

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



F13d

Filed: 01/30/25
180th Day: 07/29/25
Staff: JT – LB
Staff Report: 02/28/25
Hearing Date: 03/14/25

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-24-0471

Applicant: County of Los Angeles Dept. of Public Works

Agent: Reyna Soriano

Location: Will Rogers State Beach at Santa Monica Canyon Outflow, City of Los Angeles, Los Angeles County (APN: 4410009900)

Project Description: Repair and realignment of MBBT bike trail, removal of approximately 371 feet of existing concrete, 275 cy of grading, removal of 165 cy of damaged path concrete, construction of 340 feet of new concrete path, 7,600 cy of channel grading, and 130 linear feet of metal sheet piles to be buried in sand with reuse of excavated material on site, no proposed export, and routine maintenance of the channel after storm events.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The County of Los Angeles Department of Public Works is proposing to repair and realign a segment of the existing Marvin Braude Bicycle Trail (MBBT) along Will Rogers State Beach (City of Los Angeles) at the mouth of the Santa Monica Canyon ([Exhibit 1](#)). The bike trail was damaged where it joins the bridge crossing the outlet during early 2023 storm events and has since sustained additional damage during 2024 and 2025 winter storms. The proposed development includes removal of damaged concrete path, landward realignment of the southern loop portion of the path, grading of the Santa

Monica Channel, and installation of 130 linear feet of metal sheet pile on either side of the channel outlet to protect the bicycle bridge foundations.

The applicant is proposing 7,600 cy of grading in the channel to be reused on site to build up the channel banks, cover the metal sheet piles, and improve the flow of water out of the channel ([Exhibit 3](#)). The proposed maintenance work includes excavation of accumulated sediment at the seaward end of the outlet, and deposition of the sandy materials on the adjacent channel banks.

The primary issues raised by this project concern coastal hazards, public access, and water quality. To address these impacts, Commission staff coordinated with the applicant for revisions to the proposed project and are recommending several special conditions.

The partial realignment of the path conflicts with the previous CDP (5-19-0365) Special Condition 1, which required the path be moved if it were damaged by coastal hazards. This proposed project is a partial realignment of the existing path to allow adequate time for the County to develop a complete trail realignment plan that is more consistent with the Coastal Act in light of the coastal hazard risks and coastal resources endangered at this site. **Special Condition 1** limits the length of development authorization to a time frame of no more than ten (10) years and requires that the County submit a detailed relocation analysis in five (5) years. As conditioned, staff believes the project is designed to provide the County a reasonable period of time to evaluate alternatives, engage in adaptation planning, and implement a relocation plan that would minimize the perpetuation of this segment of MBBT in a hazardous area.

Currently, the MBBT is seaward of, and runs parallel to, the pedestrian walking path and bridge, which are directly adjacent to each other except for the portion leading up to the channel. The divergence occurs just North of the channel and is prompted by a pedestrian tunnel managed by Caltrans that allows pedestrians to cross under PCH and access the beach ([Exhibit 3](#)). The project proposes to repair and realign the seaward bicycle path and maintain the path bridge constructed in 2023. Additionally, metal sheet piles would be buried in sand excavated from the channel to prevent major erosion during future storm events. While the proposed project would result in maintaining the existing bicycle bridge for no more than 10 years, should the bike trail be damaged and unusable by the public before the end date of authorization, **Special Condition 1** further requires the County implement safe shared bicycle and pedestrian access over the pedestrian bridge until such time that alternative development or access approved by the Commission is realized. Furthermore, **Special Condition 8** requires a watershed study be conducted to investigate upstream actions that can be taken to manage peak storm flows that are creating hazards to the path and bridge from scour.

Special Condition 2 requires that prior to construction the applicant submit a final Bike Path and Channel Design plan and a Monitoring and Maintenance Plan. **Special Condition 2** further requires the applicant to submit a construction staging plan that avoids habitat areas, minimizes use of public beach parking spaces, and is in accordance with Best Management Practices (BMPs) during construction to avoid

negative water quality impacts. **Special Condition 7** requires as-built plans to ensure maintenance adheres to the approved outlet conditions.

To prevent adverse impacts to public access opportunities in the coastal zone, **Special Condition 3** requires the applicant to submit a construction staging plan that minimizes the impact to public access. Since project activities would occur near coastal waters and could result in adverse impacts to water quality and marine biological resources, **Special Conditions 4, 5, and 6** require the applicant to implement a number of construction BMPs and biological monitoring measures that are expected to avoid or substantially reduce the potential for such impacts. To ensure that the applicant obtains other necessary approvals and complies with all permit requirements and mitigation measures, with respect to preservation and protection of water quality, the marine environment, and sensitive species, **Special Condition 10** requires the applicant seek concurrence or non-objection or obtain other agency approvals if necessary for this development to take place.

To minimize the project's potential future impact on shoreline processes, **Special Condition 12** requires the applicant to acknowledge that the development described herein is not entitled to shoreline protection in the future and that all or portions of the development may be required to be removed by the applicant if it becomes damaged or unsafe for use. Finally, as the project site is located on the beach where there are inherent dangerous conditions, **Special Condition 13** requires the applicant to assume the risks of building in an area subject to coastal hazards.

