

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802-4325  
VOICE (562) 590-5071  
FAX (562) 590-5084



# Th14b

## ADDENDUM

May 12, 2021

TO: Coastal Commission and Interested Parties

FROM: South Coast District Staff

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

---

### I. CHANGES TO SPECIAL CONDITIONS

This addendum corrects and modifies the staff report dated April 30, 2021 in order to accurately describe the onsite unpermitted development, correct typos, and clarify staff's findings. The proposed modifications do not alter staff's recommendation. Language to be added to the conditions and findings are shown in 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 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 GDP 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 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. On pages 10-11, modify Special Condition 6 as follows:**

**1. Waiver of Rights to Future Shoreline Protective Device**

A. By acceptance of this permit, the ~~landowners~~ permittee, on behalf of itself ~~themselves~~ and any successors and assigns, that no new shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-19-1212, including the improvements to the club facility (remodeled areas and new additions) and the accessory improvements (new fencing and accessory development) in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other natural hazards in the future. By acceptance of this permit, the permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 or any similar provision of an LCP.

B. By acceptance of this Permit, the permittee further agrees, on behalf of itself and all successors and assigns, that they are required to remove all or a portion of the development authorized by the permit, and restore the site, if any of the following occur:

1. the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices;

2. essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
3. removal is required pursuant to LCP policies for sea level rise adaptation planning; or
4. the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

C. In the event that portions of the development fall to the beach or are submerged before they are removed, the ~~landowner(s)~~ permittee shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site and relocate any salvageable portions of the development inland. Such removal shall require a coastal development permit.

**d. On pages 11-12, modify Special Condition 8 as follows:**

**Annual Monitoring for Leased Lands.** Not more than 1 year after removal of the unpermitted fence and volleyball court, the permittee shall provide photos showing the status and a description of all temporary development and natural features ~~(including the sand dune located seaward of the tennis courts)~~ within the leased lands for review and monitoring by the Commission's Executive Director. Such photos shall be submitted once annually (no later than December 31st of each year) for the life of the development.

**e. Add Special Condition 11, as follows:**

**Dune Restoration Plan.**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a Final Dune Restoration Plan, prepared by a qualified restoration biologist/ecologist, consistent with the plan prepared by Glen Lukos Associates dated July 28, 2020, except the final plan shall be modified to satisfy the following requirements:**

1. Area: the plan shall include the 0.27 acre vegetated dune, as well as any adjacent areas (including the area where unpermitted development is being removed), herein after referred to as the "restoration area".
2. Removal: the plan shall provide that all non-native vegetation shall be removed from the restoration area.
  - a. A detailed description of methods to be employed for removal of all non-native plants from the existing vegetated dune area
  - b. The plan shall require on-going removal of non-native invasive plant species within the existing dune.

c. The plan shall include planting of native plants in the disturbed area where the unpermitted development (sand volleyball court, tent, wind fence) are being removed.

3. Topography: the restoration area topography shall be restored to "native dune topography". This includes the disturbed area where unpermitted development is being removed.

4. Planting: the restoration area shall be planted with native dune plantings. The types and location of the native dune plantings (both seed and container plantings) shall be depicted graphically.

5. Irrigation: limited hand watering in a diffuse manner shall be allowed as needed for the success of the plantings. Care shall be taken to avoid hose-drag and trampling the plantings.

6. Temporary wooden sand fencing (installed perpendicular to the prevailing wind direction) shall be installed to slow wind-driven movement of sand through the site, reduce sand encroachment, and allow native hummock-forming dune plants to establish. The fencing shall remain in place only as long as needed, but in no case longer than three (3) years.

7. Straw bundles (made from a weed-free straw material) may be employed to slow sand movement and provide sheltered planting locations.

8. Future private encroachments shall be prohibited within the entire restoration area.

**B.** The permittee shall implement the Final Dune Restoration within sixty (60) days of issuance of the coastal development permit and shall implement the plan 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.

