

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: PERMIT AMENDMENT

Amendment Application No.: 5-89-011-A1

Applicant: Waldorf, LLC c/o Carl Lambert

Agent: Anne Blemker

Location: 1211-1215 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN: 4226-005-023)

Description of Previously Approved Project: Demolition of a one-story commercial building and construction of a 3,205 sq. ft., one-story commercial building with 21 open (public) parking spaces.

Description of Amendment: Installation of an electrical transformer in a 9 ft. by 17 ft. by 14-ft. high below-grade vault with a 2.4 ft. by 2.6 ft. by 7.5-ft. high above-grade utility pull section in an existing 21-space parking lot, including approximately 33 c. y. of grading.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Commission approved Coastal Development Permit (CDP) 5-89-011 (Lenney) in 1989 for the demolition and construction of a commercial building with a 21-space parking lot. The underlying permit requires the parking lot to be available for public use and also requires a signage plan, which would notify the public of the availability the public parking spaces in the lot.

The applicant proposes to install an electrical transformer in an underground vault reaching a depth of approximately 14 ft. below grade in the northwest corner of the parking lot ([Exhibit 2](#)). The purpose of the new transformer and pull section would provide electrical upgrades to service the structure located on the adjacent lot at 1217 Ocean Front Walk (OFW). The two lots are owned by the applicant.

Installation of the transformer and vault would require approximately 33 c. y. of grading, 22 of which are proposed to be exported outside of the coastal zone and 11 of which are proposed to be re-compacted on site. The applicant's geotechnical and soils report states that groundwater was encountered at depths of approximately 11 to 11.5 ft. To address groundwater at the site, temporary dewatering would need to occur in order to place the vault safely within the excavated area. According to the water quality test results submitted by the applicant, the subject groundwater is not contaminated, and can be adequately discharged into the storm drain located within the Westminster Avenue right-of-way. As such, the applicant has received a permit from the Los Angeles Regional Water Quality Control Board (RWQCB) to discharge the subject groundwater into the adjacent storm drain. In regard to coastal hazards, the proposed development is subject to seepage and potential flooding from increased groundwater levels due to sea level rise. However, the vault will be waterproofed with a Zebtron coating that is considered safe under the National Sanitation Foundation (NSF) standards for safe drinking water and is also used in public utility pipelines. In addition, the City of Los Angeles Department of Water and Power (LADWP) will monitor and maintain the electrical components of the proposed development, and the permit has been conditioned to ensure that the applicant will maintain the structural components of the proposed development.

Staff has determined that violations of the Coastal Act have occurred on the site. The Coastal Act violations at issue involve unpermitted development and non-compliance with Special Conditions 1 and 2 of CDP No. 5-89-011, which generally require that the parking lot on site be available for public use. In this case, unpermitted signs have been installed in the parking lot that preclude public access by stating that the parking lot is for private or authorized users only and that "unauthorized cars" will be towed. To address the violation, **Special Condition 1** requires the applicant to submit and implement an updated parking plan, in which the applicant shall detail the daily operations of the parking lot, including for public use, as well as plan for minimizing public access impacts during construction. Furthermore, **Special Condition 2** requires the applicant to remove the unpermitted signage and submit and implement an updated signage plan, which is intended to inform the public of their rights to use the parking lot.

Therefore, in order to minimize impacts to public access and water quality, staff is recommending **approval** of the proposed CDP amendment with an additional eleven special conditions to supplement the two special conditions of the underlying permit, for a total of **thirteen (13)** special conditions, including: **1)** submittal of final revised parking plan; **2)** signage plan; **3)** final revised plans; **4)** construction BMP's; **5)** compliance with other resource agency requirements; **6)** requirements for a permit amendment or new CDP for future improvements to the development approved by the permit amendment; **7)** waiver of shoreline protection and removal of the underground electricity vault and pull section in the event that the structures are threatened by coastal hazards or are determined to be unsafe; **8)** submittal of a maintenance plan; **9)** submittal of proof of easement; **10)** assumption of risks of development; **11)** payment of remaining application fee; **12)** record a deed restriction; and **13)** acknowledgement of public rights. As conditioned, the Commission finds that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. The motion to approve staff recommendation is on Page Five.

