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STAFF REPORT CDP APPLICATION

Application Number: 4-21-0693

Applicant: California Department of Transportation

Project Location: Pacific Coast Highway (PCH) Postmile 42.4, Malibu, [APNs 4449-008-900, 4449-008-012, 4449-008-013], Los Angeles County

Project Description: Stabilize the roadway and protect the supporting embankment by removing shotcrete, which was installed as a temporary measure through emergency CDP G-4-16-0058 and constructing a 260-foot-long secant pile wall in the southbound shoulder of Pacific Coast Highway (PCH).

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project would install a 260-foot-long secant wall at Postmile (PM) 42.4 along the southbound or seaward side of Pacific Coast Highway (PCH) in Malibu, Los Angeles County. The location is adjacent to a narrow stretch of PCH flanked by steep cliffs on the northbound or inland side, which are part of Tuna Canyon Park, Dolphin Point Coastal Overlook and private residences on the southbound or seaward side. High surf in late spring and early summer of 2016 resulted in slope and shoulder failure along the seaward side of PCH at the project site. Erosion at this location reached the edge of the paved shoulder of PCH causing pieces of the paved shoulder to collapse and exposing a high-pressure gas pipeline, which presented imminent danger to the

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traveling public. In order to address this emergency, the California Department of Transportation (Caltrans), the Applicant, applied for an emergency coastal development (ECDP) to place shotcrete on the bluff and embankment to stabilize the roadway and protect the utility lines. Soon thereafter, the Commission approved ECDP G-14-16-0058 to the Applicant on July 26, 2016. Special Condition 4 of the ECDP required Caltrans to submit a follow-up CDP application to permanently authorize the emergency work, and this application to remove the emergency shotcrete and construct a secant wall satisfies that requirement.

Although the Commission has previously certified a Local Coastal Program for the City of Malibu, portions of the proposed project will be located on state tidelands and within an area where the Commission has retained jurisdiction over the issuance of CDPs. However, for the portions of the project located within the City of Malibu's jurisdiction, the City has decided to process a local CDP No. 21-022, which will be heard at the October 3, 2022 Planning Commission meeting, and is appealable to the Commission. Thus, the standard of review for the portion of the project (which is the only portion at issue in the subject CDP application) that is on state tidelands and in the Commission's retained jurisdiction is the Chapter 3 policies of the Coastal Act.

The project, as proposed, raises numerous Coastal Act issues, including consistency with policies regarding coastal hazards and shoreline protective devices; public access and recreation; and water quality and marine resources. Shoreline armoring has a number of impacts on the coast, including but not limited to impacts from encroachment on the beach and preventing natural erosion processes from the bluff that would add sand to the beach. However, the installation of the secant wall at PM 42.4 is necessary to protect the continued use of PCH as a means for access to public beaches, public recreational opportunities, and nearby communities, such as Santa Monica, Pacific Palisades, Malibu and Oxnard, as well as emergency evacuation in the event of earthquake, tsunami, or wildfire.

In order to address the public access impacts from the loss of beach sand as a result of the secant wall construction, **Special Condition One (1)** will require the Applicant, to fund the construction of a Public Access Staircase at Las Tunas Beach, which will be part of an overall public accessway and beach developed and managed by the Mountains Recreation and Conservation Authority (MRCA). Currently, Las Tunas Beach does not have a public access staircase and the required public access staircase would significantly improve the public's ability to access the beach in this location and provide a benefit to the public. The Commission also finds that **Special Condition Two (2)** is necessary, which requires the Applicant acknowledge and agree to an assumption of risk, waiver of liability and indemnity.

Under Coastal Act Section 30253, new development may not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed project has been designed and analyzed using the medium-high risk aversion sea level rise (SLR) scenario over an expected life of 75 years. However, the Commission's adopted SLR guidance recommends that for critical

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infrastructure, such as this section of PCH, which has a low adaptive capacity, risks should be evaluated over an expected life of 100 years and be designed accordingly. Thus, **Special Condition Three (3)** limits the term of authorization for the development shown in to thirty years and requires that the Applicant develop a long-term solution for the corridor by 2052. While the project has been analyzed and found to be safe beyond 2052, the development, design, and analysis of alternatives for large infrastructure projects require considerable time and funding to plan and implement. As such, this 30-year authorization period is appropriate in order to allow the Applicant to protect PCH in the near-term while also providing sufficient time to plan for and implement long-term adaptation strategies before this section of PCH is impacted by SLR in the future.

The proposed project is intended to protect and support a small section of PCH within a corridor that raises numerous challenges: it has been identified as highly vulnerable in Caltrans District 7's Climate Change Vulnerability Assessment (2019) and as a first priority segment in Caltrans District 7's Adaptation Priorities Report (2021); it has very limited, if any, alternate routes, in the event of damage; and it serves as an emergency evacuation route for adjacent communities in the event of wildfire or earthquakes. For these reasons, the Commission finds that **Special Condition Four (4)** is required. Under **Special Condition Four (4)**, the Applicant must submit an Asset-Specific Adaptation Plan, which is the next step identified in District 7's Adaptation Priorities Report, within ten years of completion of construction. The Asset-Specific Adaptation Plan will dovetail with the State Route 1 Climate Resiliency and Highway Safety Corridor Plan, will identify current and future hazards over a 100-year timespan at the subject site, using best available science, and will analyze feasible alternatives for addressing those identified vulnerabilities, including potential options for phasing in alternative adaptation pathways. As such, with the inclusion of **Special Conditions Three (3) and Four (4)**, the project will appropriately minimize risks and assure structural integrity consistent with Section 30253.