**C.** Monitoring and Maintenance. The restoration plan shall include a monitoring program designed to provide data to judge the success of the restoration and to guide any adaptive management actions for ensuring success. Monitoring and maintenance of the restoration area shall continue for the duration of any development approved pursuant to this CDP, and shall at a minimum include:

1. Schedule. A schedule out to 5 years, with conditional inclusion of additional years of monitoring if success criteria are not met in the initial five-year time frame.

2. Monitoring Methods. The monitoring program must describe the monitoring methods that will be used (e.g. transects, quadrats, photo

plots), the number of samples, sampling density, and the timing of monitoring, along with a justification for the chosen timing with respect to seasonal cycles. A power analysis should be performed to inform design of the sampling scheme in order to ensure that there will be adequate statistical power to detect differences between target success criteria and on the ground conditions within the restoration.

3. Reference Sites. If reference sites are to be used, the criteria used for their identification must be described, (e.g. soil type, slope, aspect, proximity to restoration site, percent native cover, etc.), and they must be monitored using the same methods as those employed at the restoration site.
4. Performance Standards. Success criteria for species richness and vegetative cover for each vegetation type (as characterized by a specific plant palette and planting plan, and any modifications based on slope and aspect) shall be provided and may be based on reference sites or the peer-reviewed literature.
5. Data and Statistical Analysis. The restoration plan must include a description of the data analysis methods to be employed, and the maximum allowable difference between the vegetative cover and species richness characteristics found in the restoration area and each success criterion. The statistic tests that will be used (e.g., a one or two sample t-test) to detect differences between success criteria and on the ground conditions should be specified.
6. Annual Reports. A report that includes a presentation of monitoring results, assessment of progress toward meeting success criteria, and any adaptive management recommendations, must be submitted each year to the Executive Director, for review and approval for the first five years of the restoration or for an adjusted time period dependent on restoration success.

**f. Add Special Condition 12, as follows:**

**12. No Landscaping on Leased Lands.**

A. By acceptance of this permit, the applicant acknowledges that no landscape plantings of any kind (with the exception of vegetation for habitat restoration/enhancement activities) shall occur on the sandy beach area of 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.

**g. Add Special Condition 13, as follows:**

13. Breeding and Nesting Bird Surveys During Construction. For any construction/demolition/ and tree removal activities, including tree removal and relocation, between January 15th and September 1st, the permittee shall retain the services of a qualified biologist with experience in conducting bird behavior, nesting bird, and noise surveys (hereinafter, "biologist") to conduct said surveys in order to assess bird behavior, the presence of nesting birds including, but not limited to, black-crowned night herons, great blue herons, great egrets, and snowy egrets, and to document ambient and project noise levels. All project construction and operations shall be carried out consistent with the following:

A. The permittee shall ensure that a qualified biologist shall conduct the surveys 15 calendar days prior to the construction activities, including any tree removal or relocation, to detect any active bird breeding behavior or active bird nests in all trees within 500 feet of the project and to document ambient and project noise levels. A follow-up survey must be conducted three (3) calendar days prior to the initiation of project activities and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. All bird breeding behavior, nesting bird, and noise surveys shall be submitted to the Executive Director within two (2) days of completion.

B. If an active nest(s) of any shore bird or wading bird is found within 300 ft. of the project or bird nesting or courtship behavior is observed within the project site, the applicant's biologist shall monitor bird behavior and construction noise levels. If an active nest is located in any of the trees required to be removed pursuant to Special Condition One (1), then removal activities for that tree shall be halted until after nesting season is complete and the applicant's biologist has confirmed that there is no longer any active nesting activity in the subject tree. The nest(s) and nesting bird(s) shall not be removed or disturbed. The biologist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The biologist shall monitor birds and noise every day at the beginning of the project and continuing throughout all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below the demonstrated ambient noise levels or a peak of 65 dB at the nest site(s). If construction noise exceeds the ambient noise levels or a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation



measures do not reduce noise levels, construction shall cease and shall not recommence until either new sound mitigation can be employed or the birds have fledged.

C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or designated migratory bird under the federal Migratory Bird Treaty Act, is found within 300 ft. of the project, or an active nest for any species of raptor is found within 500 ft. of the project, the permittee shall notify the appropriate state and/or federal wildlife agencies within 24 hours, and appropriate action specific to each incident will be developed. The permittee shall notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of state and federal wildlife agencies.

