

CALIFORNIA COASTAL COMMISSION

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Th16b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-17-0880

Applicant: The Beach Club of Santa Monica

Agent: Pacific Crest Consultants (Attn: Chris Parker)

Location: 201 Palisades Beach Road
City of Santa Monica, Los Angeles County

Project Description: Renovation/addition/remodel of the existing private Beach Club facility, including: 1) renovation and remodel of two existing kitchen areas and existing bar and seating area 2) remodel and addition of existing maintenance facilities, employee service facilities; 3) extension of the current roofline to enclose the area renovated to include the maintenance and employee service facilities; 4) seismic retrofitting; 5) placement of a new mat foundation underneath the remodel/addition areas; 6) and after-the-fact permitting of construction of an 18-space surface parking lot with privacy fence, construction of 6 storage sheds within a paved asphalt area totaling 1,623 square feet, and construction of a 1,225 square foot concrete slab patio with two trellises all constructed on a vacant parcel of land acquired by the property owner in 2006 and tied to the subject lot in 2007.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes a remodel, addition, and renovation of the existing Beach Club main building located in Santa Monica's North Beach area. The project consists of the following components: a remodel of two kitchen areas; remodel/addition of maintenance and service areas;

extension of the lower, southern roofline to enclose the maintenance and service areas; seismic retrofitting of the entire building; placement of a new foundation under the remodel/addition areas; and after-the-fact approval for developments that were undertaken without a permit prior to this CDP application. The unpermitted development for which the applicant is seeking after-the-fact approval consists of construction of the following: an 18-space surface parking lot with a 7 foot-high privacy fence, a series of 6 storage sheds within a paved asphalt area, totaling 1,623 square feet in area; and a 1,225 square-foot patio with a 216 square-foot trellis on the north end of the patio and a 288 square-foot trellis on the south end of the patio.

The project, as proposed, will not impact the existing public access routes along the side of and in front of the subject property. In addition, no shoreline protective devices are proposed for this project that would reduce public coastal access within the public beach area. Therefore, the project does conform to the public access policies of Coastal Act Chapter 3. It should also be noted that the subject property's location on the beach makes it vulnerable to the hazardous effects of wave uprush, erosion, and coastal flooding, which will be exacerbated with anticipated sea level rise. With this in mind, the Commission imposes **Special Condition 2** to emphasize that the applicant is aware of the risks associated with developing within a hazardous area, and that the Coastal Commission - including all officers, agents, and employees- shall not be held responsible for damages that occur as a result of the aforementioned hazards. As conditioned, the proposed project is consistent with the public access policies of the Coastal Act.

The proposed project includes a 40 foot extension of the existing 27 foot-high gable roof on the southern side of the building to enclose the storage, maintenance, and employee service areas. The extension will maintain the 27 foot height along the length of the extension. The applicant's view analysis illustrates that the roofline extension will not impact coastal views from either the Palisades Park bluff (located landward of the Pacific Coast Highway right-of-way) or from Pacific Coast Highway. The project, as proposed by the applicant, also includes a 7 foot-high privacy fence that blocks coastal views for the pedestrians and the drivers along Pacific Coast Highway. In response to this proposal, the Commission imposes **Special Condition 3**, requiring the applicant to establish a 69 foot wide view corridor and submit revised plans to incorporate an open-design, wrought iron fence that will not inhibit coastal views to pedestrians and drivers along PCH. As conditioned, the proposed project is consistent with the coastal view policies of the Coastal Act.

Because the project site is located on the beach, it is important that development be undertaken in a way that minimizes potential impacts to coastal resources. The Commission therefore imposes **Special Condition 1** to ensure that construction materials, debris, and mechanized equipment management does not result in degradation of coastal resources or a discharge of debris and other potentially harmful materials into coastal waters. As conditioned, the proposed project is consistent with the water quality policies of the Coastal Act.

As proposed and conditioned, the project will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act. However, future development on the site does have the potential to impact public coastal access. Therefore, the Commission imposes **Special Condition 4**, which requires an amendment for this CDP or an additional CDP for any future development on the site, including actions that would otherwise be exempt from permit conditions.

