach to protect the Venice Boulevard public parking lot, Washington Boulevard public parking lot, and associated restroom facilities from winter storm inundation; all three berms would be located a minimum of approximately 80 ft. landward of the MHTL. Four berms are proposed for construction on Dockweiler State Beach to protect the Dockweiler Youth Center facilities, multi-story lifeguard towers, public beach restrooms, and public bike paths. The four berms proposed for Dockweiler State Beach would be located approximately 80 to 150 ft. inland of the subject MHTL, depending on the location and beach slope. Two berms are proposed for Hermosa beach in order to protect a multi-story lifeguard tower; both berms would be located a minimum of approximately 80 ft. landward of the MHTL.

In this case, the proposed sand berms are a “soft” alternative to hard forms of shoreline armoring in that sand berms absorb wave or uprush energy, but will not result in hardening the shoreline or causing increased beach erosion. Further, any remaining berms will be removed in spring and all excavated sand will be redistributed along the beach. The project is not anticipated to have significant impacts on the local sand supply or beach erosion.

The excavation of sand in the area of each proposed berm would not lower the sand elevation by more than approximately one ft. below the existing sand elevation. Therefore, sand utilized for the construction of each berm will not create a large elevation difference between the excavated areas and the surrounding beach, and impacts to the grade of the sand excavation sites will be minimal. Access over the proposed sand berms will not be blocked or result in an impassable barrier for the average beachgoer, and beachgoers could potentially traverse the subject sand berms in order to access the beach. Additionally, the sand berms are spaced out and will not fully occupy the sandy beach at the project location. As such, a large area of beach will be available for pass, repass, and recreation. In order to ensure that maximum access is maintained for the public in the project area and to avoid the peak recreational season, Commission staff is recommending **Special Condition 1** that would prohibit project operations from Memorial Day in May through Labor Day in September, and **Special Condition 2** requiring that the sand berms be lowered to pre-existing beach contours before Memorial Day.

Wildlife species of special concern that could potentially be in the project area include California grunion and the Western snowy plover. The proposed temporary sand berms are not expected to directly impact the snowy plover or grunion once they are in place. However, project activities such as construction, reconstruction, maintenance, and lowering of the sand berms have the potential to adversely impact these species. Commission staff is recommending **Special Condition 3**, which requires biological monitoring during all project activities to ensure adverse impacts to grunion, Western snowy plover, and California least tern are avoided.

Additionally, beach wrack, which has been shown to be a critical influence of diversity and abundance of invertebrates, plants, and birds, is present on the sandy beaches and intertidal areas of the site. The washed-up kelp, surfgrass, driftwood, and other organic matter comprising beach wrack shelters a variety of invertebrate species, including kelp flies, amphipods, isopods and rove beetles. These invertebrates are a significant food source for foraging beach fauna. Thus, wrack plays a significant role in the sandy beach ecosystem as both a shelter for invertebrates and a food source for larger animals.¹ While much of the berm construction activities take place well landward of the typical beach wrack line, given the importance of wrack in beach habitats, it is necessary to ensure that impacts to wrack are minimized. Staff further recommends **Special Condition 6** in order to ensure that disturbance or removal of beach wrack be avoided to the maximum extent feasible. Any beach wrack that is temporarily removed by necessary sand berm maintenance activities, including reconstruction following wave erosion, shall be relocated back to the area from which it was removed upon completion of the maintenance activities. Although the required wrack avoidance and protection measures will reduce impacts to beach fauna, even temporary disturbance to the wrack and its 'inhabitants' is expected to result in an adverse impact to these resources, inconsistent with Coastal Act resource protection policies.

The County has constructed sand berms on the three subject beaches for the past approximately 45 years; the Commission previously authorized the subject berms with CDP No. 5-02-385, 5-14-1345, and 5-16-0789-W. CDP No. 5-14-1345 approved nine seasonal sand berms and had a five-year term that expired on Memorial Day of 2020. The County is seeking a new permit to continue the project for another five-year period (until Memorial Day of 2025). The term of the proposed project is limited in order to give the Commission the opportunity to reassess the project and, if necessary, make changes to address any identified problem.