D. The permittee must cease work if informed by the biologist that proceeding with any development authorized by this permit would adversely affect breeding or nesting birds, and shall consult with the appropriate federal and/or state wildlife agencies as well as the Commission Executive Director on appropriate steps to protect breeding or nesting birds. The permittee shall immediately notify the Commission Executive Director if activities outside of the scope of the subject Commission-approved project occur. If the Commission Executive Director determines that significant impacts or damage to sensitive habitats or to wildlife species has occurred, the permittee shall submit an application to the Commission to amend this permit to include appropriate mitigation and/or restoration measures.

E. If the relevant state or federal wildlife agencies require modifications to the project to protect nesting or breeding birds, the permittee shall obtain an amendment to this permit unless the Commission Executive Director determines that amending the permit is not legally required.

## **II. CHANGES TO STAFF REPORT**

This addendum corrects and modifies the staff report dated April 30, 2021 in order to accurately describe the onsite unpermitted development, correct typos, and clarify staff's findings. The proposed modifications do not alter staff's recommendation. Language to be added to the conditions and findings are shown in underline text, and language to be deleted is shown in ~~strikethrough~~.

- a. On page 1 of the staff report, the Staff report date shall be corrected as follows:**

Staff Report: 04/~~xx~~30/21

- b. On page 1 of the staff report, the project location shall be corrected as follows:**

201 Palisades Beach Road, Santa Monica, Los Angeles County (APNs: 4293-017-012; 4293-017-002; 4410-008-001)

**c. On page 2 of the staff report, the first full paragraph of the Summary of Staff Recommendation shall be modified as follows:**

Finally, the following unpermitted development and/or accessories have been installed on the site, and some elements are proposed to be removed while other elements are proposed to be retained via after-the-fact approval: 1) a large, white storage tent located on the northern seaward end of the existing tennis courts; 2) a sand volleyball court seaward of the existing tennis courts that appears to have been constructed between 1989 and 2002; 3) a medium sized white tent located within the sand volleyball court; 4) a green picket fence that surrounds the sand volleyball court; 5) a hut; 6) two playground structures; 7) a bocce ball court; 8) temporary tent structures; 9) a patio with trellis (outdoor dining); 10) a 1,623 sq. ft. asphalt paved area and six associated storage sheds; 11) 7 foot high privacy fence (except for 20-ft. section per View Corridor Special Condition); ~~and~~ 12) asphalt parking lot; 13) a series of palm trees on the leased land parcels, including a bundle of three palms located within a concrete planter; and 14) a white picket fence that extends seaward along the southern boundary of leased land parcel PRC 7031.

**d. On page 3 of the staff report, the first full paragraph of the Summary of Staff Recommendation shall be modified as follows:**

To address the unpermitted development and the violation of the past conditions of approval, the applicant has proposed to remove the following improvements: 1) the sand volleyball court; 2) the white tents located within the tennis court and the sand volleyball court; 3) the green chain-link fence surrounding the sand volleyball court; 4) the unpermitted wind fence; 5) the storage sheds; 6) the “ private property signs” located on the leased public lands; ~~and~~ 7) the hut with concrete foundation on land lease parcel PRC 7031; 8) a series of palm trees located throughout leased land parcels PRC 7031 and PRC 7032; and 9) a white picket fence that extends seaward across the southern boundary of leased land parcel PRC 7031. Furthermore, the applicant has requested an after-the-fact approval to retain the following unpermitted improvements: 1) two shade structures adjacent to the tennis courts; 2) a bocce ball court; and 3) two playground structures; ~~4) and a series of palm trees planted along the boundary of the leased land parcel and the public beach.~~ Development on the leased lands must be limited in order to minimize the effects of de facto privatization of public recreation area. Although the leased land agreements between the State Lands Commission and the Beach Club allow for some temporary development on the leased land areas, they do not allow for permanent structures to be constructed on the sandy beach; and regardless of what the lease may allow, any proposed development must be reviewed by the Commission for impacts to coastal resources, including public beach access and recreation.