The project is located within the Commission's retained jurisdiction; thus, the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

Staff recommends the Commission find that the project, as proposed by the applicant and further conditioned herein, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-24-0471 with thirteen special conditions. The motion and resolution can be found on Page 5.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION5

II. STANDARD CONDITIONS5

III. SPECIAL CONDITIONS6

IV. FINDINGS AND DECLARATIONS 15

 A. Project Description and Background 15

 B. Other Agency Approvals 17

 C. Development and Hazards..... 17

 D. Public Access and Recreation 22

 E. Water Quality 23

 F. Local Coastal Program 25

 G. California Environmental Quality Act..... 25

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS 26

EXHIBITS

- Exhibit 1 – Vicinity Map and Project Site
- Exhibit 2 – Existing Development
- Exhibit 3 – Proposed Development
- Exhibit 4 – Historical Changes
- Exhibit 5 – CoSMoS Groundwater Analysis
- Exhibit 6 – Long Term Adaptation Plan from CDP 5-19-0365

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-24-0471 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Length of Development Authorization.

A. **The approved development is authorized for no more than ten (10) years from the date of Commission approval (i.e., through March 14, 2035).** By acceptance of this CDP, the permittee acknowledges and agrees that the development authorized pursuant to this permit, including but not limited to the proposed public bike trail and metal sheet piles, are interim and permitted for the specified timeframe in order to provide a reasonable period of time for the permittee to evaluate future risk of coastal hazards influenced by sea level rise and increased storm intensity and to plan, develop, and implement any necessary responses to coastal hazards including, but not limited to, relocation alternatives to ensure minimization of risk in the long term, as further described in Subsection E of this condition. After such time, the authorization for the continuation and/or retention of the development, including buried plates, shall cease. This time period may be extended as described in Part C of this condition.

B. **Within five (5) years from the date of approval of this CDP (i.e., before March 14, 2030),** the permittee shall submit to the Executive Director a **Bike Trail Adaptation Analysis** for the relocation of the City's Bike Trail as it crosses the Santa Monica Canyon outlet, as shown on **Exhibit 3**, that provides long-term alternatives to continue providing public access that is consistent with the Coastal Act or relevant LCP provisions, if the Commission certifies an LCP for the City by that time, and does not rely on shoreline protective devices. The permittee shall evaluate alternatives for the relocation of the seaward bicycle bridge away from the mouth of the Santa Monica Canyon outlet to an area that is less susceptible to sea level rise and/or erosion from increased intensity storm events. The analysis shall provide the condition of existing infrastructure, potential locations for pedestrian and bicycle crossings, potential phasing options with timelines, feasibility analysis, potential funding options, and geotechnical considerations for the infrastructure to provide recreational opportunities within the Coastal Zone.

C. Should the bike trail authorized by the subject permit become unsafe for public use prior to the end of the authorization period (i.e. before March 14, 2035), the permittee shall make use of the existing inland pedestrian path as a shared bike and pedestrian path until a Commission-approved adaptation alternative is implemented. The permittee shall provide adequate signs, approved by the Executive Director, that direct users to and provide for safe use of the shared path.

D. One (1) year prior to the expiration of the subject permit term (i.e. by March 14, 2034) or within ninety (90) days of the bike trail becoming unsafe for use, whichever occurs first, the permittee shall submit a new complete CDP application for the implementation of an adaptation plan for the subject segment of the Marvin Braude Bike Trail. The application materials shall include any reports required pursuant to Special Condition 2 of this permit. Failure to obtain a new CDP shall cause this development to be in violation of the terms and conditions of this coastal development permit.

E. Any change to the specified authorization term or associated requirements shall require a new CDP or an amendment to this permit unless the Executive Director provides a written determination that no amendment is legally required.

2. Revised Final Plans. PRIOR TO CONSTRUCTION, the permittee shall submit for review and written approval of the Executive Director, two hard copies and one electronic copy of each of the following final plans except that they shall be modified as required below:

A. A Final Bike Trail and Channel Design Plan that conforms with the plans submitted to the Commission, titled **Santa Monica Canyon Channel Outlet Restoration and Marvin Braude Bike Trail Repair** dated **01/29/2025**. The plans shall include the design details for both the repair of the bike trail and the channel excavation. The channel excavation shall be the minimum necessary to protect the outlet and bike trail from storm events and/or wave action for the ten (10)-year authorization term.

B. At least two (2) weeks prior to the reuse of excavated material, the permittee shall provide evidence to the Executive Director of the location and method of disposal to an approved disposal location either outside of the coastal zone, or in the Santa Monica Channel banks. If the excavated material will be deposited in the Santa Monica Channel Banks, an engineer(s) or environmental professional(s), with appropriate qualifications acceptable to the Executive Director, shall: (1) within thirty (30) days, but no later than two (2) weeks, prior to each excavation operation, to conduct testing at the source site, and prepare and submit a Sampling and Analysis Plan for the review and approval of the Executive Director and (2) monitor the site during all sediment disposal activities. The Sampling and Analysis Plan shall be consistent with the following:

1. **Extent** - Channel maintenance and sand reuse shall be limited to the final approved footprint.
2. **Debris Content** - The monitor shall conduct a visual inspection of all excavated sediments that meet the grain size thresholds and are not determined to be contaminated prior to reuse on the channel banks. These inspections shall determine whether or not debris

such as trash, woody debris, plant material, charcoal, or pockets of discolored sediment is present within the stockpiled material. If present, all such debris shall be separated from the sand material prior to reuse on site (by mechanical screening, manual removal or other means) and taken to a permitted disposal site outside of the coastal zone authorized to receive such material.