PROCEDURAL NOTE

Pursuant to Title 14, Section 13166(b), of the California Code of Regulations, the Executive Director has determined that this amendment request has the potential for adverse impacts, either individually or cumulatively, on coastal resources and public access to or along the coast and, therefore, is a material amendment. Unless the proposed amendment has been found to be immaterial, the Commission shall determine by a majority vote of the membership present whether the proposed development with the proposed amendment is consistent with the requirements of Chapter 3 the Coastal Act or with a certified local coastal program if applicable.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	5
II. STANDARD CONDITIONS	5
III. SPECIAL CONDITIONS	6
IV. FINDINGS AND DECLARATIONS	11
A. PROJECT DESCRIPTION & LOCATION.....	11
B. OTHER AGENCY APPROVALS	12
C. PUBLIC ACCESS	13
D. WATER QUALITY	16
E. HAZARDS.....	17
F. UNPERMITTED DEVELOPMENT.....	19
G. LOCAL COASTAL PROGRAM (LCP)	20
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	21

APPENDICES - Substantive File Documents

Appendix A – CDP 5-89-011 (Lenny), 1211 Ocean Front Walk

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Los Angeles RWQCB NPDES Permit](#)

[Exhibit 4 – Site visit photos, 8/7/18](#)

[Exhibit 5 – Parking Implementation Plan, 11/28/18](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 5-89-011 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit Amendment No. 5-89-011-A1 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:

NOTE: The two special conditions approved by the Commission in its prior action on CDP Application No. 5-89-011 are listed below. The Special Conditions continue to apply; however, Special Conditions 1 and 2 are amended as follows: (Language to be added to the conditions is shown in **underlined and bold text**, and language to be deleted is identified by ~~strike-out~~):

- 1. Parking.** PRIOR TO ISSUANCE OF A **THIS COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit a ~~written agreement that if tandem spaces are to be used, there shall be a parking attendant available on site during business hours on the weekday and on weekends.~~ **final revised Parking Implementation Plan. The plan shall include, at a minimum, maximum parking rates that may be charged to users of the lot.** If a fee is charged, the rate shall not exceed that charged at the public beach parking lots. **The rates are \$4 to \$9 during normal business hours and \$5 to \$18 during weekend peak hours. The plan shall identify 21 parking spaces in the lot, 14 of which are to be tandem spaces and 7 of which are single stall spaces. The plan shall also include a construction lay-down plan that address temporary impacts to public access and steps taken to minimize construction impacts to public access such as, but not limited to, re-routing ingress and egress pathways, flaggers, and temporary construction barriers for public safety. The plan shall also indicate that a parking attendant shall be provided to move vehicles into and out of the tandem parking spaces.**

Within 30 days of completion of construction approved pursuant of this CDP, the applicant shall submit proof to the Executive Director that the required revised Parking Implementation Plan (Special Condition 1) and the signage program (Special Condition 2) have been executed in accordance with the special conditions of this permit, as amended. Proof of such implementation shall include photographs of the parking lot, the parking attendant, and the signage (Special Condition 2) notifying members of the public of parking availability and parking rates, a legally executed contract with a valet parking company or equivalent, and any other items that may provide evidence that the parking requirements of this CDP are fully implemented upon approval by the Executive Director.

- 2. Signage.** PRIOR TO ISSUANCE **OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit plans for a signage program which announces the availability of the parking area for public use. The signs ~~shall should remove the existing unpermitted signage and~~, at a minimum, be posted in conspicuous locations on the applicant's property and shall clearly state the times of availability to the public **as well as the parking fee schedule, which shall be consistent with Special Condition 1 of this CDP.**
- 3. Final Revised Plans.** **PRIOR TO ISSUANCE OF THIS PERMIT AMENDMENT, the applicant shall submit, for review and approval of the Executive Director, final revised site plans, cross sections, elevations, grading and structural plans for the installation of the below-grade transformer vault and above-grade pull section that have been approved by the Los Angeles Department of Water and Power (LADWP).**

The permittee shall undertake development in accordance with the approved final revised plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. 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) During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board**
- (l) 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.**
- (m) 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
(n) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