**e. On pages 3-4 of the staff report, the last full paragraph of the Summary of Staff Recommendation shall be modified as follows:**

Overall, the proposed project can be found to be consistent with the Chapter 3 policies of the Coastal Act only if conditioned with ten special conditions. The special conditions require the applicant to: 1) provide final revised plans to remove portions of unpermitted development, identify unpermitted development that will not be approved pursuant to this coastal development permit; 2) provide a signage plan for the Beach Club site that will not restrict public access to state tidelands or any public access general easement areas; 3) receive a local approval from the City of Los Angeles for all portions of the project that occur within its jurisdiction; 4) receive State Lands Commission approval for any development that occurs in land lease parcel PRC 7031 and 7032; 5) provide and maintain two view corridors that total 69 feet in length; 6) waive future rights to shoreline protection for the proposed new improvements to the Santa Monica Beach Club; 7) assume the risk of developing in an area that is inherently vulnerable to sea-level rise impacts; 8) provide annual monitoring for the leased land parcels; 9) require a CDP for any future improvements on any of the private or leased land parcels; ~~and~~ 10) record a deed restriction to memorialize the special conditions of this permit; 11) require a dune restoration plan to revitalize potential dune habitat that has been degraded by the unpermitted volleyball court; and 12) prohibit any vegetation within leased land parcels 7031 and 7032.

**f. On page 15 of the staff report, the second full paragraph of the Project Description and Background shall be modified as follows:**

The proposed project also identifies the following unpermitted development and/or accessories which have been installed on the site. Some elements are proposed to be removed while other elements are proposed to be retained via after-the-fact approval (**Exhibit 4**). The applicant is proposing to remove the following unpermitted development:

- 1) large, white storage tent located on the northern seaward end of the existing tennis courts<sup>1</sup>
- 2) sand volleyball court seaward of the existing tennis courts that appears to have been constructed between 1989 and 2002<sup>1</sup>
- 3) medium sized white tent located within the sand volleyball court<sup>1</sup>
- 4) chain-link fencing that surrounds the unpermitted sand volleyball court
- 5) a storage shed seaward of the unpermitted volleyball court
- 6) green sand fence that is located three ft. seaward of the paddle tennis courts<sup>1</sup>
- 7) shade structures and storage shed located adjacent to the tennis courts<sup>1</sup>

---

<sup>1</sup> Unpermitted development located within the State-leased land

8) hut that is supported with a foundation and used as a cabana<sup>1</sup>

9) series of palm trees planted within the leased land parcels PRC 7031 and PRC 7032, including three palms located in a concrete planter

10) a white picket fence that extends seaward across the southern boundary line of leased land parcel PRC 7031

The applicant is requesting an after-the-fact approval for the following unpermitted development:

~~9~~11) two playground structures<sup>1</sup>

~~40~~12) bocce ball court

~~11) series of palm trees planted along the border between the leased land areas and the public beach recreation area~~

~~12~~3) an 18-space parking lot constructed as an addition to the existing lot

~~13~~4) 1,623 sq. ft. asphalt paved area and six associated storage sheds

~~14~~5) 1,225 square foot concrete slab patio with two associated trellis shade covers

**g. On page 20-21 of the staff report, modify the last full paragraph of Public Access/Recreation as follows:**

Over the years, the Beach Club has constructed and installed a number of improvements on the leased land parcels without the benefit of a CDP, many of which could be considered to be permanent structures, and other temporary structures that may impede public access and recreational opportunities, as further described below, and represent increasing encroachments of development on the sandy beach, inconsistent with other Chapter 3 policies, as well. These unpermitted improvements and placement of accessories are a privatization of sandy beach area and include:

- 1) large, white storage tent located on the northern seaward end of the existing tennis courts
- 2) a sand volleyball court seaward of the existing tennis courts, which appears to have been constructed between 1989 and 2002
- 3) "private property signs" seaward of the land lease areas, encroaching onto the public beach
- 4) A 4 ft. high green sand fence located approximately 3 ft. seaward of the chain-link fence surrounding the tennis courts for a length of 40 ft., thus expanding the private beach club use area by approximately 120 sq. ft.