3. Contaminants - Based on U.S. EPA Tier I analyses results, Tier II bulk chemical analysis shall be conducted on representative composite samples of each source proposed for channel bank reuse. The material shall be analyzed for consistency with EPA, ACOE, SWRCB, and RWQCB requirements for beach replenishment. At a minimum, the chemical analysis shall be conducted consistent with the joint EPA/Corps Inland Testing Manual. If the ACOE, EPA, SWRCB, or RWQCB determine that the sample(s) exceed Effects Range Medium (ER-M) contaminant threshold levels according to the NOAA Screening Quick Reference Tables (SQUIRTs), these materials shall not be reused on the channel banks and exported outside of the coastal zone.
4. Confirmation - The analysis shall include confirmation by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board that the material proposed for reuse meets the minimum criteria necessary for placement adjacent to the channel.
5. Reporting - Annual reporting from the inspections, noting damage to the path, placement of sand (number of events, volume of sand and placement location), sampling results, beach width estimates and the location and timing of any observed scour areas, edge waves, rip channels, etc. Reports shall be submitted to the Executive Director no later than May 1st of each year and with any application for a new or amended coastal development permit.
6. Impacts - If the proposed routine maintenance activity is deemed to have a potential risk of adverse environmental impacts by the Executive Director, then the permittee shall apply for that maintenance activity under a separate coastal development permit.

C. A Construction Staging Plan that avoids habitat areas, minimizes use of public beach parking spaces, and provides for storage of any mechanized equipment off the public beach and in accordance with best management practices to avoid water quality impacts during initial construction and approved maintenance activities detailed in Special Condition 5.

3. Final Public Access Plan. PRIOR TO CONSTRUCTION, the permittee shall submit for review and written approval of the Executive Director a Final Public Access Plan shall include, at a minimum, the following components:

- A. The minimum number of public parking spaces that are required. The number of public parking spaces utilized shall be the minimum necessary to implement the project.
- B. No overnight storage of equipment or materials shall occur outside the designated work area.
- C. Continuous public pedestrian access around the construction site on Will Rogers State Beach must be maintained at all times for the duration of construction to the extent feasibly consistent with public safety.
- D. Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline of the project site.
- E. Provide a detailed construction schedule and identify through clear mapping exhibits, and provide rationale for, the minimum necessary beach work area to be closed throughout the project timeline.
- F. Signage shall be installed directing pedestrians and bicyclists at the beach to alternative lateral access corridors. All signs shall be in plain language in English and Spanish at a minimum but may include other common languages used throughout Southern California.
- G. Identification of the location and size of a staging area that minimizes impacts to public access, including minimizing use of public parking spaces.
- H. The staging site shall be removed and restored immediately following completion of the development.

4. Habitat and Sensitive Species Protection Measures During Project Activities.

- A. No more than seventy-two (72) hours prior to any project activities, a qualified Resource Specialist, approved by the Executive Director, shall survey the project site and identify with flags, stakes, or other markers all areas of existing native vegetation. Avoidance measures shall be implemented for native dune vegetation in areas where these species exist as a natural community and in areas where these species co-occur with non-native species at a minimum buffer of twenty-five (25) feet. Where 25-foot buffers are infeasible due to existing public amenities, including parking lots, sidewalks, and the bike trail, the maximum feasible buffer shall be provided.
- B. The limits of development work shall also be clearly demarcated to identify the boundaries of the construction area and habitat area.

- C. An appropriately trained biologist, approved by the Executive Director, shall monitor during all project activities for disturbance to sensitive species or habitat area. Based on field observations, the biologist shall advise the permittee regarding methods to minimize or avoid significant impacts, which could occur upon sensitive species or habitat areas. The biological monitor shall stop work if any adverse impacts to sensitive species at the project site and/or within the project vicinity could result from continuation of the proposed development. The permittee shall not undertake any activity that would disturb sensitive species or habitat area unless specifically authorized and mitigated under this coastal development permit or unless an amendment to this coastal development permit for such disturbance has been obtained from the Coastal Commission.

5. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The permittee shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- C. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- D. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- E. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- F. The permittee shall use plastic-free netting or no netting in a temporary erosion and sediment control BMPs.
- G. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and heavy-duty silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.

- H. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J. The discharge of any hazardous materials into any receiving waters is prohibited;
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction and maintenance activity.

6. Minimize Erosion and Sediment Discharge. During construction and maintenance activities, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

- A. Land disturbance during construction and maintenance activities (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
- B. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
- C. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sandbag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

- D. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
- E. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
- F. Grading shall be avoided during rain events to minimize erosion and sediment discharge.

