

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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November 21, 2016

Permit Application No.: 5-16-0632

COASTAL DEVELOPMENT PERMIT

On October 6, 2016, the California Coastal Commission granted to **City Of Santa Monica and California Department of Parks and Recreation** this permit subject to the attached Standard and Special conditions, for development consisting of **Transformation of approximately two (2) acres (of three-acre project site) of sandy beach into foredune habitat; the third acre is to remain as intertidal dry/wet sand. The proposed dune habitat measures approximately 541 ft. long and 164 ft. wide, and will have a path through the center allowing public access to the shoreline., more specifically described in the application filed in the Commission offices.**

The development is within the coastal zone at **Three-acres of sandy Santa Monica State Beach, perpendicular to San Vicente Boulevard, and between Adelaide Drive and Georgina Avenue, Santa Monica, Los Angeles County (Latitude: 34.024205 °; Longitude : -118.516220 °) (APN(s): 4293017900)**

Issued on behalf of the California Coastal Commission by

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "Marlene Alvarado".

Marlene Alvarado
Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

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IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: _____

Signature _____

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

SPECIAL CONDITIONS:

1. **Assumption of Risk, Waiver of Liability and Indemnity.**
 - A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims),

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expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the applicants shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

2. **Development Authorization Period.** This CDP authorizes the approved development on a temporary basis for a period of five (5) years from the date of Commission action (i.e., until October 6, 2021). After such time, the authorization for continuation and/or retention of the approved fencing, signage, and active management of the dune habitat shall cease, unless the applicants submit an amendment to this permit, or new Coastal Development Permit application to the Commission, and that amendment or permit is approved, thereby extending the time period for the development. The dune habitat created pursuant to this permit may remain in place.

3. **Dune Habitat Creation Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and written approval of the Executive Director, a landscaping plan prepared by a qualified biologist or licensed landscape architect and a public access fencing and signage plan. The plans shall include the following:

- A. **Dune Habitat Area Footprint.** The dune habitat creation area shall generally include a 164 ft. (50 m.) wide and 541 ft. (165 m.) long footprint and shall be located such that a shore-side buffer area of sandy beach is maintained consistent with **Special Condition 4** to allow for lateral public access between the maximum seaward limit of the dune habitat and the shoreline.
- B. **Dune Planting.** The dune habitat creation plan shall include a planting plan using native coastal strand and southern foredune plant species (plant palette) including source of plant material and plant installation methods. The plant palette shall be made up exclusively of native plants appropriate to the habitats and region, grown from seeds or vegetative materials obtained from the site or from an appropriate nearby beach location to maintain the genetic integrity of the area. No horticultural varieties, and no coastal bluff or back dune species shall be used (e.g. *Artemisia californica*, *Ericameria ericoides*, *Eriogonum parvifolium*, *Perritoma arborea*, *Rhus intergrifolia*). The plan shall also include an exhibit that shows the planned locations, numbers, and spacing of the individual plant species i.e. that depicts their distribution and abundance across the dune area.
- C. **Sand Fencing.** Discontinuous sand fencing shall be temporarily employed to facilitate establishment of dune hummocks. No sand fencing shall be installed on the seaward perimeter of the dune area. In addition to sand fencing, the design shall include strategic placement of native dune vegetation for dune hummock establishment. Temporary sand fencing and strategic planting, rather than mechanized equipment, shall be employed to establish a natural pattern of dune hummocks. The sand fencing shall be no more than 36 inches in height and designed to be removable in the event of wave uprush.

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- A. **Post and Rope Fencing.** Discontinuous post and rope fencing shall be installed through the center of the project site to accommodate an approximately 5 ft. wide and 164 ft. long sandy trail to provide vertical public access to the shore. The post and rope fence shall be no more than 36 inches in height and designed to be removable in the event of wave uprush.
- B. **Signage.** The plan shall include the provision for the installation of signage to be incorporated into the design of the fencing adequate to inform the public of their right to utilize all public access areas on site (including the vertical sandy trail through the center of the habitat area and the lateral portion of the sandy beach between the mean high tide line and the ambulatory beach area at the seaward most limit of the dune habitat area) and generally describing the approved project, including identification of the dune site as a sensitive dune habitat. The signage shall blend in with the surrounding natural environment and not detract from the character of the area. Signs that become subject to erosion or otherwise become unsightly shall be relocated or replaced. The plan shall show the location, size, design, and content of all signs. The signs shall be no larger than 24 inches x 36 inches. No signs shall be posted on the sandy beach unless specifically authorized by the approved signage plan, a separate coastal development permit, or an amendment to this coastal permit, unless the Executive Director determines that no permit or amendment is required. The signs may indicate that the areas within the project site are sensitive dune habitat. In no instance shall signs be posted prohibiting public coastal access.
- D. **Maintenance.** The plan shall include provisions for on-going maintenance and/or management of the dune habitat – beach enhancement area for the term of this coastal development permit, including procedures for removing and relocating the fencing and signage during predicted storm events that may threaten the integrity of the fence or create a potential public safety hazard.
4. **Public Access.** The shore-side buffer area of sandy beach, providing public lateral access, shall extend seaward from the seaward most limit of dune vegetation to the maximum wave uprush limit. Public lateral access and passive recreational use over the entirety of the area running parallel to the shore and extending landward from the ambulatory mean high tide line shall be maintained by the landward re-location of existing vertical sand fencing and post-and-rope fencing on the upcoast and downcoast sides of the proposed foredune habitat area if the beach area seaward of the first line of dune vegetation is impassible due to consistent high tides, formation of a steep scarp, or some other reason, in which case the public shall be able to pass and repass along the toe of the seaward most dune formation.
5. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this Coastal Development Permit No. 5-16-0632 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.