- 5) medium sized white tent located within the unpermitted sand volleyball court
- 6) shade structures located adjacent to the tennis courts
- 7) two playground structures on sandy beach area
- 8) bocce ball court on sandy beach area
- 9) hut that is supported with a foundation (concrete patio) and used as a cabana on the sandy beach area
- 10) series of palm trees located ~~along the leased land parcel boundary line~~<sup>2</sup> within leased land parcels PRC 7031 and PRC 7032, including a set of three palms located in a concrete planter
- 11) chain link fence seaward of the sand volleyball court
- 12) Placement of a storage shed seaward of the volleyball court
- 13) White picket fence that extends seaward across the southern boundary line of leased land parcel PRC 7031

**h. On page 22 of the staff report, modify the second full paragraph of Public Access/Recreation as follows:**

To address the unpermitted development and the violation of the past conditions of approval, the applicant has proposed to remove the following improvements: 1) the sand volleyball court; 2) the white tents located within the tennis court and the sand volleyball court; 3) the green chain-link fence surrounding the sand volleyball court; 4) the unpermitted wooden wind fence 3 feet seaward of the volleyball court; 5) the storage shed; 6) the private property signs ~~and~~ 6) the hut with concrete foundation on land lease parcel; 7) the series of palm trees located along the leased land parcel boundary line within leased land parcels PRC 7031 and PRC 7032, including a set of three palms located in a concrete planter; and 8) The white picket fence that extends seaward across the southern boundary line of leased land parcel PRC 7031.

Furthermore, the applicant has requested an after-the-fact approval to retain the following unpermitted improvements: 1) two shade structures adjacent to the tennis courts at 201 Palisades Beach Road; 2) a bocce ball court located at 201 Palisades Beach Road; and 3) two playground structures located at 201 Palisades Beach Road; ~~4) a series of palm trees planted along the boundary of the leased land parcel and the public beach.~~

---

<sup>2</sup> Unpermitted development not addressed in project description

**i. On pages 22-23 of the staff report, modify the last full paragraph of Public Access/Recreation as follows:**

The applicant has indicated that the unpermitted palm trees were planted as a beautification measure in both the private and leased Beach Club parcels. The applicant states that the palm trees are comprised of several different species and are not intended to serve as a unified partition demarcating the leased lands area as private property. Staff is recommending approval of the palm trees; however, the palm trees may be required to be removed if the State Lands Commission does not approve them. The palm trees do not have a negative impact on public access. However, the presence of palm trees on public trust land, particularly the palms that are within 50 feet of the Marvin Braude Bicycle Trail (a public accessway) gives off the appearance that the area between the bike path and the Beach Club's privately-held parcels are also privately held when the area is in fact held in public trust. Although the Beach Club has an exclusive use lease on a portion of the public trust lands now, the land could return to public use at the expiration of the leased land agreements. Therefore, it is imperative that the leased land parcels do not contain vegetation that could appear to privatize land that is held in the public trust.

Commission staff has discussed this issue with the applicant, and the applicant has agreed to remove the unpermitted palm trees within the leased land area. Pursuant to **Special Condition 1**, all unpermitted development proposed for removal must be removed within 90 days of permit issuance. In addition, the Commission imposes **Special Condition 12**. This condition states that no landscaping/vegetation shall be planted within the sandy beach area of the leased land areas, which is defined as any area seaward of the 1921 mean high tide line. If the applicant wishes to relocate some of the palm trees within the leased land areas to their private property in the future, the applicant must submit an amendment to this application or a new CDP application.

**j. On page 23 of the staff report, modify the last full paragraph of Public Access/Recreation as follows:**

The hut located on lease parcel PRC 7031 functions as a cabana for Beach Club members. This structure has a concrete foundation and is considered a permanent structure on the sand. This structure is not consistent with the provisions of the leased land agreement (which does not allow permanent structures on the leased lands) and leads to a perception of privatization, which has significant impacts on public access and recreation as described above. The applicant is proposing to remove the hut and remove the concrete foundation, and the Commission finds that such removal is necessary for consistency with the public access and recreation policies of Chapter 3. The applicant has indicated an interest to replace this hut structure with a temporary shade structure. Pursuant to **Special Condition 1**, the applicant must submit a plan sheet for the proposed replacement structure for review and approval by the Commission's Executive Director. The replacement temporary shade structure shall not have a foundation.