5. Resource Agencies. The permittee shall comply with all requirements, requests, and mitigation measures from the Regional Water Quality Control Board (RWQCB) and City of Los Angeles, Department of Power and Water with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be 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.
6. Future Improvements. This permit amendment is only for the development authorized by CDP Amendment 5-89-011-A1. Pursuant to Title 14 of California Code of Regulations Section 13253(b)(6), exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by CDP Amendment 5-89-011-A1, specifically, installation of a below-ground vault and electrical transformer, excavation, shoring, and de-watering of the site, installation of an above-ground pull section, modifications to the parking plan. Accordingly, any future improvements to the development authorized by this permit amendment, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP Amendment 5-89-011-A1 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government, except that: 1) the City of Los Angeles Department of Water and Power may conduct routine inspections, repair and maintenance of all electrical components (i.e. wires, splices, conduits), meter readings, and minor pump out activities, and 2) the permittee may implement the maintenance plan required by Special Condition 8, except that any future structural repairs to the vault and/or the pull section must obtain an amendment to this CDP or a new CDP.
7. NO FUTURE SHORELINE PROTECTIVE DEVICES.
 - A. By acceptance of CDP No. 5-89-011-A1, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall be constructed to protect the development approved pursuant to CDP No. 5-89-011-A1, including, but not limited to, the below-grade electricity vault and above-grade pull section, 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 CDP No. 5-89-011-A1, 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 CDP No. 5-89-011-A1, the applicant agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit amendment, including the below-grade transformer vault and above-grade pull section, if: (a) any government agency has ordered that the structures are not to be utilized due to any of the hazards identified above, or if any public agency determines that the development is unsafe or requires the structures to be removed, (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above. If removal is required, the permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.**
- C. Prior to removal/relocation, the permittees shall submit two copies of a Removal/Relocation Plan to the Executive Director for 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 protect coastal resources. In the event that portions of the development erode before they are removed, the landowners shall remove all recoverable debris associated with the development and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.**
- 8. Maintenance Plan. PRIOR TO ISSUANCE OF THIS PERMIT AMENDMENT, the applicant shall submit a written plan that addresses the applicant's responsibilities in maintaining the proposed development. Responsibilities include, but are not limited to, waterproofing of vault walls and maintenance of structural components of the vault and pull section. The maintenance plan shall identify methods to address potential increases in groundwater levels such as applying a certain thickness of waterproof coating to the vault that prevent increased flooding events in the future. The plan shall also address methods to minimize impacts to public access during servicing events where heavy machinery is present, including but not limited to, temporary relocation of the ingress/ egress pathway. The maintenance plan shall also require prompt notification to City staff in the event that the permittee becomes aware of issues with the electrical components maintained by LADWP. The permittee shall undertake development in accordance with the approved maintenance plan.**
- 9. Easement. PRIOR TO ISSUANCE OF THIS PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit an easement in a form and content acceptable to the Executive Director. The easement shall indicate that the current and any future property owner understands and accepts the responsibilities of maintaining the transformer vault and pull section at the below-ground location on the project site for the benefit of the development located at 1217 Oceanfront Walk, Venice. In the event that the easement is terminated by the responsible parties**

described above for any reason, the applicant must apply for an amendment to this permit amendment.

10. **Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from landslide activity, erosion and/or earth movement (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), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.**

11. **Application Fee. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit the Material Amendment fee for processing the CDP amendment application. The applicant originally submitted an immaterial amendment fee of \$1,167. Since the time of submittal, the project amendment was determined to be material due to the current parking conditions which are inconsistent with the special conditions of the underlying permit. The material amendment fee requires 50% of the filing fee of the original permit based on the current fee schedule. The material amendment fee is \$6,045, and therefore, an outstanding balance of \$4,878 is required.**

12. **Deed Restriction. PRIOR TO ISSUANCE OF THIS PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have 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.**

13. **Public Rights. Approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.**

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant proposes to install an electrical transformer in a 9 ft. by 17 ft. by 14-ft. high below-grade vault and a 2.4 ft. by 2.6 ft. by 7.5-ft. high above-grade utility pull section ([Exhibit 2](#)). The proposed transformer and associated equipment is meant to assist in providing electricity to the HVAC units atop the structure located at the adjacent lot at 1217 OFW. The pull section is required by the LADWP and contains four electrical conduits (switchboard) from the electrical vault to the structure at 1217 OFW. The pull section also provides ventilation for the underground vault. The structure on the adjacent lot was built in 1913 and is in need of electrical upgrades.

Installation of the vault would require 33 c.y. of grading. The area in which the vault is proposed to be located would need to be excavated to a depth of 14 ft. The applicant proposes to shore up and stabilize the excavated area with eight (8) temporary piles ([Exhibit 2](#)). The shoring would allow a precast concrete box, weighing over 90,000 pounds, to be placed within the excavated area on top of a bed of gravel. The vault is designed to withstand perpendicular hydrostatic pressure to assure stability against floatation. Of the 33 c.y. of grading, the applicant proposes to re-compact 11 c.y. onsite and export the remaining 22 c.y. outside of the coastal zone. The proposed excavation would intercept groundwater, which was previously encountered during a soils and engineering study, at approximately 11 ft. below grade. As such, the applicant proposes to dewater the excavated site during construction prior to the installation of the vault and electric equipment. The applicant had the groundwater tested for contaminants, which were subsequently determined to not be contaminated. As such, the applicant proposes to pump the subject groundwater to a storm drain located approximately 108 ft. away at Westminster Avenue and Speedway, which is further discussed below.