7. As-Built Plans. WITHIN 90 DAYS OF PROJECT COMPLETION, the permittee shall submit as-built plans for the approved channel excavation, which include volume of sand excavated, sand bank footprint, bank toe and crest elevations, locations of public access paths or ramps, locations of metal sheet piles, and locations of the fixed or permanent benchmarks from which the elevation and seaward limit of the bank berms and excavation can be referenced for required monitoring and necessary maintenance.

8. Watershed Study. Within five (5) years from the date of approval of this CDP (i.e., before March 14, 2030), the permittee or its successor shall submit to the Executive Director an integrated watershed study utilizing a Driving force-Pressure-State-Impact-Response (DPSIR) framework that analyzes the land use and engineering challenges of managing floodwaters in the Santa Monica Canyon branches draining to the outlet over the next 75 years. At minimum the study should identify pinch points, existing areas of flooding, extent of nonconformities in open permeable space, and cross-jurisdictional coordination necessary to implement watershed-wide adaptation measures.

9. Maintenance. The authorized development described herein may be maintained in its authorized as-built state, subject to the following:

- A. **Maintenance.** "Maintenance," as it is understood in this special condition, means development that would otherwise require a CDP whose purpose is to maintain in the approved state of the Santa Monica Channel outlet, buried metal sheet piles, and channel banks. Proposed activities that would add to, enlarge, extend, heighten, or otherwise expand the authorized development in any way shall not be considered maintenance and shall require an amendment to this permit or a new CDP depending on the nature and extent of the proposed activities.
- B. **Other Agency Approvals.** The permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance or repair.
- C. **Maintenance Notification.** At least two weeks prior to commencing any maintenance activity, the permittee shall notify, in writing, planning staff of the Coastal Commission's South Coast District Office. The notification shall include: (1) a detailed description of the maintenance proposed; (2) any plans, engineering and/or geology reports describing the maintenance event; (3) a construction plan that clearly describes construction areas and methods, and

complies with all best management practices (BMPs) required; (4) other agency authorizations; and (5) any other supporting documentation describing the maintenance event. Maintenance may not commence until the permittee has been informed by planning staff of the Coastal Commission's South Coast District Office that the maintenance proposed complies with this CDP. In the event of an emergency requiring immediate maintenance, the notification of such emergency shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency. The permittee shall take all legally required follow up activities, and in no event take steps beyond the minimum required to abate the immediate emergency episode, and in compliance with all Coastal Act policies insofar as possible given the situation. The permittee shall document all steps taken in a written report including photos, to be submitted within 3 days of the action undertaken pursuant to this section.

- D. **Noncompliance Provision.** If the permittee is not in compliance with permitting requirements of the Coastal Act, including the terms and conditions of any Coastal Commission CDPs and/or other coastal authorizations that apply to the subject properties, at the time that a maintenance event is proposed, then maintenance that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed until the permittee is in full compliance with the permitting requirements of the Coastal Act, including all terms and conditions of any outstanding CDPs and/or other coastal authorizations that apply to the subject properties.
- E. **Duration of Covered Maintenance.** Future maintenance under this CDP is allowed subject to the above terms until **March 14, 2035**. The intent of this permit is to allow for maintenance to occur without the need to obtain additional CDPs throughout the period of development authorization (see **Special Condition 1**) unless there are changed circumstances that may affect the consistency of this maintenance authorization with the policies of Chapter 3 of the Coastal Act.

10. Other Agency Approvals. The permittee shall comply with all permit requirements and mitigation measures of the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW). The applicant is responsible for obtaining other agency approvals if necessary for this development to take place. Any change in the approved project, which is required by the above-stated agencies, shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

12. No Future Shoreline Protective Device; Development Removal

- A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-24-0471 including, but not limited to, the repair and

realignment of the existing Marvin Braude Bicycle Path including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.

- B. By acceptance of this permit, the applicant 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, including the realigned bike trail and metal sheet piles, and restore the site, if:
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 path is currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for use without the use of 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.

In addition, this approval does not permit any development to be located on lands impressed with a public trust interest, and any development that comes to be located on such lands due to the movement of the mean high tide line must be removed unless the Coastal Commission determines, pursuant to a permit amendment, that the development may remain pursuant to the Coastal Act. If the development comes to be located on lands impressed with a public trust interest due to the movement of the mean high tide line, the applicant would also be subject to the State Lands Commission's (or other designated trustee agency's) discretionary leasing approval.

- C. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose

of the material in an approved disposal site. Such removal shall require a coastal development permit.

13. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant, on behalf of itself, and its successor and assigns, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding 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; (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 and fees incurred in defense of such claims, expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The applicant is proposing to repair and realign a segment of the existing MBBT along Will Rogers State Beach (City of Los Angeles) at the Santa Monica Canyon outlet that was damaged during a February 2023 storm event. A five-foot wide, 340 foot long, segment of new bike trail will replace a damaged portion of the trail in a more landward location. The proposal also includes grading within the Santa Monica Channel and installation of 130 linear feet of removeable metal sheet piles on either side of the outlet extending approximately 40 feet south and 90 feet north of the channel outlet. The sheet piles would be driven approximately 40 feet below grade and rise to approximately 10 feet above grade and are proposed to be covered on either side by excavated sand from the channel. The applicant is further proposing to maintain the width and depth of the channel on a continuous, as-needed basis. The proposal also includes removal of damaged trail debris and southern loop, as well as metal plates and riprap installed in January 2023 under Emergency Permit G-5-23-0004.