**k. On page 24 of the staff report, modify the last full paragraph of Unpermitted Development as follows:**

As mentioned above, the proposed project is an intensification of the Beach Club facilities. Intensified private club activity (through more members and/or more indoor/outdoor facilities) may add to the perception that the entire area landward of the bicycle path is private, even though the entire beach (including the leased land areas) is held in public trust. This can be exacerbated if the Beach Club utilizes “private property” signs in the leased land area. Therefore, the Commission also imposes **Special Condition 2**, requiring a signage plan before a CDP can be issued. Any signs that the Beach Club proposed cannot purport to carve out a boundary between lands held in the public trust and privately-held land. The Commission also imposes **Special Condition 8**, which requires the applicant to submit annual monitoring photos of the temporary development on the leased land parcels for review by the Commission’s Executive Director.

**l. On page 24 of the staff report, modify the last full paragraph of Unpermitted Development as follows:**

Additionally, unpermitted development has occurred at 201 Palisades Beach Road and the seaward leased parcels, including: 1) a large, white storage tent located on the northern seaward end of the existing tennis courts; 2) a sand volleyball court seaward of the existing tennis courts; 3) a green sand fence located approximately 3 ft. seaward of the chain-link fence surrounding the tennis courts, expanding the private beach club use area by 3 feet; 4) a medium sized white tent located within the sand volleyball court; 5) a green chain-link fence that surrounds the sand volleyball court; 6) shade structures located adjacent to the tennis courts; 7) two playground structures on sandy beach area ; 8) a bocce ball court on sandy beach area; 9) a hut that is supported with a foundation (concrete patio) and used as a cabana on the sandy beach area; 10) a series of palm trees located along the leased land parcel boundary line within the leased land parcels, including three palms located in a concrete planter; 11) a chain link fence surrounding and partially seaward of the sand volleyball court; 12) a storage shed seaward of the unpermitted sand volleyball court, ~~and~~ 13) “private property” signs located seaward of the leased parcels on the public beach; and 14) a white picket fence that extends seaward across the southern boundary line of leased land parcel PRC 7031.

**m. On page 34 of the staff report, modify the last full paragraph of Visual Resources as follows:**

To ensure that these view corridors are maintained, the Commission imposes **Special Condition 3**, which details the open fence design and procedures that the applicant must follow to maintain the view corridors. Permanent fixed structures, new fences, vegetation, and large temporary structures (i.e. tents, cabanas, etc.) are not allowed within the view corridors. However, the condition does not preclude the daily use of umbrellas or other thin removable/retractable shade structures, provided that the

structures are only put up at the request of the guests, and removed when not in use and when the Beach Club facilities are closed (a policy that is already in use by the Beach Club). The applicant has requested authorization to install a 3-foot wide, 1-inch thick, horizontally-aligned retractable shade structure adjacent to the paddle-tennis courts within the 49 ft. north view corridor. This structure would be allowed, provided that it is temporary and does not rely on a foundation. The applicant has also indicated a desire to install a clear windscreen to provide protection from the wind for beach club guests. However, no plans have been submitted for consideration with this permit application. **Special Condition 43** allows the possibility for a windscreen to be ~~implemented as part of the fence design attached to the existing chain-link fence,~~ provided that the windscreen meets the listed parameters to meet the objective of providing a view corridor that is free from significant visual obstructions. **Special Condition 3** also outlines the parameters of visually permeable fencing that shall be utilized in the view corridors. The wrought iron fence proposed for the southern view corridor shall be no taller than 42 inches, with pickets/rods no thicker than 0.5 inches, and 6-inch minimum picket/rod spacing. **Special Condition 3** does not permit any tree trimming. Furthermore, if the applicant wishes to carry out additional development in the future, the applicant must obtain a coastal development permit for the development, as stated in **Special Condition 10**. In addition, the Commission imposes **Special Condition 11**, which requires the applicant to record a deed restriction against the property that provides the current and any future owners with notice of all of the conditions of this permit, including the requirement to maintain the two view corridors.