Commission staff recommends that the Commission **approve** CDP application 5-20-0540 with six special conditions. The motion to carry out the staff recommendation is on page four of this report.

¹ <https://explorebeaches.msi.ucsb.edu/sandy-beach-life/wrack-community#:~:text=Why%20is%20Wrack%20Important%3F,onto%20shore%20from%20other%20ecosystems.>

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Venice Beach Site Plan](#)

[Exhibit 3 – Dockweiler State Beach Site Plan](#)

[Exhibit 4 – Hermosa Beach Site Plan](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit Application No. 5-20-0540 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 the Coastal Development Permit for the proposed project 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 that conforms to the provisions 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

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

III. SPECIAL CONDITIONS

1. **Timing of Construction.** All project operations, including, but not limited to, construction, demolition, operation of equipment, sand excavation and placement, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited on any part of the beach in the project area each year from Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.
2. **Operational Responsibilities.** By acceptance of this permit, the applicant agrees that:
 - a) The sand berms shall be constructed in accordance with project plans, subject to the timing restrictions specified in Special Condition One (1) above.
 - b) The sand berms shall be removed each year (lowered) prior to Memorial Day, subject to the timing restrictions specified in Special Condition One (1) above. The sand berms shall be lowered to pre-existing beach contours to restore the shoreline and to facilitate recreational use, unless the pre-existing beach contours have already been restored naturally through wave action prior to Memorial Day.
 - c) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion.
 - d) Any and all debris resulting from construction activities shall be removed from the beach immediately.
 - e) Equipment shall not be in contact with coastal waters at any time.
3. **Sensitive Species Monitoring.**
 - a) The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director. The applicant shall provide the environmental monitor's qualifications for review by the Executive Director at least two (2) weeks prior to commencement of project activities. The environmental monitor shall conduct a visual survey of the project site, to determine presence and behavior of the Western Snowy Plover, prior to any excavation, construction, reconstruction, maintenance, or removal activities, associated with the sand berm. Prior to any project activities, the environmental monitor shall examine the beach area to preclude impacts to the federally listed Western Snowy Plover. No excavation, construction, reconstruction, maintenance, or removal activities shall occur until any and all Western Snowy Plovers have left the project area or its vicinity. In the event that the Western Snowy Plover exhibit reproductive or nesting behavior, the applicant shall cease work, and shall immediately notify the Executive Director and federal, state, and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

- b) By February 25 of each year, the applicant shall obtain the seasonally predicted run schedule for the California grunion, as identified by the California Department of Fish and Wildlife. In the event that excavation, construction, reconstruction, maintenance or removal activities will occur during the seasonally predicted run period and egg incubation period for the California grunion, then the environmental monitor shall document any grunion spawning activity, and if grunion are present in any life-stage, no excavation, construction, reconstruction, maintenance, or removal activities shall occur during the grunion spawning activity below the semilunar high tide mark
- c) The environmental monitor shall be present during the excavation, construction, reconstruction, maintenance, or removal activities, of the sand berms. The monitor shall identify, in the field, the location of the wrack line at the time of any construction in order to assure compliance with the provisions of **Special Condition 6**. In the event the environmental monitor concludes that the applicant has violated, or is violating, any special condition of this permit, or if any unforeseen sensitive habitat issues arise, the applicant must cease work. The environmental monitor shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 5-20-0540 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 5-20-0540. If significant impacts or damage occur to sensitive wildlife species, the applicant shall stop all work and be required to 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.

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

- a) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. Permit Expiration. All sand berms approved and constructed pursuant to CDP No. 5-20-0540 shall be removed prior to Memorial Day weekend of each year, unless further authorization has been granted under the Coastal Act. The approval of this project shall expire on Memorial Day 2025, with a provision for the expiration to be extended for additional time with the approval of an amendment to this permit. Any construction, excavation, or sediment transport activities after the expiration permit

approved under this permit will require the issuance of a new coastal development permit or an amendment to this permit.