In order to minimize impacts to coastal resources during construction, the Commission finds **Special Condition Five (5)** necessary, which requires submission of a construction plan prior to commencement of construction. Finally, although no environmentally sensitive habitat areas (ESHA) have been identified within the proposed project area, the beach adjacent to the proposed secant wall may provide habitat for California Grunion or other sensitive coastal marine species. Therefore, the Commission requires **Special Condition Nine (6)**, which requires biological surveys prior to construction and biological monitoring during construction. The shotcrete installed pursuant to ECDP G-14-16-0058 is proposed to be removed as part of the project, leaving the natural dirt slope in place. Over time the dirt slope will erode and eventually expose the secant pile wall, which will impact the scenic and visual qualities of the coast. Therefore, the Commission imposes **Special Condition (7)** which requires that if at any point the secant wall piles are exposed that they be given a sand colorization treatment that would camouflage these protective devices in earth tones to match the natural appearance of the surrounding beach.

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As conditioned, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act. Thus, staff recommends approval of the CDP as conditioned. The motion to implement staff's recommendation is found on **page 6** below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a CDP for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 4-21-0693 as conditioned pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 4-21-0693 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. Approval of the Permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid, and development shall not commence until a copy of the permit, signed by the 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. Public Access and Beach Sand Mitigation Project.

(a) WITHIN 1 YEAR OF APPROVAL OF THIS CDP, and with prior document review and approval by the Executive Director, the permittee shall submit written documentation, that demonstrates representatives of Caltrans and the Mountains Recreation and Conservation Authority ("MRCA") have entered into an Interagency Cooperative Agreement ("Cooperative Agreement") consistent with the requirements of this CDP and its Special Conditions, including subsections (b) and (c) below.

(b) Within two years of approval of this CDP, the Permittee shall submit to the Executive Director evidence that Caltrans has initiated the process to fund the construction of a coastal access staircase at Las Tunas Beach consistent with the Cooperative Agreement described herein.

(c) The Cooperative Agreement between Caltrans and the MRCA shall include the following minimum provisions:

i) The Cooperative Agreement shall indicate that the coastal access staircase (Las Tunas Public Access Staircase) is part of an overall public accessway and beach project that will be designed, permitted, constructed, and maintained at the MRCA-owned property on Las Tunas Beach in the City of Malibu.

ii) The Cooperative Agreement shall include provisions to address any failure by Caltrans or MRCA to implement the Cooperative Agreement in a manner consistent with this permit, including but not limited to any subcontracting of the project (or portions of it) to an alternate entity able to implement the Agreement, or if approved by an amendment to this CDP, to construct alternative public access improvements if the accessway cannot feasibly be built within 10 years of issuance of this CDP.

iii) Unless resolved by the Executive Director of the Commission, any dispute concerning compliance with, or interpretation of, any provision of the Cooperative Agreement affecting the implementation of the Cooperative Agreement consistent with the requirements of this CDP shall be resolved by the Coastal Commission.

iv) The Cooperative Agreement shall provide for annual written reports to the Executive Director of the Coastal Commission on the progress made toward the completion of the Las Tunas Beach Public Access Staircase.

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v) The Cooperative Agreement shall describe the roles and responsibilities of MRCA as the administrator of the Las Tunas Public Access Staircase; affirms that MRCA and Caltrans will be responsible for complying with CEQA and the permitting requirements of the Las Tunas Public Access Staircase and commits MRCA to building, operating, and maintaining the new access facilities upon their completion according to MRCA standard operating procedures for public access facilities.

2. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the Applicant acknowledges and agrees (i) that the site may be subject to hazards from tsunami, storm waves, surges, and erosion; (ii) to assume the risks to the Applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
3. **Term of Authorization / Long-Term Solution.** This CDP authorizes a secant pile wall, as depicted on Exhibit 3, until December 31, 2052, or until the time when the currently existing structure warranting protection is no longer present, whichever occurs first. The Applicant acknowledges that the shoreline protection system authorized pursuant to this CDP is temporary in nature, and is permitted in order to provide a reasonable period of time for the Applicant to develop and implement a long-term sea level rise adaptation solution to the erosion threat to the Pacific Coast Highway in this area. No later than December 31, 2050 the Applicant shall submit two copies of a removal and restoration plan to the Executive Director for review and approval. Such plan shall provide for the removal of the shoreline protection system and restoration of all affected areas in a manner designed to be most protective of coastal resources.
4. **Site Specific Adaptation Plan.** Based on the State Route 1 Climate Resiliency and Highway Safety Corridor Plan, WITHIN TEN YEARS OF COMPLETION OF CONSTRUCTION, the Applicant shall submit an Asset-Specific Adaptation Plan for the project vicinity, which was identified in District 7's Adaptation Priorities Report as a first priority segment for detailed adaptation assessment. This Asset-Specific Adaptation Plan will include focused analysis regarding the exposure of the highway segment using localized climate projections based upon best available science, wave and runup modeling, analysis of shoreline trends, and detailed engineering analyses. If impacts from this exposure analysis are verified, the Applicant will develop and evaluate adaptation strategies for the asset to ensure that it is able to withstand future climate change impacts.

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5. **Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:

(a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent possible in order to have the least impact on coastal resources.

(b) Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public access and public views during construction. The Construction Plan shall limit construction activities to avoid coastal resource impacts as much as feasible, and lighting of the work area is prohibited during anticipated California Grunion runs, as described in more detail below in Special Condition Nine (9).

