

CALIFORNIA COASTAL COMMISSION

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W9b

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-0181

Applicant: Community Corporation of Santa Monica

Agent: Victor Ansley

Location: 2120 Lincoln Blvd, Santa Monica, Los Angeles County
(APNs: 4289-002-005, 4289-002-006)

Project Description: Demolition of an existing gas station, soil remediation, and construction of a 4-story, 28,230 sq. ft. building with 37 deed-restricted affordable rental units with ground floor commercial and 29 parking spaces.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to demolish an existing gas station, remediate potentially contaminated soil, and construct a 28,230 sq. ft. mixed-use multifamily building containing 37 deed-restricted affordable units with ground floor commercial. The proposed project is 40 feet high, and consists of 4 stories with one level of subterranean parking containing 29 parking spaces. The project site is located on Lincoln Blvd, on the inland edge of the coastal zone. As conditioned, the proposed project is consistent with Chapter 3 policies of the Coastal Act and will not impact water quality or public access.

Accordingly, staff recommends **APPROVAL** with conditions of the mixed-use affordable housing project.

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EXHIBITS

[Exhibit 1 - Project Location and project site](#)

[Exhibit 2 – Proposed Plans](#)

[Exhibit 3 – Gas Station Site Plan](#)

[Exhibit 4 – Crain and Associates Parking Study](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0181 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. **FUTURE DEVELOPMENT.** This permit is only for the development described in Coastal Development Permit No. 5-19-0181. Except as 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, or change from the project description as proposed by the applicant, shall require an amendment to Permit No. 5-19-0181 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.
2. **CONDITIONS IMPOSED BY THE LOCAL GOVERNMENT.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit issued by The City of Santa Monica and evidence that the applicant has met local requirements to record a deed restriction for the creation of affordable rental units.
3. **CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL.** By acceptance of this permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
 - A. No demolition debris, construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wind or rain erosion or dispersion.
 - B. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
 - C. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
 - D. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
 - E. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

- F. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- G. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- H. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition.

4. ARCHAEOLOGICAL/CULTURAL RESOURCES. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an archeological/cultural resources monitoring plan prepared by a qualified professional, which shall incorporate the following measures and procedures:

- A. The monitoring plan shall ensure that any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. To this end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations and subsurface construction activity (such as tank excavation and soil remediation) that has the potential to impact cultural resources.

There shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological/cultural or paleontological resources.

- B. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading and subsurface construction activity (such as trenching for utilities) that has the potential to impact cultural resources, as required in the approved cultural resources monitoring plan required above.
- C. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and subsurface construction activities that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

- D. If any archaeological or paleontological, i.e. cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the permittee shall carry out significance testing of said deposits in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix 1). The permittee shall report all significance testing results and analysis to the Executive Director for a determination of whether the deposits are significant.
- E. If the Executive Director determines that the discovery is significant, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The subject site is a 14,160 sq. ft. parcel located at 2120 Lincoln Blvd., which is the inland border of the Ocean Park subarea of Santa Monica's coastal zone ([Exhibit 2](#)). It is located approximately 0.6 miles from the Downtown Santa Monica Expo Line station, and approximately 0.25 miles from a transit hub served by two express transit lines ([Exhibit 1](#)). The area is predominantly multifamily residential, although properties along Lincoln Blvd., including the subject site, are designated as "Highway commercial" in the City's certified Land Use Plan (LUP), and zoned "General Commercial" in the City's zoning code. The subject site is currently developed with a gas station, consisting of a 734 sq. ft. building formerly operating as a convenience store, an approximately 200 sq. ft. canopy that covers 7 fuel pumps, and 3 underground gasoline storage tanks ([Exhibit 3](#)). The gas station and convenience store are not currently in operation. The applicant is Community Corporation of Santa Monica, a local non-profit affordable housing developer that maintains a portfolio over 100 buildings containing more than 1,700 affordable housing units across Santa Monica. The applicant proposes to demolish the existing gas station, including the underground gasoline storage tanks, and to remediate any potentially contaminated soil. Excavated soil will be disposed of outside of the Coastal Zone. The applicant proposes to construct a 28,230 sq. ft. mixed-use multifamily building containing 37 deed-restricted affordable units with ground floor commercial. The proposed project is 40 feet, and consists of 4 stories with one level of subterranean parking containing 29 parking spaces.