- 6. Limitations on Construction Activities.** Berm construction activities, including, but not limited to, excavation and deposition of sand, recontouring of sand, and berm maintenance shall be implemented in a manner that avoids the removal or disturbance of wrack to the maximum extent feasible. However, if berm maintenance activities cannot feasibly avoid removal or disturbance, wrack located within the maintenance area shall be removed for the duration of the maintenance work, and subsequently relocated to the area from which it was removed upon completion of the work. Unless temporarily relocated for the duration of maintenance work, this permit does not allow for the removal of wrack from this area with the exception that debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The County of Los Angeles Department of Beaches and Harbors is proposing to construct and maintain a total of nine seasonal sand berms, approximately 15-ft. high and 20-ft. wide, at Venice Beach, Dockweiler State Beach, and Hermosa Beach ([Exhibit 1](#)).

Three berms will be constructed on Venice Beach. The first berm will be located seaward of the Venice Boulevard beach parking lot, extend 700 ft. in length, and require approximately 3,890 cu. yds. of sand. The second and third berms will be located seaward of the Washington Boulevard beach parking lot: the second berm will be constructed on the north side of Venice pier, extending 200 ft. in length and requiring approximately 1,111 cu. yds. of sand, and the third berm will be constructed on the south side of the Venice pier, extending 700 ft. in length and requiring approximately 3,980 cu. yds. of sand. All three berms proposed for Venice Beach would be located a minimum of approximately 80 ft. landward of the subject MHTL ([Exhibit 2](#)).

Four berms will be constructed on Dockweiler State Beach. The first berm will be located near the terminus of Culver Boulevard, extend 300 ft. in length, and require approximately 1,667 cu. yds. of sand to protect an immobile, two-story lifeguard structure. The second berm will be located seaward of the terminus of Imperial Highway, extend 200 ft. in length, and require 1,500 cu. yds. of sand in order to protect an immobile, two-story lifeguard structure. The third berm will be located seaward of the Dockweiler Recreational Vehicle Park, extend 1,500 ft. in length, and require 8,336 cu. yds. of sand. The fourth berm will be located seaward of the Dockweiler Youth Center, extend 600 ft., and require approximately 3,334 cu. yds. of sand. The four berms proposed for Dockweiler State Beach will be located the maximum distance landward feasible for the project sites, approximately 80-100 ft. landward of the MHTL ([Exhibit 3](#)).

Lastly, two berms will be constructed on Hermosa Beach near the terminus of Pier Avenue. The first berm will be constructed on the north side of Hermosa Beach Pier, extend 200 ft. in length, and require 1,111 cu. yds. of sand to protect an immobile, two-story lifeguard structure. The second berm will be constructed on the south side of Hermosa Beach Pier, extend 300 ft. in length, and require 1,667 cu. yds. of sand for protection of the same lifeguard structure. The two berms proposed for Hermosa Beach will be located approximately 80 ft. landward of the MHTL ([Exhibit 4](#)).

Sand utilized for construction of the nine berms would be excavated from the dry beach area, within an approximately 75-ft. radius immediately surrounding the location of each berm. Construction of all proposed berms would require an approximate combined total of 32,122 cu. yds. of sand. Construction of the proposed sand berms would occur seaward of the existing beach parking lots, public facilities, and bike paths ([Exhibits 2-4](#)). The berms are intended to protect these public beach facilities, such as restrooms, parking lots, and lifeguard facilities, from severe winter storm wave uprush and flood damage.

Construction of the proposed sand berms is proposed to occur in mid-November in order to protect the adjacent public beach facilities from winter storm inundation. Construction of each berm is anticipated to take approximately two to five days to complete, depending on the subject berm size; mobilization of equipment at each of the beach project sites will take additional time, and the construction of all proposed sand berms is anticipated to be completed within four weeks. Tractors will excavate the sand adjacent to the location of each proposed berm and shape the sand berms, creating a slope of 2:1 on the landward side and a slope of 4:1 on the seaward side of the berms. In this way, the project will avoid construction of problematic sand trenches on either side of the berms. Construction equipment would access the beaches through the nearest beach parking lot for each site. All construction materials will be removed from the beach each day, and stored in existing maintenance facilities at the three subject beaches. The berms will be removed in spring (between March and before Memorial Day weekend) and the sand will be redistributed along the beach.