Once installed, the applicant proposes to pave over the vault to the existing grade of the parking lot using the 11 c.y. of re-compacted soil, thereby maintaining the 21 parking spaces which currently exist in the lot. An above-ground pull section is proposed to be located at the northeast corner of the parking lot ([Exhibit 2](#)), and would not displace any parking spaces. The applicant also proposes to retain the services of a valet parking company in order to manage the tandem parking spaces, consistent with conditions of the underlying permit.

The subject site is a beach-fronting property located between OFW (the Venice Boardwalk) and Speedway ([Exhibit 1](#)). There is an approximately 500-ft. wide sandy beach between the property and OFW and the ocean. The property is located in the North Venice subarea of Venice and is designated Community Commercial by the certified Venice Land Use Plan (LUP). The property includes two 4,214 sq. ft. lots (totaling 8,428 sq. ft.) that are currently developed with a one-story, 3,040 sq. ft. commercial building built in 1990 which straddles the two lots. In addition to the beach and boardwalk, a mix of single-and multi-story, residential and visitor-serving commercial structures characterize the neighborhood.

Site History

On November 3, 2017, Commission staff sent a Notice of Violation letter to the applicant for an alleged unpermitted change in use from apartment to hotel at 1217 OFW. The letter led to further discussions between the applicant and staff. As a result, staff confirmed that the building has

traditionally been a mix of hotel and apartment use per certificate of occupancies (C of O) and actual use, and in fact no change in use has occurred that would require a CDP. The applicant has committed to preserving 11 apartment units on site per the 1967 C of O, going forward.

On January 5, 2018, the applicant applied for a CDP exemption (5-17-0425-X) from the Commission for a project similar to the current application. In that application, the applicant proposed to construct a mechanical platform approximately 10 ft. above the same parking lot, a below-grade stairway leading from the parking lot to the basement level of the five-story structure, and utility upgrades (including HVAC units) to the building located at 1217 OFW. On February 5, 2018, Commission staff sent a letter to the applicant indicating that the proposed project did not qualify for an exemption from a CDP because the proposed project would occur on a separate lot, and may affect the conditions of the underlying CDP (5-89-011.) Commission staff subsequently met with the applicant and their representatives to discuss permit procedures and project alternatives. At that time, Commission staff determined that installation of the proposed HVAC units on the rooftop of the five-story structure located at 1217 OFW would qualify for an exemption; however, a CDP amendment would be required for the proposed mechanical platform, basement stairway addition, and utility upgrades located at 1211-1215 OFW. On March 26, 2018, exemption 5-18-0109-X was approved for the installation of four HVAC units on the rooftop of 1217 OFW. On May 11, 2018, the applicant submitted a CDP amendment application for the proposed project described herein.

The applicant originally applied for an immaterial amendment; however, due to the scope of the proposed project and its potential impact to water quality and public access, the proposed project is being processed as a material amendment. Thus, **Special Condition 11** requires the applicant to submit the balance of fees required to process the amendment application as a material amendment.

Furthermore, the project will be occurring on one lot for the benefit of a structure on a separate lot. **Special Condition 9** requires that the applicant record a covenant for the property at 1211-1215 OFW stating that the property is burdened for the benefit of the other property at 1217 OFW to maintain the presence of the transformer, vault, pull section, and conduits onsite, and the LADWP will be responsible for servicing and maintaining the functions of the vault. If the covenant expires or is removed for any reason, the property owner must apply for an amendment to this permit amendment. In addition, **Special Condition 12** requires that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

B. OTHER AGENCY APPROVALS

The proposed project includes dewatering of the site in order to adequately install the proposed underground vault and electrical equipment. The applicant estimates that approximately 90 gallons of water will need to be pulled out of the ground in order to accommodate the proposed project. In order to legally discharge groundwater from the site into the City's storm drain system, the applicant is required to obtain the necessary permit from the Los Angeles County RWQCB. The

applicant commissioned a water quality test of the ground water at the site. The test was conducted by Clinical Laboratory of San Bernardino, Inc. on January 26, 2018. On September 12, 2018, a National Pollutant Discharge Elimination System (NPDES) Permit was issued by Los Angeles County RWQCB ([Exhibit 3](#)) to the applicant. Correspondence with the RWQCB staff concluded that the groundwater at the site does not include any pollutants of concern, and that the groundwater is below acceptable levels of particulates allowed under the RWQCB Order No. CAG994004, pursuant to the provisions of the California Water Code and federal Clean Water Act, to be discharged into the storm drain. The NPDES permit allows the applicant to discharge a total of approximately 90 gallons of groundwater from the site into the City's storm drain system, which empties into the Pacific Ocean. In order to reaffirm the requirements of the RWQCB with regard to discharging groundwater into the Pacific Ocean, **Special Condition 5** requires the applicant to adhere to the conditions of the RWQCB NPDES permit.

