

**CALIFORNIA COASTAL COMMISSION**

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# Th18a

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## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-19-1236

**Applicant:** City of Los Angeles, Department of Public Works

**Agent:** Norman Mundy

**Location:** The public right-of-way of Vista Del Mar 2,200 – 3,000 ft. north of Imperial Highway in Playa Del Rey, City of Los Angeles

**Project Description:** Removal of three temporary bulkheads undertaken pursuant to Emergency Permit G-5-17-0051 and replace with permanent bulkheads approximately to stabilize portions of Vista Del Mar.

**Staff Recommendation:** Approval with conditions.

## SUMMARY OF STAFF RECOMMENDATION

The applicant, the City of Los Angeles Department of Public Works, proposes to construct three steel beam and concrete lagging permanent bulkheads to stabilize portions of Vista Del Mar road undermined by erosion caused by storm damage and runoff; without the proposed bulkheads, the roadway could collapse and adversely impact public beach access. The applicant proposes a color-texture treatment of the bulkheads to address possible visual impacts of the retaining walls from the public

beach below. Additionally, the applicant proposes hydroseeding the slope after construction to further mitigate erosion. The primary issues associated with this development are hazards, visual resources, biological resources, and public access.

Staff recommends approval of the proposed project with seven (7) special conditions regarding:

**1) Conformance of Design/Construction Plans to Geotechnical Recommendations; 2) Assumption of Risk, Waiver of Liability and Indemnity; 3) Bulkhead Color and Texture Plan; 4) Future Pile/Grade Beam Exposure Plans; 5) Landscaping Plan; 6) Future Improvements; and 7) Construction Best Management Practices.**

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## EXHIBITS

[Exhibit 1 – Project Vicinity Map](#)

[Exhibit 2 – Site Location Map](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Existing Vista Del Mar Permanent Bulkhead](#)

[Exhibit 5 – Emergency Bulkhead \(G-5-17-0051\)](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. 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

- 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 applicant 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 applicant 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. **Conformance of Design/Construction Plans to Geotechnical Recommendations.**

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the *Final Report of Geotechnical Evaluation Vista Del Mar Slope* prepared by Fugro dated June 7, 2017 and the *City of Los Angeles Geotechnical Design Memorandum* dated October 2, 2019. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the applicants 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.
3. **Bulkhead Color and Texture Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director of the Commission, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed bulkheads, incorporating all of terms of this condition as listed below.

- A. The entire face of the proposed bulkhead structure (both above and below finished grades) shall be colored and textured with earth tones compatible with the adjacent bluff.
- B. White and black tones shall not be used.
- C. The color shall be maintained through-out the life of the structure.
- D. The structure shall be textured for a natural look that blends with the bluff face.
- E. Native vegetation appropriate to the habitat type shall also be used, if feasible, to cover and camouflage the structure, consistent with **Special Condition 5** below.

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

- 4. Future Pile/Grade Beam Exposure Plans.** In the event any subsurface project features subsequently become exposed to public view, the applicant shall submit plans to the Executive Director, for review and concurrence that provide for visual and aesthetic treatment plans similar to those required in conjunction with this coastal development permit. The aesthetic treatment shall provide that exposed materials match the surrounding terrain to the extent feasible and minimize visual impact of the exposed features. The applicant shall identify proposed materials, colors, monitoring, and maintenance plans, in conjunction with their submittal. The Executive Director shall determine whether the proposed work will require an amendment to this coastal development permit, a new coastal development permit, or whether no amendment or new permit is legally required.

**5. Landscaping Plan.**

- A. 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 planted or allowed to naturalize or persist on the site.
- B. New vegetation planted on the site shall consist of native (Southern California coastal dunes and prairies) and may include ornamental non-invasive plant species. The applicant shall not incorporate invasive plant species anywhere on the project site.