The proposed project is located on a sandy beach at the outlet of Santa Monica Canyon in the Pacific Palisades segment of the City of Los Angeles. Rustic Canyon Creek and Santa Monica Canyon converge between Channel Lane and Short Street, approximately 800 feet landward of Pacific Coast Highway (PCH), and terminate at Will Rogers State Beach at the project location. The outlet was historically a sandy area with intermittent water flow depending on the amount of rainfall experienced in a particular year ([Exhibit 4](#)). Historical photographs show that the channel contained little to no vegetation and had a flashy hydrology that has low flows most of the year with intense

high flows during storm events that can create a lagoon of varying sizes during wet months. The sub-watersheds that naturally drain to this point are enumerated by USGS with a twelve-digit Hydrologic Unit Code (HUC-12) 180701040402 ([Exhibit 1](#)). This watershed is the southern-most basin that drains canyons from the Santa Monica Mountains directly into Santa Monica Bay. Of the sub-basins that drain to the project outlet, only two have portions within the coastal zone. Santa Monica Canyon, a higher order stream, receives waters from Sullivan and Mandeville Canyon, and Rustic Canyon Creek. Within the coastal zone the Santa Monica Canyon is completely channelized and limited to the confines of a concrete channel approximately 25 feet wide upstream of the confluence and 35 feet wide downstream of the confluence. Santa Monica Canyon has been identified as a Critical Coastal Area¹ and has been on the Clean Water Act Section 303(d) list of impaired waterbodies since 2002. The Rustic Canyon Creek portion of the canyon is mostly soft-bottomed, making it able to filter water naturally as it moves through the soil profile and to contribute to the local groundwater table. This important difference also allows Rustic Creek to support greater amounts of biological productivity along its path.

Project Background

Will Rogers State Beach is owned by the California Department of State Parks (State Parks) and managed through the City of Los Angeles Department of Recreation and Parks (RAP). RAP has authorized the Los Angeles County Department of Public Works to serve as the applicant for the project and is developing a memorandum of understanding (MOU) with the applicant to maintain the trail. The subject beach trail is included in the larger MBBT, a paved path located on the sandy beach that extends from Torrance to Pacific Palisades in the City of Los Angeles. The trail provides lateral public access and recreation opportunities to pedestrians, wheelchair users, bicyclists, rollerbladers, and skateboarders. The proposed project is one of several projects to realign and/or repair the MBBT in order to improve lateral public access along the coast.

The MBBT has been extended in this area with different development permits approving specific segments. In 2011, the Commission approved CDP No. 5-10-052 to repave and realign a 1.71-mile section of the bicycle trail within the Playa Del Rey neighborhood of the City of Los Angeles. In 2019, the Commission approved CDP No. 5-18-0267 to widen one mile of Ocean Front Walk and two miles of the MBBT from 14 feet to 30 feet within the City of Santa Monica. The segment of the proposed project site was originally constructed after 5-19-0365 permit, approved October 22, 2020, allowed widening the Pacific Palisades portion of the trail to 30 feet to align the Will Rogers portion with the Santa Monica portion of the trail. That project also included the construction of a Class I bicycle path concrete slab bridge above the Santa Monica Canyon outflow. The bridge foundation consists of cast in steel shell piles and was constructed behind the existing channel walls.

¹ [Santa Monica Canyon CCA Factsheet 2019](#)

On January 5, 2023, a storm event produced a high surge of storm water from the outlet structure located at the MBBT bridge constructed pursuant to CDP 5-19-0365. The high volume of surge eroded the embankment supporting the bridge piles and abutments of the bridge and exposed the piles supporting the end of the abutment. An Emergency Permit, G-5-23-0004 issued January 11, 2023, granted the installation of metal plates at the end of the existing channel wall and temporary placement of 150 tons of riprap 10 feet seaward from each side of the existing flood channel walls below the beach trail. Pursuant to the fourth Condition of Approval for the emergency permit a large portion of the riprap and some of the metal sheets have already been removed from the site as they became dislodged. Proposed as part of this permit is the complete removal of the remaining riprap and metal plates.

Parallel to the bike trail is a paved pedestrian path and bridge over the outlet, adjacent to both is a pedestrian tunnel that runs under PCH and allows the public to safely access trails and the beach. A public beach parking lot is located just landward and to the south of the outlet, and PCH, which includes buried utilities, lies directly landward of the trails to the east. There are several jurisdictional considerations at this location, and integrated adaptation measures for the infrastructures present at this location, including relocation of the bicycle trail in a more landward location than as proposed by the applicant, are likely to be necessary and require cross-jurisdictional collaboration. Thus, the applicant is proposing an interim project to protect, repair and relocate the bicycle path for a limited term of ten years at this time.

The project site is within the Commission's retained jurisdiction area. The standard of review is Chapter 3 policies of the Coastal Act.