**n. On Page 36 of the staff report, modify the first full paragraph of Biological Resources as follows:**

The proposed project is located along a sandy beach, and consists of five parcels, two of which are leased to the Santa Monica Beach Club by the state. One of the leased parcels (PRC 7032) is developed with a portion of the club's tennis courts, a sand volleyball court, a large tent, and an approximately 3-ft. tall green wind fence that encloses the tennis courts and volleyball courts (**Exhibit X6**). A 0.27-acre vegetated dune is present adjacent to the tennis courts. Aerial images of the project site show that the dune started forming at its current location at some point between 1987 and 2002 and was likely formed from sand accumulation along the unpermitted sand fence seaward of the tennis courts. The dune is largely bounded by the Marvin Braude Bicycle Path, the sand volleyball court, the tennis courts, and the public beach access path. However, the dune also has appeared to have expanded to sparse areas seaward of the unpermitted sand volleyball court (**Exhibit X6**).<sup>3</sup>

---

<sup>3</sup> Exhibit 6 was not included in the originally published exhibits; thus, the exhibit is included as an attachment to this addendum.



**o. On page 37 of the staff report, modify the second full paragraph of Biological Resources as follows:**

The Commission's ecological technical staff has reviewed the biological assessment prepared for the dune. Although the dune was formed only within the last twenty years, the dune's morphology (the presence of hollows or depressions and hummocks or mounds which supports shorebirds) and the presence of Beach Burweed and Evening Primrose renders the dune as environmentally sensitive habitat area (ESHA) that should be protected. The sand volleyball court, which is an unpermitted structure, appears to deter the dune from naturally expanding across the length of the tennis courts. The applicant's proposal to remove the sand volleyball court and its associated structures (the tent and fencing surrounding the tent) means that the current dune would have an opportunity to expand laterally adjacent to the tennis courts. Furthermore, the applicant's proposal to remove the second wind protection fence would enable the dune to expand further by migrating landward until it meets the chain link fence surrounding the tennis courts, which may have a 48-in. windscreen to prevent sand from blowing into the courts. To ensure consistency with section 30240, the Commission imposes **Special Condition 1 and Special Condition 7~~11~~**. **Special Condition 1** requires the applicant to remove the sand volleyball court, the associated tent, and the picket wind protection fence, pursuant to the applicant's proposal. **Special Condition 7 ~~11~~** requires ~~annual monitoring photos of the dune and the rest of the leased lands areas to evaluate the overall health of the dunes and ensure that adjacent temporary development does not impact the dunes or restrict public access as described above~~ the applicant to restore both the existing dune and adjacent areas that were previously deterred from dune formation by unpermitted development (including the unpermitted volleyball court). Dune restoration actions include the removal of invasive species, planting of native dune species, and reformation of the characteristic dune mound topography. These activities are not expected to harm the dunes; rather, removal of these structures and dune restoration actions will encourage some expansion of the sensitive dune habitat. The proposed removal of these unpermitted structures shall be done in such a way so as to avoid staging or construction access in the area of the dune and avoid any direct impacts to the dune pursuant to **Special Condition 9**. As conditioned, the proposed project is consistent with Section 30240 in that development in areas adjacent to the dunes shall be sited and designed to prevent impacts which would significantly degrade those areas.

- p. Note: After publication of the staff report, additional unpermitted development was found onsite, which includes the white picket fence that extends seaward across the southern boundary of leased land parcel PRC 7031 and a concrete planter containing three palm trees. These items are not reflected in Exhibit 4- Unpermitted development but have been included in this addendum to modify the staff report findings. This does not substantively change staff's recommendation of Approval with Conditions.**



Paddle Tennis Court

Dune Habitat

Unpermitted  
Volleyball Court

Marvin Braude Bike Trail