As conditioned, the proposed project is consistent with the Coastal Act Chapter 3 policies.

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EXHIBITS

[Exhibit 1](#) – Vicinity Map and Project Location

[Exhibit 2](#) – Site Plan

[Exhibit 3](#) – Improvements to 201 Palisades Beach Road

[Exhibit 4](#) – Improvements to 237 Palisades Beach Road

[Exhibit 5](#) – View Corridor as Seen from Palisades Beach Road

[Exhibit 6](#) – Elevations

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-0880 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. 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 the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **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) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) 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.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) 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.
- (h) All stock piles 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 shall be 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

- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
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 waves, storm waves or flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazard 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. **View Corridor Maintenance.**

A. In order to provide and maintain a coastal view corridor from Pacific Coast Highway, **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement subject to the review and approval by the Executive Director in which it agrees to maintain a view corridor across its property from Pacific Coast Highway to the waterline of the Pacific Ocean. The view corridor shall extend from the southern property line approximately 69 feet north along the northern property line to the most easterly building, as shown on [Exhibit 2](#). The objective of the view corridor is to enhance and protect views of the shoreline or ocean from the point of view of a motorist on PCH.

- 1. To carry out this obligation, the applicant shall remove any opaque material or barrier along or on the fence that may obstruct views over the property from PCH, including the existing surfboard storage racks. These storage units must be relocated to an area that is outside of the view corridor (i.e. along the southern property line or along the building line). In addition, the applicant shall trim and maintain plantings and any other vegetation within the view corridor along the northern property line to a height of no greater than three feet, as measured from existing grade. All vegetation within the view corridor shall be trimmed no less than four times each year.

B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of plans that shall show the approved location and visually-permeable design of the wrought-iron fence as described herein and include footings, reviewed and approved by a licensed geologist, or civil or geotechnical engineer, used to secure the fence. The wrought iron fence shall be located along the western line of the surface parking lot and shall extend 69 feet from the southern property line to the edge of the as depicted in **Exhibit** ___. The fence shall be no taller than six feet, the pickets/rods shall be no thicker than 0.5 inches, and the picket/rod spacing shall be no closer than 6 inches.

4. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-17-0880. Except as otherwise provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use of land, shall require an amendment to Permit No. 5-17-0880 from the Commission or shall require an additional coastal development permit from the Commission, unless the Executive Director determines no amendment or new CDP is legally required, or from the applicable certified local government.
5. **Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant proposes a remodel, addition, and renovation of the existing, 32,000 square foot, private Beach Club building located in Santa Monica's North Beach area. The project site is a 72,000 square foot, sandy beach-fronting lot adjacent to Santa Monica State Beach, located at 201 Palisades Beach Road (Pacific Coast Highway) between the first public road and the sea. The site is developed with a 32,000 square foot, one and two story private beach club building. The Beach Club owns two adjacent parcels (14730 Pacific Coast Highway, Los Angeles, and 237 Palisades Beach Road, Santa Monica), and leases two adjacent, seaward parcels from the State ([Exhibit 1](#)).

The project consists of several components, which include a remodel of two kitchen areas, remodel/addition of maintenance and service areas, retrofitting of the entire building, placement of a new foundation under the remodel/addition areas, and after-the-fact approval for developments that were undertaken without a permit prior to this CDP application ([Exhibit 2](#)). The following information details the components of the proposed project.

First, the applicant proposes to remodel and renovate two kitchen areas. The 2,738 square-foot main kitchen is used to service the full-service dining areas within The Beach Club. This kitchen will be renovated, resulting in 24 square feet of new floor area and a new area for cold food storage and dry food storage. Overall, the main kitchen will be renovated to meet current health code standards. The 646 square-foot "grill kitchen" is used to serve the limited-service dining and bar areas. This

kitchen will be renovated to include a new 150 square-foot grill serving area, but will remain within the same building footprint ([Exhibit 3](#)).