B. DEVELOPMENT

Coastal Act Section 30250(a) states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Section 30253 states, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (d) Minimize energy consumption and vehicle miles traveled.*

Coastal Act Section 30604 states, in relevant part:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Policy 4 of the LUP states:

The City of Santa Monica LUP shall encourage the preservation of low and moderate income housing within the Coastal Zone consistent with the Coastal Act policies, contained herein.

Policy 53 of the LUP states:

The City shall comply with the requirements of the Mello act in the replacement of dwelling units located within the Coastal Zone that are occupied by persons and families of low or moderate income.

Policy 54 of the LUP states:

The City shall comply with the requirements of the Mello act in the production of dwelling units located for persons and families of low or moderate income in new housing developments located in the Coastal Zone.

The Coastal Act requires that new development be located within existing developed areas that can accommodate development. The subject site is located at 2120 Lincoln Blvd., which is the inland border of the Ocean Park subarea of Santa Monica's coastal zone. Ocean Park is an existing, developed area predominantly designated as OP-Multifamily but with Highway Commercial zones along major corridors such as Lincoln Blvd., including the project site. The proposed affordable housing project's proximity to major job centers such as Downtown Santa Monica and the existing community character, which is primarily multifamily residential with commercial corridors makes it suitable for accommodating new development in accordance with Section 30250.

The project site is also serviced by multiple nearby transit options. The project site is located approximately 0.6 miles from the Downtown Santa Monica Expo Line station, which connects Santa Monica to inland neighborhoods and Downtown Los Angeles. The property is also located approximately 0.20 miles from a transit hub served by two Big Blue Bus express lines, providing

direct and rapid transportation to major destinations and job centers. Rapid 7 (and non-rapid Route 7) connects the project site to inland destinations including Santa Monica College and the Wilshire Center. Rapid 3 (and non-rapid Route 3) connects the project site to Downtown Santa Monica, the Santa Monica Civic Center, Playa del Rey, and LAX. The location of the proposed affordable housing project near transit and job centers helps reduce dependence on single occupancy vehicles and is consistent with the Section 30253 requirements to minimize energy consumption and vehicle miles traveled.

The applicant has entered into an agreement with the City of Santa Monica to record a deed restriction limiting eligibility for 100% of the rental units. The rental units in the proposed project are income-restricted to persons with income of 80% of Area Median Income (AMI) or lower, which exceeds the minimum requirement set forth in Health and Safety Code §50093 of 120% AMI. The development will be income-restricted for 55 years, which is consistent with the period of time specified in Gov. Code §65915(c)(1). The project provides a substantial amount of affordable units in an expensive part of the coastal zone, all of which will be income-restricted in accordance with the requirements of Cal. Code of Reg. §13055. Therefore, 100% of the application fees for this project were waived by the Executive Director. The project is consistent with section 30604 of the Coastal Act.

C. PUBLIC ACCESS

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum public 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 resources 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 development.

Coastal Act Section 30252 states:

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

The Coastal Act prioritizes the protection of public access to the coast and, in Section 30252, specifically identifies adequate parking as an important component of new development. The Coastal Commission has required minimum onsite parking standards for new development in order to protect public beach parking for members of the public who wish to access the coast. Past Commission action has typically required two spaces per residential unit for new multi-family

residential developments, plus one additional guest parking space for every three units. The applicant submitted a parking study, prepared by Crain and Associates (**Exhibit 4**) that evaluated likely parking demand associated with this parking, and whether the Commission’s typical parking ratios are appropriate for this project. The study looked at other 100% affordable housing projects in the vicinity, including others owned and operated by Community Corporation of Santa Monica. The study concluded that parking usage for affordable units is typically only 0.5 spaces per unit, but that family units typically require closer to 0.85 spaces per unit. The proposed project includes 10 affordable family units (more than 2 bedrooms) and 27 other affordable units (18 one-bedroom units, and 9 two-bedroom units). Using expected usage ratios as reported from the study, empirical parking demand for this project can be calculated as following:

No. Bedrooms	No. Units Proposed	Empirical Parking Ratio	Empirical Parking demand
1	18	0.5	9
2	9	0.5	4.5
3	10	0.85	8.5
Total:			22 spaces

The applicant has proposed 29 parking spaces for the proposed 37-unit residential development, whereas demand is only 22 spaces. The project provides 7 more spaces than what would typically be demanded for this project, but far less than the Commission’s typical ratio of 2 spaces per dwelling unit, which would be a total of 74 spaces. However, past Commission action has approved affordable housing projects with reduced parking, so approval of this project is consistent with past Commission action.