(c) Construction Timing. Construction is prohibited during weekends from the Saturday of Memorial Day weekend through Labor Day inclusive, unless the Executive Director authorizes such work due to extenuating circumstances. Maintenance of equipment and material storage is permitted during weekends and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise).

(d) Construction BMPs. The Construction Plan shall identify the type and location of all erosion control and water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including at a minimum all of the following:

- i. **Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent construction-related runoff and sediment from discharging from the construction area entering into storm drains, or otherwise offsite or towards the beach and ocean. Special attention shall be given to appropriate filtering of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment and filtration equipment. All runoff controls shall be in place during construction.

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- ii. **Equipment BMPs.** Equipment washing and maintenance shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
 - iii. **Good Housekeeping BMPs.** The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the site).
- (e) **Restoration.** All construction debris shall be removed. All beach areas, other public recreational access and use areas, and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. If native soils are removed as part of the construction debris, the removed material shall be screened to separate native soil from the construction debris. The native soils shall be returned to the site after all construction debris has been screened out from it.
- (f) **Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- (g) **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated as the point of contact during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator's contact

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information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible. This information shall indicate that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

- (h) Construction Specifications.** The construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- (i) Notification.** The Applicant shall notify staff of the Coastal Commission's South Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Applicant shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or a new CDP (as determined by the Executive Director), may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 6. Biological Monitoring During Construction.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, "environmental specialist") with appropriate qualifications acceptable to the Executive Director, to monitor the site during construction activities, to conduct surveys of sensitive species (including birds and other terrestrial and marine species), and to monitor all project operations. Prior to commencement of development, the Applicant shall submit the contact information and qualifications of all monitors with a description of their duties and their on-site schedule to the Executive Director for review and approval. The Applicant shall ensure that the Environmental Specialist performs all of the following duties, and the Applicant shall observe the following requirements:

- (a)** If any construction activity occurs on or affects the sandy beach below PM 42.4 between March 1st and September 1st, including lighting and work during non-

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daytime hours, then the Applicant shall have the environmental specialist conduct a survey of the project site (prior to the construction activity) to determine if spawning California Grunion are present during the seasonally predicted run period, as identified by the California Department of Fish and Wildlife (CDFW). If the environmental specialist determines that any grunion spawning activity is occurring and/or that grunion are present in or adjacent to the project site, then no construction or demolition activities shall occur on or affect the area of the beach for the duration of the seasonally predicted run period (e.g., two hours for four nights following both the full and new moons) as predicted by CDFW. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed or removed at any of the above sites. The Applicant shall have the environmental specialist provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.

- (b)** The environmental specialist shall conduct surveys of sensitive species (e.g., raptors) no more than two weeks before any project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted three calendar days prior to the initiation of construction.
- (c)** In the event that any sensitive species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding / reproductive cycle of the subject species, the environmental resource specialist shall implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The Applicant shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received from the relevant agency, subject to the approval of the Executive Director.
- (d)** If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor or heron is found, the Applicant shall notify the appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The Applicant shall notify the California Coastal Commission in writing by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
- (e)** If an active nest of any federally or state-listed threatened or endangered species, species of special concern, or raptor, least tern, black-crowned night heron, great blue heron, snowy egret, or other sensitive species is found within

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300 feet of construction activities (500 feet for raptors), the Applicant shall retain the services of an environmental specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The Applicant shall ensure that the environmental specialist is 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 Applicant shall ensure that the environmental specialist shall monitor birds and noise during all periods of project activities. Activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest site(s). If construction noise exceeds 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 sufficiently reduce noise levels, construction within 300 ft. (500 ft. for raptors/owls) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed, or nesting is complete.

(f) The Applicant shall ensure that the environmental specialist is present during all project activities. If the environmental resource specialist becomes aware of any breach in permit compliance or any unforeseen sensitive habitat issues, the environmental specialist shall so inform the Applicant, and the Applicant will cease work. If significant impacts or damage occur to sensitive habitats or to wildlife species, the Applicant shall be required to develop and implement a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be submitted to the Executive Director for review and approval.

(g) For the purpose of this special condition, “sensitive species” shall be taken to mean any special-status wildlife species. Special-status species are species listed as: Endangered, Threatened, or Rare under the federal or state Endangered Species Acts; Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDDB), which are considered by the California Department of Fish and Wildlife to be those species of greatest conservation concern; and locally important species including raptors, herons, and songbirds.

7. Exposure of Secant Piles. If the secant wall piles become exposed at any point, a color and texture treatment must be applied to mitigate the visual impact of the piles on the surrounding environment. The color and texture of the exposed piles will be compatible with the adjacent beach sand, including that: **(a)** these secant piles will be treated with a color and texture treatment containing earth tones that are compatible with the adjacent beach sand; **(b)** white and black tones will not be used; and **(c)** the color, contours, and texture will be maintained through-out the life of the structure.

IV. FINDINGS AND DECLARATIONS

A. Project Location and Background

The proposed project is located on southbound Pacific Coast Highway (PCH) at Postmile (PM) 42.4 near the intersection of Big Rock Dr. in Malibu, Los Angeles County. This area of the Malibu coastline provides extensive recreational opportunities to the public, including at nearby Las Tunas Beach and Tuna Canyon Park. However, this portion of PCH is highly constrained with steep bluffs extending to the Pacific Ocean and existing homes located intermittently north and south of the proposed project site, which limit access to the coast in the project vicinity. The Dolphin Point Coastal Overlook managed by the MRCA is located adjacent to the proposed project and provides the public with scenic views of the Pacific Ocean and Los Angeles County coastline, but the pocket beach, located seaward of the overlook, currently has no formalized public accessway.