If any of the proposed sand berms are damaged by wave action during the winter storm season, periodic maintenance or reconstruction will occur. Periodic maintenance would require the use of tractors to replenish the damaged berm with dry sand excavated with a 75-ft. radius of the berm. Reconstruction would require the full re-building of any completely destroyed berms. Based on past years of berm construction, the applicant does not anticipate that the berms will be damaged enough to necessitate full reconstruction.

The Commission has previously authorized the County to construct seasonal sand berms. On March 4, 2003, the Commission approved CDP No. 5-02-385 allowing the construction of a total of five sand berms at Venice Beach, Dockweiler State Beach, and Hermosa Beach. This CDP included a condition allowing the expiration date (Memorial Day 2004) to be extended one year by a subsequent permit amendment. The Commission subsequently approved seven amendments to CDP No. 5-02-385 between 2004 and 2011 for proposed sand berms that were of the same size and locations as

those approved in the original permit. On September 9, 2015, the Commission approved CDP No. 5-14-1345 for the construction of nine sand berms at Venice Beach, Dockweiler State Beach, and Hermosa Beach each winter for a period of five years. This permit expired on Memorial Day 2020. The Commission also approved a de minimis waiver (5-16-0789-W) for construction of an additional berm on Dockweiler State Beach south of the terminus of Culver Blvd. This authorization was set for a limited term and expired on Memorial Day 2020.

The proposed project sites are located within the City of Los Angeles and Hermosa Beach. The Commission certified the City of Los Angeles Land Use Plan (LUP) for the Venice segment in 2001, although the proposed Dockweiler berms are located in an area of the City of Los Angeles without a certified LUP. Additionally, the Commission certified the Hermosa Beach LUP in 1982. However, neither local government jurisdiction currently has a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified Venice LUP and certified Hermosa Beach LUP used as guidance.

B. Marine Resources and Water Quality

Coastal Act Section 30230 states:

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

Section 30231 of the Coastal Act states:

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

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes, and that special protection shall be given to areas and species of special biological or economic significance. Further, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Here, there is potential for Western Snowy Plover (and other sensitive species) to be found at or near the site. Additionally, beach wrack, which has been shown to be a critical influence of diversity and abundance of invertebrates, plants, and

birds, is present on the sandy beaches and intertidal areas of the project location. The sandy beaches on the multiple subject sites have been identified as potential grunion spawning locations. Grunion spawns have the potential to occur in spring during the berm removal period, but are unlikely and uncommon. Construction of the proposed berms is proposed to occur outside the seasonally predicted run period and egg incubation period of the California Grunion and is therefore unlikely to result in any adverse effects to grunion spawning activities. However, maintenance activities and removal of the berm the following spring may result in potential adverse effects to grunion spawning activities on site.

The proposed project has the potential to result in adverse impacts to sensitive species and habitat due to unintentional disturbance from construction equipment and grading activity. Therefore, to ensure that any potential adverse effects to beach and marine environments are minimized, **Special Condition 3** requires that the applicant ensures that a qualified environmental monitor conducts a survey of the project site prior to the commencement of any berm construction, maintenance, or demolition activity to determine whether any Western Snowy Plovers, California Grunion, or any other sensitive wildlife species are present. The condition requires that no excavation, construction, reconstruction, maintenance, or removal activities can occur until any and all Western Snowy Plovers have left the project area or its vicinity. In the event that any present Western Snowy Plover exhibit reproductive or nesting behavior, the applicant must cease work, and shall immediately notify the Executive Director and federal, state, and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. In the event that any other sensitive wildlife species are identified within the project area, the applicant must ensure that the environmental monitor informs the applicant of their presence. The applicant must then cease work and immediately notify the Executive Director to determine an appropriate strategy to minimize any potential impacts to wildlife. Work cannot recommence until the Executive Director authorizes further project activity.

