

CALIFORNIA COASTAL COMMISSION

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Th14b

SECOND ADDENDUM

May 12, 2021

TO: Coastal Commission and Interested Parties

FROM: South Coast District Staff

SUBJECT: **SECOND ADDENDUM TO ITEM Th14b, APPLICATION NO. 5-19-1212 FOR THE COMMISSION MEETING OF MAY 13, 2021.**

I. MODIFICATIONS TO STAFF REPORT

This addendum corrects and modifies the staff report dated April 30, 2021 in order to correct typographical errors, and to further clarify special conditions. The proposed modifications do not alter staff's recommendation. Language to be added to the conditions and findings in addendum 1 are shown in underline text, language to be added to the conditions and findings in addendum 2 are shown in double underline text, and language to be deleted is shown in ~~strikethrough~~.

a. On pages 7-8 of the staff report, Special Condition 1 shall be modified as follows:

1. Final Revised Plans.

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

1. Removal of Unpermitted Development. As proposed by the applicant, the applicant shall remove the unpermitted development, including but not limited to the list below, within 90 days of issuance of this permit. If additional

time is required to remove the development, the permittee may submit an extension request for the review and approval by the Executive Director:

- a. Large White Tent located within Tennis Courts
- b. Sand volleyball court
- c. Medium White tent within sand volleyball court
- d. Chain-link fence surrounding volleyball court
- e. beach hut and concrete foundation located on Santa Monica leased land parcel
- f. a storage shed located adjacent to the unpermitted sand volleyball court
- g. "Private Property" signs located within 40 feet of the Marvin Braude Bicycle Trail
- h. The white picket fence that begins at the southern edge of the Beach Club structure and extends seaward across the southern boundary of Land Lease Parcel PRC 7031.
- i. all palm trees located within leased land parcels PRC 7031 and PRC 7032.

These items shall not be approved pursuant to CDP No. 5-19-1212 and may be subject to further action by the Commission's Enforcement Division.

2. New temporary ~~tent/shade~~ structures. The applicant shall submit a plan sheet for ~~the relocation of tent structures~~ a temporary shade structure to replace the unpermitted beach hut for the review and approval by the Commission's Executive Director. The tent structures must not rely on a foundation structure or deepened footings for support.

3. Sand/Wind protection for the existing tennis courts. No new protective wind fencing shall be constructed seaward of the existing tennis courts. However, the applicant may modify the existing chain-link fence surrounding the tennis courts to install a sand screen no more than 48-in. high.

4. Development on Leased Lands. By acceptance of this permit, and as proposed, the permittee acknowledges that only temporary, easily removable accessories shall be placed on the leased State-owned lands within the project site (i.e. beach umbrellas, chairs, shade tents that do not require foundations). Any permanent development, including accessory structures with a foundation, or other fixtures not authorized by this permit shall be called out as unpermitted development on the final plans.

5. Staging Plan. No staging shall occur on the public beach seaward of the leased parcels. Construction corridors shall be located landward of the public beach. Necessary access to the public beach in order to remove unpermitted development on the public beach shall not occur without proper approvals from the State Lands Commission.

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

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

b. On pages 9-10, modify Special Condition 5 as follows:

5. View Corridor Maintenance

A. In order to provide and maintain coastal views from Pacific Coast Highway/Palisades Beach Road, the permittee shall maintain two view corridors across its property. The southern view corridor shall extend from the southern property line ~~25~~ 20 feet north along the northern property line, as shown on Exhibit 5. The northern view corridor shall extend 49 feet north from the northern edge of the Beach Club facility, as shown on Exhibit 2. The objective of the view corridors is to enhance and protect views of the shoreline and ocean from the point of view of a motorist on PCH/Palisades Beach Road.

1. To carry out this obligation, the permittee shall remove all of the structures and accessories located within the two proposed view corridors. In maintaining both the northern and southern view corridors, no permanent fixed structures or new vegetation are allowed within the view corridors, and temporary structures (tents, cabanas, awnings, table and chairs, storage of accessories, etc.) are also not allowed within the view corridors. This condition does not preclude the daily use of typical, less visually intrusive beach amenities, such as umbrellas and low profile, removable/retractable shade structures. The beach amenities may be placed at any time upon the request of guests but must be removed immediately when not in use by guests and when the facilities are closed for the day to preserve sand and blue water views. ~~Existing vegetation may remain but shall be trimmed and maintained such that the canopy shall not be enlarged from its existing condition.~~ Tree trimming is not authorized through this permit and requires an amendment or a new CDP prior to tree trimming activities.

2. This permit does not authorize windscreens or any other structures seaward of the pre-Coastal chain-link fence associated with the tennis courts. The permittee may affix a windscreen to the pre-Coastal chainlink fence, provided that the following parameters are met: the windscreen must be no taller than 48 in. high and maintained regularly. Visually permeable screening is required within the view corridor.

B. The permittee has proposed to replace ~~25~~ 20 feet of an unpermitted 7-foot high fence with a 42-inch high wrought iron fence at the landward edge of the southern view corridor. The wrought iron fence shall not exceed 42 inches in height, the pickets/rods shall be no thicker than 0.5 inches, and the picket/rod spacing shall be vertical or horizontal only and shall be no closer than 6 inches. The northern view corridor contains existing recreational amenities (volleyball court). The unpermitted wooden fencing located along the landward edge of the northern view corridor seaward of the chain-link fence is proposed to be removed and is not authorized to be replaced by this coastal development permit.

c. Modify Special Condition 12, introduced in Addendum 1, as follows:

12. No Vegetation on Leased Lands Landscaping.

A. By acceptance of this permit, the applicant acknowledges that no vegetation of any kind may be placed on the leased land parcels. The leased land parcels consist of all land located seaward of the 1921 Mean High Tide Line, which has been established as the boundary between privately held land and land held in public trust by the State Lands Commission.

B. If the applicant wishes to incorporate landscaping on the private parcels landward of the 1921 Mean High Tide Line, the applicant must either receive an amendment to CDP No. 5-19-1212 or a new CDP. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans for the private parcels, which shall include and be consistent with the following:

1. Vegetated landscaped areas shall 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>).

2. 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.

3. The permittee shall undertake landscaping in accordance with the approved 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 provides a written determination that no amendment is required.

d. On Page 34 of the staff report, the first full paragraph shall be modified as follows:

Commission staff has spoken with the applicant about including a view corridor across the property as part of the project. [\(Exhibit 5\)](#). The applicant has proposed two view corridors to the north and south of the main Beach Club facility for consideration. The south view corridor will begin at the southern property line and extend north for ~~25~~ 20 feet. The north view corridor will begin at the northern end of the Main Beach Club facility and extend north for 49 feet. The corridors will be designed to provide sand and blue water views from various angles. In keeping with the intent of the view corridor, the applicant has also proposed to remove the permanent shade structures and fence mesh covering that are currently in the path where the north view corridor will be established.