B. Other Agency Approvals

For the original construction of the MBBT in this location (CDP 5-19-0365) the applicant obtained a letter of concurrence or non-objection and did not require a permit from State Parks. The project may require additional permits from other agencies, including but not limited to State Parks, USFWS regarding the Western Snowy Plover Critical Habitat designation, US Army Corps, Regional Water Quality Control Board, and California Fish and Wildlife. Therefore, to ensure that the applicant obtains all necessary agency approvals, and that these approvals are consistent with the project authorized herein, the Commission imposes **Special Condition 10**, which requires that the applicant obtain and comply with any and all permit requirements and mitigation measures with respect to preservation and protection of water quality, the marine environment, and sensitive species. Additionally, any changes to the approved project required by other agencies must be submitted to the Executive Director in order to determine if the proposed change requires a permit amendment.

C. Development and Hazards

Section 30235 of the Coastal Act states:

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 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states, in part:

New development shall ...

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The project site is located on the sandy beach, and is therefore vulnerable to erosion, flooding, wave runup, and storm hazards. These hazard risks are exacerbated by sea level rise that is expected to occur over the coming decades. In this geographic area, the main concerns raised by beach development are impacts to public access and recreation, and whether hazardous conditions might eventually lead to a request to build a shoreline protection device to protect the proposed development, which would further impact public access and recreation and would have detrimental effects to natural processes and coastal resources.

Coastal Act Sections 30235 and 30253 acknowledge that seawalls, revetments, retaining walls, groins and other such structural or “hard” methods designed to forestall erosion also often alter natural landforms and natural shoreline processes. Accordingly, Section 30235 limits the construction of shoreline protective works that alter natural shoreline processes to those required to protect existing permitted structures, coastal dependent uses, or public beaches in danger from erosion and only when designed to avoid or mitigate adverse impacts on local shoreline sand supply. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access,

coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately resulting in the loss of sandy beach. Additionally, the Commission has at times historically permitted protective structures, if such structures are capable of being removed.

To protect the bicycle path and bridge foundations at the outlet mouth, the applicant is proposing to drive metal sheet piles on both sides of the canyon outlet where scour is eroding the sand around the existing bridge foundations. The majority of the sheet pile's 50-foot vertical length will be vibrated into the ground, and approximately 8 to 10 feet will be above the bottom elevation of the channel. Routine maintenance excavation on the channel will be necessary during the rainy season at the outlet mouth to allow for continual flow of water as stormflows deposit sediment and debris. The maintenance is proposed to prevent some scour around the sheet pile walls and to maintain the sheet piles buried in sand. The applicant has provided evidence that the proposed development is the minimum necessary to maintain sufficient flow out of the channel. In this case, the sheet piles are not expected to significantly impact shoreline processes as they will be covered in sand excavated from the adjacent channel as they are exposed, maintaining a localized cycle of sediment deposition and erosion.

The California Ocean Protection Council's State of California Sea-Level Rise Guidance 2024 Update² and the Commission's Sea Level Rise Policy Guidance November 2024 Adopted Update³ contain a set of sea level rise scenarios for 14 tide gauges throughout California, and both agencies recommend using these scenarios and related information as best available science on sea level rise in California. The values included in these scenarios are slightly lower than the projections included in the 2018 version of the Sea Level Rise Policy Guidance, reflecting the updated body of research on global and regional sea level rise. The 2024 State Sea Level Rise Guidance is currently considered the best available science on sea level rise for the State of California. The updated sea level rise scenarios in the 2024 OPC State Sea Level Rise Guidance suggests sea levels could rise between 0.8 and 6.4 feet by 2100 at the Santa Monica tide gauge, depending on future greenhouse gas emissions, dynamics of ice sheet loss, and other factors.

The applicant submitted a Coastal Hazards report prepared by ESA on September 16, 2019, to analyze the project site's susceptibility to coastal flooding, erosion, wave uprush events, and other coastal hazards. In their analysis, ESA estimated 5.5 feet of sea level rise, which corresponds to a projected life-span of 80 years, a low emissions scenario, and a medium-high risk aversion scenario under the OPC's 2018 guidance for projects in the Santa Monica Tide Gauge. The study concluded that the project site is not likely to be impacted by coastal hazards in the short term (2019-2065). This is likely due to the existing trail's location between 250-450 feet inland of the mean high tide

² Ocean Protection Council Sea-Level Rise Guidance: 2024 Update is accessible online at: <https://opc.ca.gov/wp-content/uploads/2024/05/California-Sea-Level-Rise-Guidance-2024-508.pdf>

³ The California Coastal Commission's Sea Level Rise Guidance November 2024 Adopted Update is accessible online at: <https://www.coastal.ca.gov/climate/slrguidance.html>

line. However, in the mid-term life of the structure (2065-2090), the northwestern half of the site is expected to be at risk from storm erosion. In the long term (2090-2140), the entire project site would be at risk from storm erosion and the shoreline would be expected to retreat to the proposed trail at the northwestern and southeastern ends of the project segment. Regular flooding and inundation are expected to occur in the long-term scenario. Staff also undertook an independent analysis of the project site using a 4.9- foot sea-level rise and 100-year storm surge scenario using CoSMoS. Similar to the applicant's hazard analysis, staff found that the trail was subject to coastal flooding and coastal erosion in the long term. A closer look at the CoSMoS model shows that the expected erosion and flooding are likely caused by the presence of the Santa Monica Creek outlet ([Exhibit 5](#)). Including flooding and erosion- an adaptation strategy is needed in order to ensure that lateral public access along Will Rogers State Beach is maintained.