C. PUBLIC ACCESS

Section 30210 of the Coastal Act 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.

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 30252 of the Coastal Act states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Venice Land Use Plan Policy II. A. 3. Parking Requirements states:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

Venice Land Use Plan Policy II. A. 4. Parking Requirements in the Beach Impact Zone states, in relevant part:

Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund. Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:

a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.

d. In no event shall the number of BIZ parking spaces (over and above those spaces required by the parking requirements set forth in Policy II.A.3) required for projects of three or more dwelling units, or commercial or industrial projects, be less than one (1) parking space for residential projects and two (2) parking spaces for commercial and industrial projects.

The subject site is a beachfront lot located in between OFW and Speedway ([Exhibit 1](#)). According to the certified Venice LUP, the site is located within the Beach Impact Zone (BIZ). The BIZ identifies areas within the Venice community that are particularly impacted by traffic and in need of parking due to high volumes of visitors and/or residents. The provision of adequate onsite parking required with new development is important to public access because sufficient on-site parking can help minimize access conflicts between residents, workers, and visitors to the area who compete for public street parking in popular coastal areas, such as Venice. The parking ratio required under Policy II.A.3 of the LUP is one space per 225 sq. ft. of commercial use buildings, requiring the applicant to maintain 14 parking spaces and 5 parking spaces under the BIZ (Policy II.A.4). The applicant is maintaining 21 parking spaces on site, consistent with the underlying permit.

During a site visit on August 17, 2018, staff observed unpermitted signage in the subject parking lot that read “No Parking for Unauthorized Cars, Number of Cars towed this month” and “Private Property, NO Parking” ([Exhibit 4](#)). Based on telephone calls between staff and current tenants and the applicant, staff confirmed that the parking lot was being utilized for residential tenants and hotel users of the five-story structure located adjacent to the subject site at 1217 OFW. The current use of the parking lot, which is not currently available to the public as required, is inconsistent with **Special Conditions 1 & 2** of the underlying permit (amended herein), which state:

- 1. **Parking.** “The applicant shall submit a written agreement that if tandem spaces are to be used, there shall be a parking attendant available on-site during business hours on the weekday and weekends. If a fee is charged, the rate shall not exceed that charged at public beach parking lots.*
- 2. **Signage.** “The applicant shall submit plans for a signage program which announces the availability of the parking area for public use. The signs should, at a minimum, be posted in a conspicuous location on the applicant’s property and shall clearly state the times of availability to the public and the fee.”*

In response to the unpermitted parking signs and unpermitted operation of the subject parking lot, the applicant submitted a parking implementation plan ([Exhibit 5](#)). The plan includes a diagram

which shows 21 parking spaces (14 standard size tandem spaces and 7 compact non tandem spaces) and details the proposed daily operation of the parking lot, including hours of public operation and parking fees. According to the underlying permit, “*the Commission has allowed tandem spaces...if there is a parking attendant available during business hours and on weekends when the area is most heavily used by beachgoers and visitors to the boardwalk*”. The underlying permit also requires that the site be posted in a manner that clearly announces the availability of parking for public use within the lot. In addition to a valet parking attendant, the applicant’s parking plan includes a description of the proposed signage that would be placed adjacent to Speedway and on the parking attendant kiosk. The sign dimensions would be 1.5 ft. by 1.7 ft. and read “Public Parking” and include the fee schedule.

The parking rates for the subject parking lot proposed by the applicant are \$10/day in the winter (8am-8pm) and \$16/day in the summer (8am-10pm) from Monday-Friday. Weekend rates would be \$20/day in the winter and \$25/day in the summer. However, the underlying permit clearly states that “*if a fee is charged, the rate shall not exceed that charged at the public beach parking lots*”. According to the Los Angeles County website, there are three public beach parking lots in Venice located at: 300 OFW, 2100 OFW, and 3100 OFW. The public beach parking lots operate from 6am to 10pm throughout the year, and do not allow overnight parking except for recreational vehicles located at Dockweiler RV Park. The public parking rates range from \$4 during winter weekday hours to \$18 during summer weekend hours¹. Therefore, the parking rates proposed by the applicant exceed the rates allowed to be charged by Special Condition 1 of the underlying permit. If, in the future, the County increases or decreases the rates charged in the public beach parking lots, the applicant would be required to adjust the parking rates for the subject parking lot accordingly. Such a change in parking fees by the applicant would require an amendment to this CDP.