As background, high surf in late spring/early summer 2016 resulted in slope/shoulder failure along the beach side of the highway at the project site. Erosion at this location reached the edge of the paved shoulder, causing pieces of the paved shoulder to collapse and exposing a high-pressure gas pipeline, which presented imminent danger to the traveling public. In order to address this emergency, Caltrans applied for an emergency coastal development permit (ECDP) to place shotcrete (concrete sprayed at high velocity onto a vertical surface) on the bluff and embankment to stabilize the roadway and protect the utility lines. The Commission approved ECDP G-14-16-0058 to the Applicant in July 2016, which included Special Condition 4 requiring Caltrans to submit a follow-up CDP application to permanently authorize the emergency work and this application, to remove the emergency shotcrete and construct a secant wall, satisfies that requirement. Additionally, on June 27, 2022 Caltrans requested a 90-day extension to the original Permit Streamlining Act deadline of August 13, 2022, thus the new deadline for Commission action is November 11, 2022.

See [Exhibit 1](#) for project vicinity maps and [Exhibit 2](#) for photos of the project area.

B. Investigation of Coastal Act Violations

The proposed project site includes the Caltrans right-of-way for Pacific Coast Highway and portions of three existing parcels, two of which are owned by private parties and one that is owned by the State of California and managed by the MRCA. The MRCA parcel is the furthest upcoast parcel and is adjacent to an existing single-family residence. A portion of the MRCA parcel contains a public park/overlook (Dolphin Point Coastal Overlook) on top of the bluff at the same elevation as the street.

In 2015, Commission enforcement staff became aware of unpermitted development on Dolphin Point Coastal Overlook (Overlook) [APN 4449-008-900], which is owned by the State of California and operated as a public park by MRCA, adjacent to 19812 Pacific Coast Highway (property owner). The Overlook has been owned by the State of California since the 1970s and was transferred from Caltrans to the California Department of Parks and Recreation (State Parks), and is now managed by MRCA for

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public use. The unpermitted development consists of encroachments, including a cement/rock wall with a pocket park built on top of it and a cement/rock staircase, which was used by the property owner to access the beach. The pocket park consists of a chain link fence, Astro turf, benches, and landscaping that were constructed by the property owner on the State of California's property. In December 2018, MRCA sent a letter to the property owner requesting that they remove the unpermitted development and cease using the public property for their private use. The property owner agreed to cease using MRCA property for private use and soon thereafter MRCA named the pocket park "Dolphin Point Coastal Overlook" and installed signage indicating that it is open to the public. The proposed secant wall will be partially constructed on the parcel containing the overlook [APN 4449-008-900]. However, no development will occur on the portion of the parcel where the unpermitted development is located, because the northern limit of the secant wall terminates before the overlook. Commission enforcement staff and MRCA plan to address the unpermitted development as a separate matter at a later date.

C. Project Description

The purpose of this project is to provide shoreline protection at PM 42.4, which Caltrans believes is needed to prevent roadway failure at this location. Cracks and displacements of the roadway shoulder provide evidence of accelerated structural undermining of the slope from ongoing wave-induced erosion. The proposed project includes construction of a secant pile wall in the southbound or seaward shoulder of PCH to stabilize the roadway foundation and protect the roadway from current and future coastal erosion. Secant pile walls are constructed using intersecting reinforced concrete piles or columns and, in this case, the wall would be completely buried in the shoulder of PCH.

The project activities include temporarily realigning traffic in order to allow a 25-foot-wide work zone within the paved southbound shoulder of the roadway. A 260-foot-long secant wall is proposed to be constructed within the paved southbound shoulder of the roadway by drilling 42" diameter cast-in-drilled-hole (CIDH) piles to a depth of approximately 60 feet. An approximately 3-foot-high temporary concrete barrier will then be placed along the edge of the paved surface. A 260-foot-long, 20-foot-wide Temporary Construction Easement (TCE) will be required on the seaward side of PCH. The shotcrete installed pursuant to ECDP G-14-16-0058 is proposed to be removed as part of the project. Please see [Exhibit 3](#) for the site plans.

This report discusses the entire subject development for the purpose of project context, although staff would note that only a portion is within the Commission's retained permit jurisdiction and therefore under consideration in the subject CDP. In this case, there is no adjudicated mean high tide line boundary that would definitively show that portion of the project subject to tidal action and therefore subject to Commission jurisdiction and that portion that is within the CDP jurisdiction of the City of Malibu. However, it appears that the removal of the emergency shotcrete wall and portions of the secant wall construction are subject to Commission jurisdiction. The remainder of the wall construction, shoulder reconstruction, construction staging and work areas, and traffic

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control portions of the project are subject to a City of Malibu CDP and not at issue for the present CDP application at issue here.

D. Standard of Review

Although the Commission has previously certified a Local Coastal Program for the City of Malibu, portions of the proposed project will be located on state tidelands and within an area where the Commission has retained jurisdiction over the issuance of CDPs. For the portions of the project located within the City of Malibu's jurisdiction, the City has processed local CDP No. 21-022, which will be heard at the October 3, 2022 Planning Commission meeting, and is appealable to the Commission. Thus, the standard of review for the portion of the project that is located in the Commission's retained jurisdiction is the Chapter 3 policies of the Coastal Act.