- C. The site shall be stabilized immediately with jute matting or other BMPs after any grading occurs to minimize erosion during the rainy season (November 1 to March 31) if plantings have not been fully established.
- D. Five years from the date of approval for Coastal Development Permit No. 5-19-1236 the applicant or successor in interest shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

- 6. Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-19-1236. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of land use, shall require an amendment to Coastal Development Permit No. 5-19-1236 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

**7. Construction Best Management Practices.**

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

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- C. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets

to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean, use of debris fences as appropriate and no stockpiling of materials in the project area;

- D. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged to coastal waters;
- E. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- F. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- G. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.

## IV. FINDINGS AND DECLARATIONS

### A. Project Description and Background

The applicant is proposing to construct three steel beam and concrete lagging bulkheads to stabilize the bluff and portions of the Vista Del Mar roadway where erosion caused by rain water and foot traffic have formed gullies along the sandy bluff and undermined the roadway. Two proposed bulkheads, at sites 111 and 112, will have a total approximate length of 102 feet (approximately 51 feet each), each site consisting of seven 36-inch diameter concrete piles, each approximately 18 -19 feet deep, with precast concrete lagging panels placed between them. The third proposed bulkhead, at site 87, will have an approximate length of 85 feet, twelve 36-inch diameter concrete piles, each approximately 18 – 19 feet deep, with precast concrete lagging panels placed between them. The lagging length between each pile is 7 – 9 feet. The lagging will extend approximately 7 feet below the roadway surface ([Exhibit 3<sup>1</sup>](#)). The bulkheads will be colored and textured to match the surrounding sandy bluffs. In addition, the project proposes the construction of 16-inch high metal beam vehicular guardrails, 42-inch high pedestrian guardrails, street curbs, and new pavement ([Exhibit 3](#)). After construction of the bulkheads, the applicant proposes to landscape the slope with native and non-invasive vegetation.

<sup>1</sup> This link is the same for all exhibits. <https://documents.coastal.ca.gov/reports/2020/5/Th18a/Th18a-5-2020-exhibits.pdf>



In 2017, the applicant undertook emergency repairs at the project sites pursuant to Emergency Permit No. G-5-17-0051, issued by the Executive Director of the Coastal Commission on November 22, 2017. The project consisted of an interim emergency measure to prevent further deterioration of the roadway by installing emergency pipe, board, and slurry retaining structures on the bluff-face seaward of Vista Del Mar to temporarily mitigate washouts ([Exhibit 5](#)). The applicant is not requesting permanent authorization of the emergency measures, but is proposing to replace these measures with the proposed permanent bulkheads.

The subject sites are located along the seaward (western) embankment of Vista Del Mar, a four-lane paved road and public right-of-way, in the Playa Del Rey area of the City of Los Angeles. Specifically, the project sites are located approximately 2,200 – 3,000 ft. north of Imperial Highway. Vista Del Mar runs north/south, between the El Segundo Dunes to the east and Dockweiler State Beach and the Pacific Ocean to the west ([Exhibits 1 and 2](#)). The four-lane roadway is approximately 50 to 55 feet above mean sea level and supported by a sandy bluff which rises approximately 25 feet above the beach. Along the base of the bluff within the project area, an approximately 20-foot-wide asphalt road (S. Marine Ave.), runs along the sandy beach providing public access to the beach parking lots spaced along the beach below the bluff. In addition to the beach parking lots and access road, the immediate area is improved with beach maintenance yards, restrooms, concession buildings, and a meandering bicycle path.

## **B. Hazards**

In order to assure consistency with Section 30253 of the Coastal Act, the Commission has commonly required that new development be designed in a manner that assures the stability of the proposed development itself and not significantly affect geologic hazards, such as landslides or erosion, of the site or surrounding area, while also avoiding the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicants' geotechnical findings demonstrate that the affected portions of Vista Del Mar are threatened by erosion and that the proposed bulkheads are necessary to ensure stability of the roadway. Following construction of the proposed bulkheads, the applicant has demonstrated that the road will meet an adequate level of stability and will no longer be in immediate danger from bluff collapse. The Commission's engineer and geologist have reviewed the applicant's geotechnical assessment of the site and concur with its conclusions and recommendations on the subject sites' endangerment from erosion.