Finally, in order to avoid impacts to California grunion, **Special Condition 3** also requires that by February 25 of each year, the applicant shall obtain the seasonally predicted run schedule for the California grunion, as identified by the California Department of Fish and Wildlife. In the event that excavation, construction, reconstruction, maintenance or removal activities will occur during the seasonally predicted run period and egg incubation period for the California grunion, then the environmental monitor shall document any grunion spawning activity. If grunion is present in any life stage, no excavation, construction, reconstruction, maintenance, or removal activities shall occur during the grunion spawning activity below the semilunar high tide mark.

The proposed project will involve a combined total of 32,122 cu. yds. of grading and the use of construction equipment on the sandy beach. As such, the Commission further finds that the proposed project will result in the potential generation of debris and/or presence of equipment and materials that could be subject to tidal action. Such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters inconsistent

with the mandates in sections 30230 and 30231 to maintain water quality. Therefore, in order to ensure that marine resources and the quality of coastal waters are maintained, **Special Condition 2** requires the applicant to ensure that no stockpiling or storage of construction materials, or equipment, shall occur on the beach seaward of the proposed berm location and that any and all debris that results from the construction period shall be immediately removed from the sandy beach.

Additionally, beach wrack, which has been shown to be a critical influence of diversity and abundance of invertebrates, plants, and birds, is present on the sandy beaches and intertidal areas of the site. As previously discussed, the washed-up kelp, surfgrass, and driftwood that comprise beach wrack shelters a variety of invertebrate species, including kelp flies, amphipods, isopods and rove beetles. These invertebrates are a significant food source for foraging beach fauna. Thus, wrack plays a significant role in the sandy beach ecosystem as both a shelter and food source. The proposed project has the potential to affect beach wrack through the use of heavy equipment on the beach. While the proposed berm construction project does not specifically include any beach grooming activities, the proposed project does include excavation of dry sand for construction and maintenance of the berms, re-contouring or “smoothing” of excavated areas, and re-contouring of the deposition sites following berm removal in the spring. While much of the berm construction activities take place well landward of the typical wrack line, given the importance of wrack in beach habitats, the Commission finds it necessary to ensure that impacts to wrack are minimized. Therefore, in order to avoid potential adverse impacts to sensitive habitat, **Special Condition 6** requires that any excavation, deposition, and re-contouring associated with the proposed project shall minimize disturbance to wrack. **Special Condition 5** requires that the environmental monitor shall identify the placement of any beach wrack within the area of work, in order to comply with **Special Condition 6** requiring temporarily removed wrack to be returned to its original location following the end of construction. Debris entangled in the wrack which poses a clear threat to public safety may be removed by hand as needed. Although the required wrack avoidance and protection measures will reduce impacts to beach fauna, even temporary disturbance to the wrack and its ‘inhabitants’ is expected to result in an adverse impact to these resources, inconsistent with Coastal Act resource protection policies.

The Commission finds that construction of seasonal sand berms on Venice Beach, Dockweiler State Beach, and Hermosa Beach is an environmentally preferable alternative to provide for protection of existing public development, in comparison to the construction of “hard” solutions such as the construction of a rock revetment or seawall. However, the Commission also finds that disturbance from construction, maintenance, and demolition of the berm on an annual basis has the potential to result in adverse effects to the habitat resources on site. Additionally, the presence, location, and sensitivity of resources present on the project site could change in the future. In order to ensure that the berm project will address any changed circumstances in the future, the Commission finds it necessary to require that the development be approved only for a term of five years. **Special Condition 5** limits the duration of the authorization provided by this permit to no more than five years, thereby requiring the Los Angeles County Department of Beaches and Harbors to apply for an amendment or new CDP if they

wish the project to continue following Memorial Day of 2025. The term of the proposed project is limited in order to give the Commission the opportunity to reassess the project and, if necessary, make changes to address any identified problems.

As conditioned, marine resources will be maintained, and special protection will be given to areas and species of special biological significance. The special conditions will also ensure to that the biological productivity and the quality of these coastal waters are maintained by preventing substantial interference with surface waterflow, and **Special Conditions 2, 3, and 6** require restoration of the original beach conditions and environmental monitoring.