E. Hazards and Shoreline Protective Devices

Applicable Policies

The Coastal Act requires that new shoreline armoring be sited and designed to minimize impacts to coastal resources, and to mitigate for any unavoidable impacts, as follows:

Section 30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

Section 30253 (in part). *New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard, and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Consistency Analysis

As described above, the Malibu coastal area, where the proposed project is located, has historically been subject to flooding and damage resulting from wave action during storm conditions. Major wave events in spring and summer 2016 caused damage to the southbound or seaward embankment of PCH at PM 42.4 and exposed underground utilities. The Commission approved ECDP No. G-14-16-0058 in July 2016. That emergency permit authorized Caltrans to conduct the minimum amount of work necessary to address the emergency, which was determined to be placement of shotcrete (concrete sprayed at high velocity onto a vertical surface) on the bluff and embankment to stabilize the roadway and protect the utility lines. Pursuant to Special Condition 4 of that ECDP, the development is considered to be temporary and subject

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to removal unless and until a regular coastal development permit permanently authorizing the work is approved. To prevent additional coastal erosion and stabilize the roadway foundation, Caltrans proposes to remove the shotcrete and construct a 260-foot-long, buried secant wall in the southbound or seaward shoulder of PCH at Postmile 42.4.

Impacts from Shoreline Armoring

Coastal Act Section 30235 acknowledges that seawalls, revetments, and other types of shoreline protective devices designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 imposes a limited requirement to approve the construction of shoreline protective works when they are required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.

Shoreline structures can present a variety of adverse impacts on coastal resources, including on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on- and off-site, ultimately resulting in the loss of beach. The first way in which shoreline armoring can impact coastal resources is that it encroaches directly upon beaches. Second, fixing the backshore prohibits landward migration of the shoreline and results in “coastal squeeze,” or the loss of beach and/or habitat as sea level rises. Shoreline protective devices directly interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public and private lands) during high tide and severe storm events, and potentially throughout the entire winter season. The third way in which it can affect coastal resources is through a progressive loss of sand due to retention of sandy bluff material that would become beach sand if the bluffs were to continue to erode. Fourth, shoreline protective devices, such as revetments and bulkheads, can alter patterns of scour, resulting in end effects through the reflection of wave energy to adjacent unprotected sections of shoreline.

In this case, the small pocket beach adjacent to the project site is located between both privately and publicly owned parcels. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during storm events and the winter season, which is the case at the proposed project site. As sea level rises, more beach area will be submerged, initially during high tide conditions and eventually during all tide conditions. The shoreline protective device may halt the creation of new, inland beach area to replace the seaward beach, which may face losses from erosion and rising sea levels. This scenario could eventually eliminate all dry beach and all lateral access opportunities along the beach as the entire area seaward of the armoring would be inundated.

As a result of the well-recognized impacts, the Commission frequently finds that new shoreline protective devices are inconsistent with multiple Coastal Act policies and can only approve them when the Section 30235 override applies and the armoring is the least environmentally damaging, feasible alternative. This often necessitates an

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alternatives analysis based upon data specific to the site. The Coastal Act requires such projects to be sited and designed to protect views to and along the ocean and scenic coastal areas; to eliminate or mitigate adverse impacts on local shoreline sand supply; to avoid impediments to public access; to be compatible with the continuance of sensitive habitat and recreation areas; and to prevent impacts, that would degrade sensitive habitats, parks, and recreation areas.

Sea Level Rise

The State of California has undertaken significant research to understand the possible range of sea level rise expected over this century, based on future emission scenarios, and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released "Rising Seas in California: An Update on Sea-Level Rise Science." This report synthesizes recent research on sea level rise science, notably including probabilistic sea level rise projections, as well as the potential for rapid ice loss to lead to extreme sea level rise. This science synthesis was integrated into OPC's *State of California Sea-Level Rise Guidance 2018 Update* (OPC Guidance). This OPC Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing potential sea level rise vulnerabilities for various projects.

The appropriate time horizon to use to evaluate sea level rise depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission's *Sea Level Rise Policy Guidance* (SLR Guidance) identifies transportation infrastructure, such as PCH, as "critical" infrastructure given its long design life, low adaptive capacity, and the high consequences associated with its failure. In such cases, the OPC Guidance and Coastal Commission SLR Guidance recommend that applicants understand the risks associated with the medium-high risk aversion scenario and the extreme (H++) risk aversion scenario and that applicants anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like PCH is typically considered to be 100 years. Taken together, the Rising Seas science report, updated OPC Guidance, and the Commission's SLR Guidance represent the current best available science on sea level rise for the State of California.

The OPC Guidance provides sea level rise projections, which the Commission adopted in 2018, for twelve California tide gauges, and recommends using the projections from the tide gauge closest to the project site. In this case, the Santa Monica Tide Gauge is the closest. As requested by Commission staff, the Applicant provided a Wave Runup Study in support of the proposed project, which concluded that the proposed secant wall, and by extension, PCH at PM 42.4 in Malibu, should be safe from coastal hazards under the medium-high risk aversion scenario through the year 2095, i.e., over an expected life of approximately 75 years.

The following table depicts projected sea level rise at the Santa Monica Tide Gauge under low-risk, medium-high risk, and extreme-risk aversion scenarios over the 75-year project life, which was used by the Applicant, and over a 100-year project life as

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recommended by the Commission’s SLR Guidance for critical infrastructure that has little to no adaptive capacity, would be significantly costly to repair, and/or would have considerable public safety or environmental impacts, all of which apply to PCH. This table is provided to demonstrate the range in projections between 2095 and 2120.