The City found that the subject site is suitable for the proposed development, provided that the recommendations contained in both the geotechnical investigation prepared by Fugro and the recommendations within the City's design memorandum are implemented. Adherence to the recommendations contained in the above-mentioned geotechnical investigations and design memorandum is necessary to ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or

surrounding area. Therefore, **Special Condition 1** requires that the applicant conform to the geotechnical recommendations in the above-mentioned geotechnical investigation and design memorandum, and that the applicant undertakes development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

Although adherence to the geotechnical consultant's recommendations will minimize the risk of damage from erosion, the risk is not eliminated entirely. The site is an oceanfront, bluff top site, which is inherently hazardous. Given that the applicant has chosen to implement the project despite potential risks from sea level rise, bluff erosion, and landslides, the applicant must assume the risks. Therefore, the Commission imposes **Special Condition 2** requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability.

Section 30253 requires that new development may not "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Due to the fact that the project location is on the upper portion of the bluff more than 600 ft. from the shoreline and is separated from the beach by S. Marine Avenue, no marine bluff erosion currently occurs at the subject site or is expected to occur in the foreseeable future. The bluff at the project site has also been dramatically altered in the past through construction of the Vista Del Mar roadway. Furthermore, the proposed bulkheads will result in a relatively small area of alteration to the multiple miles of bluff fronting the roadway. If significantly larger portions of the roadway bluff are proposed to be armored in the future, it will be necessary to explore alternatives which may include closure of Vista Del Mar and directing vehicular traffic to another route. However, in the case of the current proposal, in consideration of the substantial landform alteration that has occurred in this area and the scale of the project, the bulkheads are not a substantial alteration of a natural landform. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

### **C. Visual Resources**

The Coastal Act protects the visual quality of scenic coastal areas. In this case, the proposed project is adjacent to Dockweiler State Beach, a heavily visited beach area. The scenic and visual qualities that must be protected in this area consist of the views to and along the beach, the public views from Vista del Mar (the major coastal route directly above and parallel to this stretch of beach) to the beach and ocean, and the

**Bulkhead Construction**

views across the beach to the ocean. Currently, the immediate area is developed with public beach parking lots, public access road, concession/restroom facilities, bicycle path, and two maintenance yards.

Section 30251 of the Coastal Act states that development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. The proposed bulkhead will be built into the bluff and will not extend above the roadway surface, except for the 16-inch high vehicle guardrail and 42-inch high pedestrian guardrail ([Exhibit 3](#)), which are required for public safety. The proposed design for the rails is consistent with past commission action for similar projects in the area. The City previously worked with Commission staff to select a design for the fencing to be open and minimize view impacts from the roadway.

In addition, to minimize the visual impact of the wall from the adjacent public beach, the applicant is proposing to texture and color the lagging and exposed portions of the piles to match the surrounding sandy soil and to landscape the fill that will be placed in front of the bulkhead. The proposed bulkhead will be clearly visible from below the bluff along S. Marine Ave., the beach parking lot and various other vantage points. Given the backdrop of foliage along the slope of the bluff, if the structures are colored white or black, they would stand out and result in a visual impact. Upon conducting a site visit, the current color, Sandstone, used in the permanent bulkheads along Vista Del Mar are too light in color compared with the existing landscape and as a result, generates a visual impact ([Exhibit 4](#)). **Special Condition 3** requires the applicant to screen the proposed bulkhead with appropriate native vegetation and to color and texture the bulkhead using earth tones compatible with the adjacent bluff and to undertake development in accordance with the approved plans; this condition also requires that the color be maintained throughout the life of the structure. **Special Condition 3** also requires that prior to issuance of the coastal development permit, the applicant submit a written agreement incorporating the terms of the condition.