Therefore, **Special Condition 1** requires that the applicant submit a final revised parking implementation plan that substantially complies with the parking plan submitted on 11/28/18; however, the final revised parking plan must reflect parking rates that do not exceed those charged by the County in the public beach parking lots in the surrounding area; specifically, the rates must be \$4 to \$9 during normal business hours and \$5 to \$18 during weekend peak hours. In addition, the plan shall identify 21 parking spaces in the lot, 14 of which are to be tandem spaces and 7 of which are single stall spaces.

The construction process is anticipated to last for approximately 30 days. During construction, the entire parking lot will be closed causing a temporary impact to public access. However, the applicant proposes to conduct construction activities during non-peak tourist season (i.e. period starting the day after the Labor Day weekend and before the Memorial Day weekend of any year), and will include signage to redirect members of the public to nearby parking lots. Thus, the parking plan required by **Special Condition 1** shall also include information regarding temporary impacts to public access and steps taken to minimize temporary impacts to public access during construction such as, but not limited to, re-routing ingress and egress pathways, flaggers, and temporary construction barriers for public safety. The plan shall also indicate that a parking attendant shall be provided to move vehicles into and out of the tandem parking spaces. Furthermore, **Special Condition 1** of this CDP amendment requires submission of proof within 30 days of completion of

¹ Los Angeles County. 2018. *Department of Beaches & Harbors Beach Parking Lot Rates*. http://file.lacounty.gov/SDSInter/dbh/docs/1004478_PARKINGLOCATIONSandFEES.pdf.

construction that the parking plan was executed in conformance with this permit amendment.

Special Condition 2 also requires the applicant to remove the existing unpermitted signage and submit photographs of the parking lot, the parking attendant, a legally executed contract with a valet parking company or equivalent, signage notifying members of the public of parking availability and parking rates, and any other items that may provide evidence that the parking requirements of this CDP are fully implemented. In addition, **Special Condition 13** requires the applicant to recognize that the CDP amendment does not constitute a waiver of public access rights on the property.

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210, 30211 and 30252 of the Coastal Act, as well as the parking provisions of the Venice LUP.

D. 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicant proposes approximately 33 c. y. of grading in order to install the transformer and vault below the grade of the existing parking lot. According to the preliminary soils report prepared by SASSAN Geosciences, Inc. dated 6/26/17, the proposed excavation would intercept groundwater at approximately 11 ft. below grade. The applicant proposes to dewater the graded site and discharge the groundwater into the City storm drain system which ultimately drains into the Pacific Ocean. Dewatering of the excavated site would entail pumping approximately 30 gallons of groundwater per day (over three days, approximately 90 gallons total) using a deepwell system and bucket drilling installation method to a storm drain located approximately 108 ft. away within the Westminster Avenue right-of-way. As previously described, discharge of retrieved groundwater into the City's storm drain system requires approval from the RWQCB. According to the water quality test results conducted and provided by the RWQCB, the subject groundwater to be discharged into coastal waters would not contain any pollutants of concern. The RWQCB granted

an NPDES permit to the applicant for the proposed groundwater discharge. Therefore, **Special Condition 3** requires the applicant to submit final revised plans that detail the site plan, cross sections, elevations, grading and structural plan for the proposed transformer vault, pull section, and associated grounding and servicing equipment that is able to withstand chronic flooding. The plans shall display requirement notes for electrical services from the LADWP as proof of resource agency approval prior to issuing the coastal development permit.

Dewatering is anticipated to occur within one week of construction and will not significantly impact water quality. However, the use of machinery to excavate the site may allow sediment and debris to be inadvertently discharged into the storm drain during construction. For example, the machinery may release lubricants or oils into the discharge pipe that are toxic to marine life. Additionally, sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of the area and foraging avian and marine species ability to see food in the water column. Thus, in order to avoid adverse construction-related impacts upon marine resources and water quality, **Special Condition 4** requires the appropriate storage and handling of construction equipment and materials and the safe disposal of construction debris to minimize the potential of pollutants to enter coastal waters by outlining best management practices following construction. Furthermore, **Special Condition 5** requires that the applicant comply with requirements from other resource agencies such as water discharge monitoring per the NPDES permit issued by RWQCB.