The applicant prepared an adaptation plan pursuant to CDP 5-19-0365 that included relocating the segment of the MBBT adjacent to PCH, landward of the existing canyon bridges and the current proposal ([Exhibit 6](#)). Rerouting this segment per the adaptation plan would move this segment landward of where the shoreline is expected to retreat, which is expected to reduce the long-term (2090-2140) vulnerability of this segment to regular flooding and inundation. As higher intensity stormflows become more common due to climate change and upstream development intensifies, scour around the outlet is becoming a more prevalent hazard. The applicant has stated that actualizing the prepared adaptation plan is complicated by the combination of multiple jurisdictions managing infrastructure around the outlet, the need to reconfigure and relocate the tunnel and parking lot, and the rapid pace of water regime changes. Therefore, a protection strategy for the trail and associated bridge while a more comprehensive adaptation plan is developed is needed. The applicant proposes to drive 130 linear feet of metal sheet pile on either side of the outlet wingwalls. Ninety feet will be installed on the north side of the outlet where more scour is currently being observed. The additional new development proposed is the landward relocation of a portion of the bike trail. This is being done to minimize the risks to life and property in this location in the interim while a final adaptation plan is developed. Neither of these components will create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding, or require the construction of protective devices.

To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: limit the duration of the permit to ten years, require an annual maintenance report, conduct a watershed study that looks at basin wide actions to manage storm flows, provide a comprehensive relocation plan, reuse all beach quality excavated material on-site, waive rights to future shoreline protection, and assume risks and waive liability.

The Commission imposes **Special Condition 1**, which limits the authorization of the proposed develop to ten years from the date of approval, requires a detailed relocation plan within five years, and to utilize the existing landward pedestrian bridge if the path is damaged prior to the end of the authorization period. **Special Condition 2** requires that prior to construction final revised plans be submitted that substantially conform with the

plans submitted January 30, 2025. For the reasons stated above, the Commission also imposes **Special Condition 12** and **Special Condition 13**. Under **Special Condition 12**, the applicant acknowledges that the permitted development is not entitled to shoreline protection. Likewise, under **Special Condition 13**, the applicant assumes the risks of developing in an inherently hazardous area.

The current design of the outlet has been in place circa 1930 and is of a narrower width than the natural sand wash that was present before development ([Exhibit 4](#)). This narrowing, in combination with the introduction of additional impermeable development of land upstream, causes peak storm flows to be of a greater volume and speed than what was occurring when the outlet was designed. This change in the hydrological regime has implications for the whole watershed and is especially noticeable downstream of channelized sections of the creeks. Moreover, with global warming, the frequency of large precipitation events with extreme rainfall rates will increase.⁴ Despite only modest expected changes in rainy season mean precipitation in Southern California during the twenty-first century, Swain et al. (2018) predict approximately 150% increase in extremely wet seasons, greater than 500% increase in extreme sub-seasonal precipitation events, and an approximate 75% increase in year-to-year “whiplash” between wet and dry years. Due to an overall increase in water vapor under a warming climate, the typical North Pacific Low bringing precipitation to the California coast during the rainy season is expected to deepen and be reinforced in wet years, thus increasing extreme wet-event frequency. Additional research by Dettinger (2011), Cai et al. (2014), and Allen & Luptowitz (2017) attributes exacerbation of the general dynamic forcing effect to tropical and Arctic teleconnections (e.g., El Niño-Southern Oscillation, etc.) and regional-scale influences (e.g., atmospheric rivers and orographic precipitation). Therefore, it is anticipated that increasing rainfall rates during extreme precipitation events would create additional flood events.

Larger storms and more impervious surfaces in the watershed create peak flows with greater potential to move large debris and increase scour around the outlet wingwalls. In addition to increased erosion, the outlet could experience more events that impair the flow of water out of the outlet with sediment and debris. If there is not adequate upland management and maintenance of the drainage systems, damage to the various culverts and channels themselves can occur in addition to damaging the MBBT. The use of bio-swales, detention ponds, and other similar infrastructure can improve water quality as well as reducing peak stormflow volumes and speed.

⁴ Swain, D.L., Langenbrunner, B., Neelin, J.D. et al. Increasing precipitation volatility in twenty-first century California. *Nat. Clim. Chang.* 8, 427–433 (2018); Cai W, Borlace S, Lengaigne M, van Rensch P, Collins M, Vecchi G, et al. Increasing frequency of extreme El Niño events due to greenhouse warming. *Nat. Clim. Chang.* 4, 111–116 (2014); Allen, R. J. & Luptowitz, R. El Niño-like teleconnection increases California precipitation in response to warming. *Nat. Commun.* 8, 16055 (2017); Dettinger, M. Climate change, atmospheric rivers, and floods in California—a multimodel analysis of storm frequency and magnitude changes. *J. Am. Water Resour. Assoc.* 47, 514–523 (2011).