Parking demand is further depressed because public transportation options are readily available within the project vicinity. The project site is located 0.6 miles (or a 15 minute walk) to the Downtown Santa Monica station on the Metro Expo light rail line. This rapid transit line connects Downtown Santa Monica to job centers in Culver City and Downtown Los Angeles. The project site is also located 0.2 miles (or a five minute walk) away from the Pico/Lincoln Big Blue Bus transit stop. This stop houses two rapid bus routes and two local bus routes: Route 3 and Rapid 3 runs north from the project site to job centers in Downtown Santa Monica and the Santa Monica Civic Center. Route Residents can also easily bike or take ride-sharing services (i.e. Uber, Lyft) to the Third Street Promenade, which is only one mile away from the project site. The Expo Line is also located just over a mile away from the project site, and facilitates transportation to Downtown Los Angeles without the need for a car. Overall, the project is sited in an area where alternate forms of transportation are readily available for residents to access Downtown Santa Monica and other destinations in the greater Los Angeles Area.

Specifically, Section 30252(4) of the Coastal Act require new development to providing adequate parking facilities or provide substitute means of serving the development with public transportation. The City of Santa Monica has a uniquely robust public transit system used by both residents and visitors alike. The proposed development, as explained above, is adequately served by existing public transit infrastructure of the area and therefore, even though the project does not provide two spaces per dwelling unit, the proposed project is still consistent with Section 30252 of the Coastal Act.

Therefore, the proposed project is consistent with Sections 30210, 30211, and 30252 of the Coastal Act.

D. WATER QUALITY

Coastal Act section 30230 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 marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Coastal Act section 30231 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 proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. CULTURAL RESOURCES

Coastal Act section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The proposed project includes excavation of 5,360 cubic yards of soil associated with the removal of three underground gasoline storage tanks and soil remediation of potential contaminated soil, and the construction of one level of subterranean parking. The three existing tanks occupy a large footprint within the site and consist of: one (1) 10,000-gallon capacity diesel tank, and two (2) 20,000-gallon capacity gasoline tanks. A report by EFI Global (**Exhibit 3**) also indicates that prior

to the three existing gasoline tanks, there had been four other gasoline storage tanks on the site. The installation and removal of the four tanks, and the further installation of the three existing tanks would have required significant ground disturbance. Given that multiple instances of significant ground disturbance have already taken place on the property, the risk of new impacts to cultural resources is low. However, due to the volume of excavation and the need for soil remediation, a records search request was submitted to the California Historical Resources Information System (CHRIS). CHRIS conducted a records search that reviewed all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest (SPHI), the California Historical Landmarks (SHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), the California State Historic Properties Directory (HPD), and the City of Los Angeles Historic-Cultural Monuments (LAHCM) listings were reviewed for the above referenced project site and a 0.5 mile radius. The results of the records search indicated no known resources at the site, and two resources within a 0.5 mile radius of the site. Due to the sensitive nature of cultural resources, archaeological site locations are not released. The CHRIS report notes that while there are currently no recorded and archeological sites within the project area, buried resources could potentially be unearthed during project activities, and recommends that a customary caution and halt-work condition be in place for all ground-disturbing activities. Therefore, the Commission imposes **Special Condition 3**, requiring the applicant to submit prior to construction, a monitoring plan that requires that archaeological and Native American monitors be present during all grading operations and subsurface construction activity that has the potential to impact cultural resources. Therefore, the Commission finds that the proposed development, as conditioned conforms to Section 30244 of the Coastal Act regarding protection of cultural resources.

F. LOCAL COASTAL PROGRAM (LCP)

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).

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. 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). On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project 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.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. 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). The City of Santa Monica found that this project was “ministerial” and thus exempt from any requirements of CEQA pursuant to Public Resources Code 21083 and California Code of Regulations 15268. 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.

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.