Moreover, the electricity vault primarily consists of concrete, and contains metals, chemically-treated liquids and coatings that may be harmful to the environment. For example, electricity vaults generally contain high-voltage electric cables made of copper, steel or other metals wrapped in polyethylene and/or lead that may leach into the watercourse and are toxic to human and marine life. However, these electrical components are located within an enclosed, watertight vault that is designed to prevent ingress of water, and are unlikely to be released into the environment. The vault walls will utilize a Zebtron waterproof coating, as required by LADWP, which is an impermeable polyurethane membrane that is applied on the inside or outside of the vault walls. The membrane complies with the National Sanitation Foundation (NSF) standards for safe drinking water and is also used in public utility pipelines. Although water seepage within the vault is not anticipated to occur, groundwater levels may potentially infiltrate the walls overtime due to normal wear and tear, in which DWP is the responsible agency for pumping out water. In this event, **Special Condition 6** requires the applicant to apply for a CDP or amendment to this permit for protection of water quality in the coastal zone. In addition, **Special Condition 7** requires the applicant to submit a removal/ relocation plan if removal of the structure ordered by any government agency has deemed it unsafe due to leaching or any such events associated with water quality hazards to public health. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. HAZARDS

Section 30253 of the Coastal Act states:

New development shall... (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of

protective devices that would substantially alter natural landforms along bluffs and cliffs.

Development adjacent to the ocean is inherently hazardous, due to coastal flooding from earthquakes, tsunamis, storm wave uprush, and high rainfall events. Such hazards may be exacerbated by increased water elevations due to anticipated sea level rise (SLR). The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. Two subsequent OPC reports have updated the best available science, which was recommended that state agencies and others use these projections in their planning process, including the *Rising Seas in California: An Update on Sea-Level Rise Science*, released in April 2017 by a working group of OPC's Science Advisory team, and the *State of California Sea Level-Rise Guidance: 2018 Update*. According to the OPC's 2018 update on sea level rise projections, the subject site is anticipated to observe 3.3 ft. to 6.8 ft. by the year 2100, though there is a risk of much more significant sea-level rise depending on various uncertainties, including the dynamics of ice sheet loss and increased frequency of storm events.

Agency Responsibility

The applicant submitted a soils report identifying possible hazards on the subject site related to flooding due to storm conditions and future sea level rise. According to the soils report, historic water levels were observed at a depth of approximately 5 ft. The proposed vault will be placed approximately 14 ft. below grade, and will intercept these groundwater levels. Due to the variable nature of groundwater, such levels may become shallower due to the above-mentioned coastal events, otherwise known as shoaling. Shoaling may cause groundwater to rise to the surface, resulting in chronic flooding, and suggests that Venice may be more vulnerable to groundwater shoaling than anticipated². Since the vault is sited underground, the electricity vault may experience seepage from groundwater or potentially become inundated, causing the vault to become hazardous to public health and coastal resources. For example, exposure of the electric vault, pull section, and associated electrical service equipment to high moisture and temperature levels may lead to a shortage if inappropriately handled and maintained.

However, this is unlikely to occur because the vault walls will be waterproofed with a coating in order to prevent methane exposure and groundwater seepage into the unit. In addition, the LADWP will continue to perform preventive maintenance inspections of the vault, including periodic inspections of the meter and corrosion of electrical components within the vault such as splices and conduits that typically occur annually. Thus, LADWP requires that 24-hour access to the vault be maintained in order to provide on-going maintenance services as described above, indicating that the vault must be clear of any obstructions at all times and is accessible from the street for heavy machinery required to lift the manhole cover. The vault manhole is located below the ingress/ egress pathway of the public parking lot adjacent to Speedway, and may temporarily inhibit the ingress/ egress of parked cars during commercial business hours due to the presence of heavy machinery. These events are expected to occur once every one or two years and will not adversely impact public parking. Nevertheless, **Special Condition 8** requires the applicant to submit a

² Prepared by Moffatt & Nichol for the City of Los Angeles. "Venice: Sea Level Rise Vulnerability Assessment". 2018, 25 May. P.9.
https://www.venicelcp.org/uploads/7/6/6/0/76606557/venice_coastal_zone_slr_vulnerability_assessment_-_nov._2018_copy.pdf.

maintenance plan that addresses the applicant's responsibilities in maintaining the proposed development. For example, the vault should be able to withstand potential increases in groundwater levels such as applying a certain thickness of waterproof coating to prevent increased flooding events in the future. The plan shall also address methods to minimize impacts to public access during servicing events where heavy machinery is present, including but not limited to, temporary relocation of the ingress/ egress pathway. The maintenance plan shall also require prompt notification to City staff if the applicant becomes aware of shortages and issues with equipment maintained by DWP that may otherwise adversely impact coastal resources.

In addition, **Special Condition 9** requires the applicant to submit evidence that an easement has been recorded to ensure that the current and any future property owner of 1211-1215 OFW is aware of the responsibility of maintaining the transformer vault and pull section located on 1211-1215 OFW. The responsibility must run with the land as long as the development is present and bind all future owners to the maintenance of the proposed development, unless otherwise terminated for any reason by the City and/or future property owner. In this case, the property owner must apply for an amendment to this permit in order to remove the proposed development. The condition further assures that the vault and associated equipment are not abandoned or neglected in the future as a result of coastal hazards and maintains 24-hour access for LADWP maintenance and safety inspections.