C. Public Access and Visual Resources

Coastal Act Section 30210 states:

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

Coastal Act Section 30211 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.

Coastal Act Section 30251 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 subordinated to the character of its setting.

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided, and that development not interfere with the public's right to access the coast. In addition, Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The nine proposed sand berms will be located the maximum distance landward from the tidal zone, ranging from 80 to 150 ft. from the MHTL based on the subject beach slope

and location of public facilities to be protected. Public access is available along the entire stretch of the approximately 3,750-ft. long Venice Beach project area ([Exhibit 2](#)). Public access will also be available along the entire stretch of Dockweiler State Beach, including the approximately 2,760-ft. long project area seaward of the terminus of Culver Boulevard, the approximately 2,450-ft. long project seaward of the Recreational Vehicle Park, and the approximately 2,095-ft. long project area seaward of the Dockweiler Youth Center ([Exhibit 3](#)). Lastly, public access will also be available along the full stretch of the approximately 3,100-ft. long Hermosa Beach project area ([Exhibit 4](#)). The proposed project involves the construction of nine approximately 15-ft. high sand berms within areas that have high recreational use during the summer periods. As such, the proposed sand berms will result in limited temporary effects to public access and views.

Access over the proposed sand berms will not be blocked or result in an impassable barrier for the average beachgoer, and beachgoers could potentially traverse the subject sand berms in order to access the beach. There will be large areas between the berms where the public can also cross the beach toward the ocean. Additionally, the sand berms will not fully occupy the sandy beach at the project location. As such, a large area of beach will be available for pass, repass, and recreation. It is important to note that the berms will temporarily reduce the amount of sandy beach area available for public recreation within the subject berm lengths and widths previously discussed. However, the temporary impediment proposed by the project is considered the least intrusive option feasible to protect the adjacent public beach facilities.

The sand berms will obstruct public views of the beach and ocean from areas directly inland of the berms. However, the impact will not be significant since access and viewing will be afforded atop, in front of, and adjacent to the berms. Additionally, the subject three beaches are all long and broad, therefore providing both viewing and access opportunities up and down coast of each berm location. Furthermore, the sand berms are temporary and will be in place only during the winter months when visitor use is lower.

However, in order to ensure that maximum access is maintained for the public in the project area, **Special Condition 1** requires that all project operations involving mechanized equipment be prohibited on any part of the beach within the project area from Memorial Day in May through Labor Day in September to avoid impacts to public recreational use of the beach. Scheduling operations outside of peak recreational seasons will serve to minimize potential impacts on public access. In addition, **Special Condition 2** is required to ensure that the sand berms are lowered to pre-existing beach contours in order to facilitate recreational use prior to Memorial Day, before the peak recreational season. Furthermore, the term of the proposed project is limited by **Special Condition 5**, which provides for the expiration of the term of approval on Memorial Day 2025. The term of the proposed project is limited in order to give the Commission the opportunity to reassess the project and, if necessary, make changes to address any identified problems.

The Commission finds that the proposed project, as conditioned, will not significantly impact recreational opportunities, public access, or visual resources at the project site,

and therefore the project is consistent with Sections 30210, 30211, and 30251 of the Coastal Act

D. Hazards and Shoreline Processes

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard
- (2) Assure stability and structural integrity, and neither create or contribute significantly to erosion, 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 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in hazardous areas, and also assure stability and structural integrity, and neither create or contribute significantly to erosion, destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs. Section 30235 of the Coastal Act, however, requires the Commission to approve construction of seawalls and other such forms of shoreline protective devices when necessary to serve coastal dependent uses or to protect existing structures or public beaches in danger of erosion. The sand berms are intended to protect facilities that serve to encourage public access and recreation to the coast; the berms are also considered a preferable “soft” alternative to hardened shoreline protective devices. As discussed below and throughout this staff report, the project is consistent with Chapter 3 policies of the Coastal Act. In addition, the proposed sand berms will protect several public beach facilities that are coastal dependent and, in some cases, “existing” as they were constructed prior to the Coastal Act’s effective date. Therefore, Section 30235 provides additional authority for approval of the proposed sand berms, as conditioned to minimize impacts to the beach and sand supply. The purpose of the project, as proposed by the applicant, is to protect existing public facilities on and directly adjacent to the beach, including lifeguard structures, public restrooms, and parking facilities, from wave action during the winter storm season. The City has indicated that in previous years, wave action during winter storms has resulted in damage to the public amenities located on the back portion of the subject beach sites. As previously discussed, the nine proposed berms would be approximately 15-ft. high and range from 200 ft. to 1,500 ft. in length. The landward side