The applicant also proposes a remodel/addition of the 2,159 square feet of maintenance and employee service areas located to the east of the main kitchen. This area currently consists of a maintenance shop with office, kitchen storage, other miscellaneous storage rooms, and employee restrooms. These areas are separated from the rest of the main building and are located outdoors. This project proposes to extend a portion of the lower southern roofline from the existing building edge to enclose the maintenance and employee services areas and incorporate new floor area into the building. The newly-enclosed area will be renovated to create a new employee break area, men's and women's employee locker rooms, and larger restrooms. The maintenance shop with office and storage areas will be retained ([Exhibit 3](#)).

The main building was constructed in 1923 with a slab-on-grade foundation. The kitchen, employee service facilities, maintenance facilities, and storage facilities all require a stronger foundation system that the current foundation cannot accommodate. Therefore, the applicant is proposing to provide additional support for the improvements by strengthening the foundation at the basement level with a new mat foundation.

Also included in the project's scope of work is a seismic retrofit of the entire building. This consists of a renovation of the foundation systems, vertical framing structural systems, and lateral force resisting systems. ADA accessibility components for the remodel/addition area and the mechanical, electrical, and plumbing systems will also be updated to meet the current seismic code requirements.

The proposed project also includes a request for an after-the-fact approval for construction of an 18-space parking lot, 1,623 square feet of development of an asphalt paved area and six associated storage sheds, and a 1,225 square foot concrete slab patio with two associated trellis shade covers. These developments were undertaken without the prior issuance of a coastal development permit ([Exhibit 4](#)).

B. PUBLIC ACCESS/RECREATION

Coastal Act Section 30210 states:

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.

Coastal Act Section 30211 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.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The North Beach area contains the City's northern sandy beach area, beach clubs, single-family and multi-family residential development. The subject lot is located in the northern portion of the City within a row of beach clubs, residential development, and public beach parking lots. The beach area in front of the property is a broad beach, over 500 feet in width. Although the Beach Club has a lease parcel that extends 129 feet seaward from its private property, the beach area available to the public is over 350 feet wide. A 20-foot wide bicycle path is located approximately 180 feet seaward of the western property line on the public sandy beach. Vertical public access to the public beach is available just north of the beach club from the adjacent State Beach parking lot and pathway that extends from the parking lot to the bicycle path; and a State Beach parking lot located approximately 225 feet to the south. The proposed project will not impact the public access routes or impact public recreation.

Shoreline protective devices can have an adverse impact on public access; however, no shoreline protective device is being proposed here, and due to the wide width of the beach, location of the Santa Monica breakwater, and Pier to the south, properties along the north beach area are generally protected from storm wave impacts and have not required shoreline protective devices, so available evidence does not indicate that shoreline protection is likely to interfere with public access at the project site in the future. Given that the applicant has chosen to implement the project on a beachfront lot despite risks from wave attack, erosion, sea level rise, and flooding, the applicant must assume the inherent risks associated with development in a hazardous area. Therefore, the Commission imposes **Special Condition 2** to emphasize that the applicant is aware of the risks associated with developing within a hazardous area, and that the Coastal Commission-including all officers, agents, and employees- shall not be held responsible for damages that occur as a result of the aforementioned hazards. As conditioned, the proposed project is consistent with Sections 30210, 30211, and 30221 of the Coastal Act.

C. COASTAL VIEWS

Coastal Act Section 30251 states:

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.

In past permit actions for the area, the Commission has consistently limited the height of development to 50 feet for all structures in the north beach subarea. The City currently limits development to a maximum height of 40 feet, but also requires projects to conform to a view

envelope to protect views from the Palisades Park bluffs. The view envelope is measured from a height of 30 feet at the beach setback line to a point 5 feet above the Palisades Park bluff.

The proposed project includes a 40 foot extension of the existing lower gable roof on the southern side of the building to enclose the storage, maintenance, and employee service areas. The height of the lower gable roof measures approximately 27 feet above grade level ([Exhibit 6](#)). The extension will maintain the 27 foot height along the length of the extension. The applicant has also provided view analysis documents illustrating that the roofline extension will not impact coastal views from either the Palisades Park bluff (located landward of the Pacific Coast Highway right-of-way) or from Pacific Coast Highway.