Additionally, **Special Condition 4** requires the applicant to visually and aesthetically treat the bulkhead to match the surrounding terrain in the event that future erosion causes subsurface portions of the bulkhead to become exposed. Moreover, to further minimize the visual impact and minimize erosion along the bluff, **Special Condition 5** requires the applicant maintain the proposed landscaping within the project area. **Special Condition 6** requires that any future development to the project will require an amendment to this permit.

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

## D. Biological Assessment

Section 30230 of the Coastal Act requires that marine resources including biological productivity be protected. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained, and where feasible, restored. In addition, Sections 30230 and 30231 require that the quality of coastal waters be maintained and protected from adverse impacts.

The proposed project involves the construction of three bulkheads. The project area consists of a roadway on top of a 25 ft. high sandy bluff. The face of the bluff is mostly undeveloped with the exception of a couple of improved access pathways leading from the roadway down to S. Marine Ave., a public access road at the base of the bluff. The bluff is vegetated principally by non-native, exotic plant species, such as ice plant (*Caprobrotus edulis*), or ruderal weedy plant species.

Once the bulkhead is constructed the applicant will add fill in front of the wall along with native and non-invasive landscaping, as required in **Special Condition 5**. The proposed landscaping plan will enhance the native habitat value of the bluff and minimize erosion. However, if not properly conducted and monitored, re-landscaping the bluff could cause erosion impacts and increase site runoff due to soil disturbance, removal of existing vegetation, and unsuccessful plantings. Therefore, the applicant must monitor the project site for a five-year monitoring period. The landscape condition requires the applicant to submit a landscaping monitoring report five (5) years from the date of the approval for Coastal Development Permit No. 5-19-1236. If the report concludes that the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The condition requires that all landscaping will be done with native non-invasive plants to ensure that the project does not contribute to the spread of non-natives in the surrounding area.

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. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. The proposed project is not anticipated to result in any significant adverse impact to marine resources or water quality. Construction best management practices would be implemented to avoid or minimize impacts to the environment. In order to ensure prevention of adverse construction-related impacts upon marine resources and to minimize erosion, the Commission imposes **Special Condition 7** requiring the applicant to implement construction best management practices.

The special conditions of approval adequately address the appropriate landscaping requirements and any potential adverse impacts to the marine environment caused by

the proposed project. Therefore, as conditioned, the proposed project is consistent with the marine resource policies, Sections 30230 and 30231, of the Coastal Act.

## **E. Public Access and Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. Pursuant to Section 30604(c) of the Coastal Act, because the proposed development is located between the first public road and the sea, the proposed project must be found consistent with the public access and recreation policies contained in Chapter 3 of the Coastal Act, which require that maximum access and recreational opportunities be provided and that development shall not interfere with public access.

The proposed project involves stabilization of Vista del Mar, a major public access route. Public coastal access to Dockweiler State Beach and the ocean is available north and south of the project site at the existing pedestrian ramps and stairways. Pedestrian access will not be impacted during construction activities. Pedestrian ramps to Dockweiler Beach were used when street parking was available along Vista Del Mar. Parking along Vista Del Mar has been removed without a coastal development permit, as described below, and pedestrian access is now obtained through beach parking lots, the Strand Bike Path or S. Marine Ave. In addition, approximately five public parking spaces will be temporarily displaced during construction. Although the proposed development will result in temporary impacts, the proposed project is necessary to allow and ensure continued use of the highway and parking lanes, which serve as a major access transportation corridor. Moreover, the duration of the project is not expected to exceed eight months. Therefore, the City's proposed project will not have an adverse impact to public access.

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

## **F. Coastal Act Violations**

Violations of the Coastal Act have occurred on Vista Del Mar in the vicinity of the proposed project, including, but not necessarily limited to, unpermitted removal of public parking from portions of Vista Del Mar adjacent to Dockweiler State Beach, which by some estimates has resulted in removal of hundreds of parking spaces.

Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

According to a letter sent to Commission staff from the City of Los Angeles Department of Transportation on October 31, 2019, the City initially<sup>2</sup> reduced the travel lanes on Vista Del Mar to one in each direction, and then subsequently in July 2017, returned the previous configuration of two travel lanes in each direction along Vista Del Mar. In doing so, all public parking along portions of the Vista Del Mar were removed. As part of this subsequent project, the City restored on-street parking along the west side of Vista Del Mar between Culver Boulevard and Waterview Street, and restored on-street parking adjacent to Vista Del Mar Park on the east side of the street, which amounts to restoration of approximately 13 parking spots that were previously available before the 2017 road diet; however, approximately 400 hundred public parking spaces were lost on the west side of Vista Del Mar and another estimated several hundred parking spaces were lost on the east side of Vista Del Mar as a result of the most recent changes to Vista Del Mar in July 2017. In the October 31<sup>st</sup> letter, the City cited outdated infrastructure, geotechnical stability issues, peak period congestion, and high travel speeds as reasons for not restoring all of the parking that had been removed on Vista Del Mar. To date, the majority of the public parking that existed until 2017 on the west side of Vista Del Mar and the east side of Vista Del Mar, has not yet been restored. Historical images of the project site confirm the existence of public parking on Vista Del Mar in the location of the bulkhead repair, prior to the unpermitted removal of public parking from portions of Vista Del Mar by the City. The changes made to public parking along Vista Del Mar are development activities that have had a direct impact on coastal access and recreation at and adjacent to Dockweiler State Beach. Additionally, Vista Del Mar itself provides opportunities to view the ocean from its bluff top location, which is especially beneficial to individuals with limited physical abilities.

In a letter sent to the City on October 16, 2019, Commission staff expressed concern that changes to parking on Vista Del Mar that the City of Los Angeles had undertaken were having an adverse effect on public access to the coast. Commission staff requested in the letter to the City dated October 16, that the City apply for a coastal development permit from both the City and Commission to authorize any changes the City might want to make to parking on Vista Del Mar to ensure that said changes are consistent with the public access policies of the Coastal Act. The City indicated in their October 31<sup>st</sup> letter that they intend to study the traffic, safety, and public access situation prior to submitting a coastal development permit. Although Commission staff requested in a telephone conversation on December 5, 2019 that the City submit a coastal development permit application without delay, as of the date of this staff report, the City has not submitted a coastal development permit application to address the unpermitted removal of public parking described herein, nor has the City proposed to resolve the violations at issue through this application; thus, enforcement staff will continue its efforts to address the violations as a separate matter.

<sup>2</sup> The initial road diet project took place in June 2017. The parking was reconfigured on Vista Del Mar but parking was largely preserved on the west side of Vista Del Mar.

Consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

## G. Local Coastal Program

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

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The Playa Del Rey area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

## H. California Environmental Quality Act

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

Special Conditions imposed will mitigate adverse impacts to coastal resources and public access. The **Special Conditions** address the following issues: **1)**

Conformance of Design/Construction Plans to Geotechnical Recommendations; **2)** Assumption of Risk, Waiver of Liability and Indemnity; **3)** Bulkhead Color and Texture Plan; **4)** Future Pile/Grade Beam Exposure Plans; **5)** Landscaping Plan; **6)** Future Improvements; and **7)** Construction Best Management Practices. The Commission also analyzed various alternatives for the project but determined that they were either infeasible or would have greater environmental impacts. Therefore, the Commission finds that, as conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect of the proposed project, there are no remaining significant environmental impacts within the meaning of CEQA, and the project is consistent with CEQA and the policies of the Coastal Act.



5-19-1236

Bulkhead Construction

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

Emergency Permit Nos. G-5-15-0008 and G-5-17-0051

Fugro, June 7, 2017. Final Report of Geotechnical Evaluation Vista Del Mar Slope.  
Project No. 04.61160007

City of Los Angeles, October 2, 2019. Geotechnical Design Memorandum. W.O.  
#E1908280

Coastal Development Permit Application Nos. 5-12-079 and 5-16-0359