Projected Sea Level Rise (in feet)			
	Low Risk Aversion	Medium-High Risk Aversion	Extreme Risk Aversion
2090	2.8	5.5	8.1
2100	3.3	6.8	10.0
2110	3.5	7.2	11.7
2120	4.0	8.5	14.0

Shoreline Protection on the Subject Site

Section 30235 requires the Commission to authorize shoreline protection devices (or cliff retaining walls) but only when necessary to protect “existing structures or public beaches in danger from erosion” (or when necessary to serve coastal-dependent uses). Separately, Coastal Act Section 30253 prohibits new development that would “in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.” Coastal Act Section 30253 also requires that new development minimize risk, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Thus, while Section 30253 prohibits development that would in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, Section 30235 of the Coastal Act requires that such construction be permitted (even when it may alter natural shoreline processes) when required to protect “existing structures”), provided that it is designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In this case, PCH, the pre-Coastal Act existing structure that was constructed in the 1920s, is at risk currently due to bluff erosion and wave runup, as well as in the future from storm surge and sea level rise, all of which threaten its structural integrity. The proposed secant wall is intended to restore stability to PCH, and as described below, there is no feasible alternative to the proposed secant wall at this time that could protect the pre-Coastal Act structure, which is at risk of failure. Although there are homes and associated infrastructure (including seawalls and other shoreline protective devices) to both the north and the south of the project site, which currently provide some protection to PCH, Commission staff concur with the Applicant that the proposed secant wall is needed to ensure the near-term geologic and engineering stability of the existing public highway and to protect access to coastal dependent uses. Thus, while the project cannot be found consistent with the prohibitions under Section 30253 regarding protective devices, as well as Sections 30210, 30211, 30212 and 30252 regarding maximum access from the nearest public roadway to the shoreline and along the coast, the armoring in this case is authorized under the “override” provisions of Section 30235.

However, as discussed above, Section 30235 of the Coastal Act also requires that,

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when new shoreline protective devices are allowed, such devices shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Thus, when read in tandem with other applicable Coastal Act policies protecting coastal resources as cited in these findings, this Section 30235 evaluation warrants an analysis of the least environmentally damaging feasible alternative that can serve to achieve the stated project goal of protecting the threatened structure.

First, the Applicant has submitted the aforementioned Wave Run-up Study, which found that the “No Project” alternative, or failure to construct shoreline protection, is not a feasible alternative because significant erosion caused the utility lines to be exposed and there is active erosion at the slope adjacent to PM 42.4, which if left unaddressed, could result in damage to or loss of portions of PCH. Additionally, the Applicant included an alternatives analysis in the Wave Runup Report, which included analysis of the potential impacts of rock slope protection and soldier pile walls. These rock slope protection and soldier pile walls were not chosen in order to minimize the armoring footprint on the adjacent beach and to minimize the amount of future maintenance needed to maintain the structure. Finally, although realignment of PCH at this location was not analyzed, the topography in the project vicinity, i.e., a narrow coastal terrace bounded by steep cliffs and steep coastal hillsides, would complicate the landward relocation of PCH.

Second, in past permit actions, the Commission has found that adverse impacts to shoreline processes from shoreline protective devices are greater when they are subject to wave action. As such, in past permit actions, the Commission has required that all new development on a beach, including shoreline protective devices, be located as far landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. In this case, all portions of the proposed secant walls will be buried within the shoulder of PCH at PM 42.4. It will be located as far landward as feasible while still protecting the road shoulder and travel lanes. Thus, the proposed secant wall will not result either in any seaward encroachment by new development on the sandy beach at the current time although it is anticipated to be exposed in the future by continued erosion.

Due to the possibility of tsunami, storm waves, storm surges, and coastal erosion at the subject site, the Applicant shall assume these risks as conditions of approval and the Commission requires the Applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The Applicant’s Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition Two (2)**, will ensure that the Applicant acknowledges the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the development it protects; this special condition will effectuate the necessary assumption of those risks by the Applicant.

Long-term SLR adaptation

Coastal Act Section 30253 requires that new development not rely upon the construction of protective devices in the future. As discussed above the project has

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been designed and analyzed under the medium-high and extreme SLR risk aversion scenarios for a 75-year design life, and the project is found to be safe from SLR hazards under those scenarios. However, the Commission's adopted SLR guidance recommends that certain types of critical infrastructure, such as PCH, evaluate risks over an expected life of 100 years and be designed accordingly. Because the project has not analyzed hazards for an expected life of 100 years, it is unknown whether the project will be sufficiently safe from SLR hazards for 100 years and whether or not it will require the construction of additional protective devices in the future.

In recent CDPs regarding PCH, such as at Piedras Blancas in San Luis Obispo and at Gleason Beach in Sonoma County, the Commission allowed temporary armoring to protect the threatened, existing highway structures for an interim period of time until the structures could be relocated, reconfigured or otherwise adapted for resiliency into the next century. Under this approach, the CDPs then directed that, depending on the most environmentally preferred adaptive alternative selected, either the temporary armoring would be removed to restore coastal processes along the shore or the environmentally preferred alternative would advance another shoreline protection reuse strategy in ways that are consistent with Coastal Act policies. This approach both ensures that public services provided by the infrastructure are maintained and that coastal resources are protected over the long-term. Moreover, such phasing adaptation strategies can reduce upfront costs and allow for the planning time needed for development of longer-term adaptation strategies. Thus, **Special Condition Three (3)** limits the term of authorization for the approved development to thirty years and requires that the Applicant develop a long-term solution by 2050. While the project has been analyzed and found to be safe beyond 2052, the development, design, and analysis of alternatives for large infrastructure projects such as this section of PCH require considerable time and funding to plan and implement. As such, this 30-year authorization period is appropriate in order to allow the Applicant to protect PCH in the near-term while also providing sufficient time to plan for and implement long-term protection or other adaptation strategies before this section of PCH is impacted by SLR in the future.