slope of the sand berm would be approximately 2:1, and the seaward side slope would be approximately 4:1. It is anticipated that construction of the subject sand berms would occur in mid-November in order to protect the adjacent public beach facilities from winter storm inundation. The sand berms would be maintained as necessary throughout the winter storm season should damage from wave action occur. The sand berms would be removed between March and Memorial Day weekend.

Construction of each sand berm would require a varying amount of sand, ranging from 1,111 cu. yds. to 8,336 cu. yds. of sand, for a combined total of 32,122 cu. yds. of grading. Sand utilized for construction of each of the nine berms will be excavated from the dry beach area, within an approximately 75-ft. radius immediately surrounding the location of each berm. The excavation of sand would not lower the sand elevation by more than approximately one ft. below the existing sand elevation. Therefore, sand utilized for the construction of each berm will not create a large elevation difference between the excavated areas and the surrounding beach, and impacts to the grade of the sand excavation sites will be minimal. However, the project will require the use of construction equipment on the sandy beach, which may result in the potential generation of debris and/or presence of equipment and materials that could be subject to tidal action. Such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters, inconsistent with Section 30253(b) prohibiting destruction of the site or contributions to erosion. In order to ensure these adverse impacts are minimized, **Special Condition 2** requires immediate removal of debris and maintained distance between all construction materials and the water.

While the proposed sand berms are designed to protect public shoreline structures that are coastal-dependent and in danger from erosion, they are considered a “soft” solution in that sand berms will absorb wave or uprush energy, but will not result in hardening the shoreline or causing increased beach erosion. Further, any remaining berms will be removed in spring and the sand redistributed along the beach. As such, the project will not have long-term impacts on the local sand supply.

The proposed sand berms will require the use of construction equipment on the sandy beach. As such, the Commission finds that construction of the proposed project could result in the potential generation of debris, or the presence of equipment and materials subject to tidal action. The presence of construction equipment and materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse hazards are avoided, and effects to the marine environment are minimized, **Special Condition 2** requires the applicant to ensure that no storage of dirt, construction materials, or equipment shall occur on the beach seaward of the proposed berm location; additionally, any and all debris produced during the construction period shall be immediately removed from the sandy beach.

The project is located in areas of the Coastal Zone that will likely be subject to potential hazards from wave action during the winter storm season. Although the proposed project will decrease the risk of hazards to public development on the subject sites in relation to wave damage, there remains some risk inherent to development on such sites. The Coastal Act recognizes that certain types of development, such as the proposed project to protect existing beach facilities from storm waves, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use their property.

In this case, the property is owned by a public agency and the hazards associated with developing facilities in such a location must be considered in conjunction with the public beach access use that is provided. The Commission finds that it is appropriate to protect the existing public facilities so long as the applicant assumes the risks associated with the unforeseen possibility of storm waves, surges, erosion, and flooding as a condition of approval. Therefore, **Special Condition 4** requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with sections 30235 and 30253.

E. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of an LCP, a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Coastal Act and that the permitted development will not prejudice the ability of the subject local governments to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles LUP for Venice was effectively certified on June 14, 2001. The City of Hermosa Beach LUP was effectively certified on April 21, 1982. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUPs for the area. Approval of the project, as conditioned, will not prejudice the ability of any local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. California Environmental Quality Act

Section 13096(a) 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). The findings above are incorporated herein by reference.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. City of Los Angeles Venice Land Use Plan.
2. City of Hermosa Beach Land Use Plan.
2. Coastal Development Permit No. 5-02-385 and 5-14-1345.