Therefore, **Special Condition 8** requires the applicant to submit a watershed study that analyzes the land use and engineering challenges of managing floodwaters in the Santa Monica Canyon watershed.

Thus, as conditioned by the Commission, the proposed project can be found to be consistent with Sections 30235, 30252, and 30253 of the Coastal Act pertaining to new development.

D. Public Access and Recreation

Section 30211 of the Coastal Act states:

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

Section 30223 of the Coastal Act States:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

While the proposed project would result in some temporary impacts to coastal access and recreational use of the beach during construction and maintenance activities, the long-term effect of the project would be beneficial, by reopening the damaged MBBT portion that connects the Pacific Palisades to the City of Santa Monica. Additionally, similar to existing conditions, during project construction bike trail users will continue to have access through a re-route and use of the existing pedestrian path. When the proposed project is completed, the bike trail will be re-opened and available as a source of access and recreation.

To ensure that access is maintained during project activities, **Special Condition 2C** requires a construction staging plan that reduces to the maximum extent feasible the number of parking spaces taken up during construction activities, and **Special Condition 3** further details the requirement to keep access to the beach safe and minimize disruption to public access.

As mentioned in the section above larger storms and more impervious surfaces in the watershed create peak flows with greater potential to move large debris and increase scour around the outlet wingwalls. In addition to increased erosion, the outlet could experience more events that impair the flow of water out of the outlet with sediment and debris. If there is not adequate upland management and maintenance of the drainage systems, additional damage to the MBBT could occur. Therefore, **Special Condition 8** requires the applicant to submit a watershed study that analyzes the land use and engineering challenges of managing floodwaters in the Santa Monica Canyon watershed.

As conditioned, the Commission finds that proposed development will not have any new adverse impacts on public access to the coast or nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Section 30211 and 30223 of the Coastal Act pertaining to public access and recreation.

E. Water Quality

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The proposed project will continue the sediment supply of the existing creek system by placing onto the adjacent channel banks all beach quality sand that is excavated during the construction and maintenance throughout the life of the proposed project. In addition, the project will excavate the inlet area regularly to maintain water flow into the ocean. The proposed project will not alter high water flows down the canyon, and these events will also carry sediments from the creek channel to the coast, in the manner that occurs at present.

Construction and Maintenance Impacts to Water Quality & Biological Productivity

The above policies of the Coastal Act require protection of marine resources and the biological productivity and quality of coastal waters, including by controlling runoff and preventing spillage of hazardous materials. The proposed project has the potential to

adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can inhibit light penetration and reduce habitat quality and foraging success for avian and marine species. To avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 5 and 6**, which outline construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove all debris resulting from construction activities at the end of every day. In addition, all construction materials, excluding lumber, shall be covered, and enclosed on all sides, and as far away from receiving waters as possible. Additionally, the Commission imposes **Special Conditions 9 & 2B**, which limit the duration of authorized maintenance to ten years, specify maintenance activities do not occur during rain events, and that only beach quality material, free of large debris, be reused on the site.

The biological assessment report states that a few native birds can be expected to nest within 300 feet of the study area and are provided protection under the provisions of the Migratory Bird Treaty Act and Fish and Game Code. It is possible some construction or maintenance activities may need to take place during nesting season (generally February through August). Additionally, some sensitive natural communities were observed within the study area, and seven special-status wildlife species have a low to moderate potential to occur within the project area. Therefore, the Commission imposes **Special Condition 4**, which requires a qualified resource specialist to survey the project area prior to any project activities and identify with flags, stakes, or other markers all areas of existing native vegetation in order to take appropriate avoidance measures. The special condition further requires an appropriately trained biologist to monitor all project activities for disturbance to sensitive species or habitat area and stop work if any adverse impacts to sensitive species at the project site and/or within the project vicinity could result from continuation of the proposed development.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and maintenance activities on the marine environment. These design features include, but are not limited to, one or more of the following: the appropriate management of equipment and maintenance materials, and for the use of post-maintenance best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections

30230, 30231 and 30232 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a Local Coastal Program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. Additionally, this project is within the retained jurisdiction of the Coastal Commission. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The County of Los Angeles found the project to be Categorically Exempt as repair and maintenance of an existing bicycle trail with minor alterations to land and no expansion of capacity (Cal. Code of Regs., tit. 14, div. 6, § 15269(a), 15301(c), 15302, and 15304).

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application No. 5-24-0471 and associated file documents.
- Emergency Coastal Development Permit No. G-5-23-0004
- Marvin Braude Beach Trail Gap Closure Project Coastal Hazard Analysis prepared by ESA on September 16, 2019 submitted as part of Coastal Development Permit Application No. 5-19-0365
- MBBT Adaptation Plan prepared by The County of Los Angeles Department of Public Works submitted as part of Coastal Development Permit Application No. 5-19-0365
- Marvin Braude Beach Trail Gap Closure Project Biological Assessment prepared by ESA on November 2018, submitted as part of Coastal Development Permit Application No. 5-19-0365