Additionally, the proposed project is intended to protect and support a small section of PCH within a corridor that raises numerous challenges: it has been identified as highly vulnerable in Caltrans District 7's *Climate Change Vulnerability Assessment* and as a first priority segment in Caltrans District 7's *Adaptation Priorities Report*; it has very limited, if any, alternate routes, in the event of damage; and it serves as an emergency evacuation route for adjacent communities. For these reasons, the Commission finds that **Special Condition Four (4)** is necessary, which requires that the Applicant must submit an Asset-Specific Adaptation Plan within ten years of completion of construction based on the recommendations of the State Route 1 Climate Resiliency and Highway Safety Corridor Plan (Corridor Plan), which is currently in development. The Corridor Plan will provide regional context for the Asset-Specific Adaptation Plan. The Asset-Specific Adaptation Plan will identify current and future hazards over a 100-year timespan at the subject site, using best available science, and will analyze alternatives

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for addressing those identified vulnerabilities, including potential options for phasing, as well as feasibility.

Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act.

F. Public Access and Recreation

Applicable Policies

The Coastal Act calls for the provision of maximum public recreational access opportunities, consistent with the requirement for protection of natural resource areas from overuse, as follows:

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212 (in part). *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.*

Section 30214 (in part). *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics.*

Coastal Act Section 30252 requires that new development to maintain access to the coast including by providing adequate parking facilities, as follows:

Section 30252 (in part). *The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

Consistency Analysis

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Currently within the project site, PCH is generally constrained between the steep bluff face on the northbound inland side of the roadway and by a steep drop to the ocean on the southbound seaward side of the roadway. At PM 42.4, there is a wide paved shoulder on both sides and an informal and unpermitted vertical access staircase to the pocket beach adjacent to the project site, as described above. However, the pocket beach is bordered by homes on both sides and lateral access can be dangerous or impossible even at low tide. Thus, the shoulder of PCH serves as the only continuous lateral public access along this section of the coast.

Public Access Parking

Coastal Act Section 30210 states that maximum access shall be provided for all the people, and Coastal Act Sections 30211 and 30212 state that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects. Coastal Act Section 30252 requires that new development should maintain and enhance access to the coast through various means including providing adequate parking.

Public access parking is currently possible along the northbound and southbound shoulders at PM 42.4. However, due to the existing K-rail, which is proposed to be reinstalled once the secant wall is constructed for safety reasons, parking on the southbound shoulder will be limited to areas immediately north and south of the K-rail.

Multimodal Access

The California Coastal Trail (CCT) is a statewide trail alignment mapped along the entire 1,100-mile coast of California between Oregon and Mexico. The overall project plans contain a traffic management plan proposing that a small section of the CCT, i.e., the southbound shoulder of PCH, will be temporarily impacted during the construction of the proposed secant wall because the project will temporarily require realigning traffic in order to allow a 25' wide work zone within the southbound shoulder of the PCH and closing the work area to cars and pedestrians. This portion of the project is in the City of Malibu's CDP jurisdiction.

Maximum Access

The section of PCH where the project is located is adjacent to very popular destinations for a variety of recreational users, such as motorists, picnickers, beachgoers, hikers, bicyclists, and surfers. The secant wall's impacts on local shoreline sand supply (as described in detail in Section E above) and public access and recreation should be mitigated to be consistent with Sections 30210, 30211, and 30212 to maximize access and provide additional access improvements. The preferred mitigation for access and sand supply impacts would be for the applicant to provide access improvements such as a beach staircase or other improvement within or adjacent to the project site. However, in this case, there are no opportunities for improvements on the privately owned properties and any opportunities on the MRCA property are complicated by the site topography and the presence of unpermitted development that has not yet been resolved. Therefore, Commission staff has coordinated with MRCA and Caltrans staff to identify a feasible access improvement on a property near the project site. MRCA has

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developed plans for the construction of an accessway and public beach on Las Tunas Beach (between 19620 and 19562 PCH) that is approximately .2 miles downcoast of the project site. The applicant's funding of the stairway portion of the planned improvements at this site will improve public access to the beach in the immediate area of the coast and adequately mitigate the impacts of the subject project on shoreline sand supply and public access.

Thus, the Commission finds **Special Condition Seven (1)** necessary, which requires the Applicant to fund a Public Access Staircase at Las Tunas Beach to be constructed and managed by MRCA within five years of issuance of the CDP. Currently, Las Tunas Beach does not have a public access staircase and the public's ability to access the beach in this location would be significantly improved. Please see [Exhibit 4](#) for a location map and photos of the Public Access Staircase at Las Tunas Beach.

Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30252.

G. Environmentally Sensitive Habitat Areas and Marine Resources

Applicable Policies

Environmentally sensitive habitat areas (ESHAs) are defined in Section 30107.5 of the Coastal Act as areas "in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments." Coastal Act Section 30240 states that ESHA shall be protected against significant disruption of habitat values and that only resource-dependent uses are allowed within an ESHA. Section 30240 also requires that development adjacent to such areas be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of the ESHA.

Section 30240. (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas; and (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Coastal Act Section 30230 requires that marine resources are maintained, enhanced and restored while 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing wastewater discharges, maintaining vegetation buffer areas that protect riparian habitats, and minimizing stream alterations:

Section 30230 (in relevant part). *Marine resources shall be maintained,*

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enhanced, and where feasible, restored....