The height of the proposed roof extension is lower than the Commission's 50 foot maximum height limit for the North Beach subarea and conforms to the City's view envelope restriction. The proposed replacement structure, since it is located adjacent to the existing main building and on the western or seaward side of the main building, will not be visible from the roadway (Palisades Beach Road, and will not interfere with any coastal views currently available from the roadway. The proposed roof extension will be visible from Pacific Coast Highway as one looks seaward, and from the beach as one looks landward. However, the structure will blend with the existing main building and will not increase the footprint of the existing building.

The parking lot on the south end of the subject lot includes a 7 foot high painted wood plank fence to provide privacy for the open space areas of the Beach Club ([Exhibit 5](#)). The 7 foot privacy fence, as proposed by the applicant, blocks coastal views for pedestrians and drivers heading north or south on Pacific Coast Highway. Commission staff has spoken with the applicant regarding this matter, and the applicant has agreed to revise the design of the painted wood fence in order to construct a fence with an open design and provide an adequate view corridor for the public to view as they travel across PCH ([Exhibit 2](#)). To ensure that this view corridor is maintained, the commission imposes **Special Condition 3**, which details the open fence design and procedures that the applicant must follow to maintain the view corridor. As conditioned, the proposed project is consistent with Section 30251 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

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.

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, surf, 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. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. Soil erosion can occur naturally, and may be accelerated during grading and construction when the area cover is removed and bare soil is disturbed. Precautions shall be taken to assure that construction runoff and storm water run-off is filtered prior to leaving the site, and Best Management Practices shall be implemented to ensure that secondary construction-related impacts to biological resources are minimized during construction. The Commission therefore imposes **Special Condition 1** to require that construction materials, debris, and mechanized equipment management does not result in degradation of coastal resources or a discharge of debris and other potentially harmful materials into coastal waters. The Commission finds the proposed project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

E. UNPERMITTED DEVELOPMENT

Violations of the Coastal Act have occurred on the 237 Palisades Beach Road parcel, including the following unpermitted development: construction of an 18-space parking lot, street lamps, and a 7 foot high privacy fence that extends approximately 69 feet on the seaward side of the parking lot; construction of a 1,623 square-foot paved asphalt area adjacent to the main building's kitchen storage area with six storage sheds and a perimeter fence for the paved area; construction of an approximately 1,225 sq. ft. wood and concrete patio adjacent to and connected to the main Beach Club structure. The patio includes two unpermitted trellis covers on the north and south ends of the property. The north trellis covers approximately 216 square feet of area, while the south trellis covers approximately 288 square feet of area. Aerial photographs from the California Coastal Records Project indicate the unpermitted development described above occurred sometime timeframe between 2007 and 2013, subsequent to the applicant's purchase of the property in October 2006 ([Exhibit 4](#)).

All development within the coastal zone (regardless of whether the subject property is located on a beach or not) requires a CDP unless the requested action is determined to be exempt from permit requirements. The developments listed above are not exempt from permit requirements pursuant to Section 30610 of the Coastal Act and Section 13253(b)(1) of the Coastal Commission Regulations.

The applicant is requesting after-the-fact approval of the unpermitted development specifically described herein. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the violations described above going forward. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of development, other than the development addressed herein, undertaken on the subject site without a coastal permit.

F. LOCAL COASTAL PROGRAM (LCP)

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.

Although Santa Monica does not have a certified Local Coastal Program (LCP), the city has a certified Land Use Plan (LUP). In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed project is located west of Ocean Avenue and is in the area excluded from the certified area of the Land Use Plan.

The Commission finds that the project, as proposed and conditioned, is in conformity with the Coastal Act Chapter 3 policies, and will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act. However, there is potential for future development on the site to adversely impact public access. In order to prevent this from occurring, the Commission imposes **Special Condition 4**, requiring an amendment to Permit no. 5-17-0880 or an additional CDP for any future development on the site. This includes actions that may ordinarily be exempt from CDP requirements.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A CEQA Ministerial Exemption was determined for the proposed project by the Santa Monica City Planning Department on September 26, 2017. 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. 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

- Santa Monica Land Use Plan;
- City of Santa Monica Administrative Approval