Future Shoreline Protection

The parking lot landward of the ocean-fronting commercial structure is sited at a lower elevation than the beach in front. Due to the unique topography and location of the parking lot, groundwater shoaling from anticipated sea level rise may cause the vault to become unstable from increased hydrostatic pressure, causing more flooding events to occur within the vault. While the LADWP is responsible for maintaining the electrical components of the vault, the applicant is responsible for the structural components of the vault such as maintaining the waterproof layer of the walls, grounding equipment, repairs to cracks in the vault walls, and /or replacement of the entire structure. As such, varying coastal conditions may prompt the applicant to seek to stabilize the structure through shoreline protective devices such as piles or retaining walls in the future. Shoreline protective devices, however, typically conflict with Section 30253 because they alter natural shoreline processes and cause erosion and destruction and loss of coastal beaches. Numerous Coastal Commission decisions have recognized the damaging effects of shoreline protective devices and their incompatibility with the Coastal Act (such as CDP Nos. 5-18-0241, Poulis & Trust; 5-17-1009, Bel Air Bay Club).

Thus, new development that requires a protective device would not likely be approved by the Commission, due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. Here, the applicant has not proposed a shoreline protective device. Nevertheless, if circumstances change, **Special Condition 7** requires that the applicant acknowledge that this project, as new development, is not entitled to shoreline protection, and must waive any rights to shoreline protection that may exist under applicable law; if it is determined by any public agency that the development authorized herein is not safe due to coastal hazards or other causes, it must be removed by the applicant, after obtaining an amendment to this permit or a new permit by the appropriate agency. Furthermore, **Special Condition 6** requires that any future structural improvements to the vault that may potentially impact coastal hazards and public access would require an amendment to this permit amendment or, if the Commission

determines, a new coastal development permit. **Special Condition 10** requires the applicant to assume the risks of development and expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the applicants' decision to develop the site as proposed.

As conditioned, the project minimizes risks to life and property in areas of high flood risk, assures structural integrity and does not contribute to destruction of the site and surrounding area consistent with Section 30253 of the Coastal Act.

F. UNPERMITTED DEVELOPMENT

During a site visit conducted on August 17, 2018, staff observed unpermitted development consisting of the installation of signage that explicitly prohibits the public from utilizing the parking lot, in non-compliance with Special Conditions 1 & 2 of CDP No. 5-89-011 ([Exhibit 4](#)), and in violation of the Coastal Act.

If the applicant wishes to undertake the development authorized by this permit, **Special Condition 1** requires the applicant to submit and implement a final revised Parking Implementation Plan. The plan shall outline the operations of the parking lot, including for public use. The applicant will also be required to post signage notifying the public of the availability of parking area, clearly state the times of availability, and the rates which conform to Special Condition 1 as required by **Special Condition 2**.

Although unpermitted development has taken place prior to submission of this permit application as described above, 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. In fact, approval of this permit is possible only because of the conditions included herein, and failure to comply with these conditions despite undertaking development pursuant to this permit would also constitute a violation of this permit and of the Coastal Act. Pursuant to Section 30821, non-compliance with Special Conditions 1 or 2 would constitute a public access violation of the Coastal Act subject to administrative penalties of \$11,250 per day for each day that each violation persists.

Only with compliance with all of the special conditions of this permit amendment can the proposed development be found consistent with Chapter 3 of the Coastal Act.

G. LOCAL COASTAL PROGRAM (LCP)

The Coastal Act required that the Commission consider the effect on a local coastal program when it approves a project. Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local

government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms with Chapter 3 policies of the Coastal Act:

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development 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 (commencing with Section 30200).

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and that the permitted development 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. The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for Venice. Approval of the project, as conditioned, 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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 City is the lead agency for assuring CEQA compliance.

As conditioned, the Commission finds that the proposed project will minimize impacts to public access, water quality and hazards with **thirteen (13)** conditions: **1)** submittal of final revised parking plan; **2)** signage plan; **3)** final revised plans; **4)** construction BMP's; **5)** compliance with other resource agency requirements; **6)** requirements for a permit amendment or new CDP for future improvements to the development approved by the permit amendment; **7)** waiver of shoreline protection and removal of the underground electricity vault and pull section in the event that the structures are threatened by coastal hazards or are determined to be unsafe; **8)** submittal of a maintenance plan; **9)** submittal of proof of easement; **10)** assumption of risks of development; **11)**

5-89-011-A1 (Waldorf, LLC)
Approval with Conditions

payment of remaining application fee; **12)** record a deed restriction; and **13)** acknowledgement of public rights.

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.