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Consistency Analysis

As described above, the proposed project would construct a secant wall by drilling holes in the shoulder of PCH, inserting rebar, and filling the holes with concrete. After the secant wall has been constructed, the shoulder of PCH will be repaved. A temporary construction easement would be required seaward of the southbound shoulder of PCH at PM 42.4, including the coastal bluff and beach, as well as on the northbound shoulder of PCH, including the unvegetated slope adjacent to PCH.

On July 27, 2020, Caltrans prepared a Categorical Exclusion for the project wherein the project was deemed to have no significant impact on the environment. Additionally, Caltrans prepared and approved a Natural Environment Study (NES) in February 2020, which analyzed the project's potential impacts on various resources, including biological and marine resources. The NES included a habitat survey of the project impact area, which included a vegetation survey. Surveys for animal species' occurrence and habitat in the area did not find any listed species within the project boundaries. After reviewing the vegetation survey results, Commission staff ecologists confirmed that this area does not constitute ESHA pursuant to Section 30107.5 of the Coastal Act.

At PM 42.4, the southbound shoulder of PCH is bare of vegetation and the slope that extends to the beach from the southbound shoulder is currently covered in shotcrete and devoid of vegetation. There is also an adjacent sandy beach area, which is devoid of vegetation, but has the potential to be California grunion (*Leuresthes tenuis*) habitat.

While Section 30240 does not apply to this project because ESHA does not occur within the project impact area, other policies cited above require the proposed development to avoid impacts to coastal resources. Although all work is expected to take place within the road shoulder and no mechanized equipment will be required to access the beach or intertidal environment, removal of the shotcrete may require a temporary platform to be placed on the beach. Shotcrete removal will only occur during low tide and the temporary platform will be placed as close to the roadway embankment as possible. As part of the project proposal, Caltrans will require their contractor to develop a shotcrete removal plan in order to ensure that BMPs are employed in order to prevent any discharge of concrete debris or materials into coastal waters. In order to ensure that any potential adverse effects to the California Grunion are minimized, **Special Condition**

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Six (6a) requires that a qualified biologist or environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any construction activities that occur between March 1st and September 1st, to determine whether any California Grunion, or eggs, are present.

Although no listed species were observed in surveys conducted by Caltrans biologists, in order to ensure that project activities avoid impacts to any sensitive bird species that may inadvertently enter the project area, **Special Condition Six (6b)** requires the environmental resource specialist to conduct surveys of sensitive species no more than two weeks before any project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site.

Finally, in the NES prepared for the project, Caltrans states that minor impacts to the immediate beach and intertidal area could be effectively mitigated with the implementation of Best Management Practices (BMPs). To ensure that these BMPs are effectively incorporated into the project, the Commission finds **Special Condition Five (5d)** will ensure that the necessary construction BMPs are incorporated and impacts to the marine environment that could result from the introduction of concrete or other construction materials to the intertidal area or ocean are avoided.

Therefore, for all of the above reasons, the Commission finds the project, as conditioned, to be consistent with the water quality, marine resources of Coastal Act Policies 30230 and 30231.

H. Visual Resources

Applicable Policies

The Coastal Act protects visual qualities of coastal areas as a resource of public importance, as well as views to and along the ocean and scenic coastal areas, and requires new development to be visually compatible with the character of surrounding areas, including the protection of special communities / neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Consistency Analysis

The proposed project includes the construction of a 260-foot-long secant wall that will be buried in the embankment of PCH and the removal of the shotcrete installed

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pursuant to ECDP G-14-16-0058, leaving the natural dirt slope in place. Over time the slope will erode and eventually expose the secant pile wall, which will impact the scenic and visual qualities of the coast. Therefore, the Commission imposes **Special Condition Seven (7)** which requires that, if at any point the secant wall is exposed during the project's 30-year authorization, a sand colorization treatment will be applied to the wall that would camouflage it in earth tones to match the natural appearance of the surrounding beach. As conditioned, the secant wall will minimize visual resource impacts.

Additionally, an approximately 3-foot-high temporary concrete barrier will be placed along the edge of the paved surface and along the entire stretch of the project site. Caltrans staff have indicated that this barrier along the width of the privately owned properties must be temporary in nature so it can be removed if the properties are later developed. Further, a small portion of the temporary barrier will be located on the MRCA-owned property that can also be removed later if MRCA develops more public access improvements or fencing at this site. While the preferred barrier in a scenic area would be fencing of a more open nature, in this case it is not feasible to have permanent barriers.

As conditioned, the Commission finds the project consistent with the visual resource protection policies of Section 30251 of the Coastal Act.

I. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effect that the activity may have on the environment.

On July 27, 2020, Caltrans, acting as lead CEQA agency, prepared a Categorical Exclusion for the project wherein the project was deemed to have no significant impact on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding findings in this report have discussed the relevant coastal resource issues with the proposal, and the CDP terms and conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to such resources. Further, all public comments received to date have been addressed in the preceding findings, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse environmental effects that approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result

4-21-0693 (Caltrans, LA-1 PM 42.4 Secant Wall)

in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

V. APPENDICES

A. Substantive File Documents

- PM 42.5 Slope Restoration Project Categorical Exclusion, 7/27/2020
- Natural Environment Study (Re-Amended), 2/20/2022
- Wave Runup Study for PM 42.5 (Final), 10/29/2019
- Caltrans District 7 Adaptation Priorities Report, January 2021
- City of Malibu Coastal Development Permit No. 21-022
- Emergency CDP G-14-16-0058, 7/26/2016