

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



W15a

Received: 10/23/2019
Staff: C.Seifert-LB
Staff Report: 07/22/2021
Hearing Date: 08/11/2021

STAFF REPORT: PERMIT EXTENSION REQUEST

Appeal Number: 5-90-789-E27 and 5-90-789-E28

Applicant: Pacific Coast Management, LLC

Agent: Matkins Leck Gamble Mallory & Natsis, LLP

Project Location: 601 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APN: 4286-028-001)

Project Description: Construction of a four-story, 25-ft. high, 14,536 sq. ft. mixed-use commercial center, a 2,155 sq. ft. food service plaza and two-level, 38,592 sq. ft. subterranean parking lot with 156 total parking spaces, on an 18,850 sq. ft. lot.

Staff Recommendation: Denial

SUMMARY OF STAFF RECOMMENDATION

Coastal Commission coastal development permit (CDP) approvals typically allow two years for a Permittee to exercise a CDP pursuant to the terms and conditions of the CDP adopted by the Commission. If a Permittee has not so exercised their CDP, the CDP expires. However, the Commission's regulations also provide that a permittee can request an extension of that deadline of up to a year. Extension requests such as these can only be granted provided the Commission finds that there are no changed circumstances that would affect the consistency of the development with the policies of the Coastal Act and/or the applicable Local Coastal Program (LCP).

In this case, the Commission approved a CDP in 1991, but the applicant has not yet been issued the CDP and thus has not yet commenced work under the CDP (which they cannot legally do without the CDP being issued). As such, the applicant has not yet exercised the CDP. On this point, it is important to note that the CDP includes "prior to transmittal of the

5-90-789-E27 and -E28 (Pacific Coast Management, LLC)
Permit Extension Request

permit” requirements, none of which have been met. In fact, the applicant has not submitted the majority of materials for review that are pre-conditions to starting construction (namely a series of revised plans, interim parking for the adjacent development at 511-523 Ocean Front Walk, and a transit incentive program for employees) in the 30 years since CDP approval. One draft deed restriction (required prior to CDP issuance) was tentatively approved by Commission staff subject to two outstanding issues, but there is no evidence that those issues were resolved or that the document was recorded. Other than pursuing extensions to the CDP expiration, the applicant has exhibited little due diligence in taking the steps necessary to initiate (let alone complete) the project, raising a separate question as to whether they are meeting the due diligence requirements of the CDP. In short, the CDP has not been issued, the applicant has not completed the prior to construction requirements, no work has commenced under the CDP, and the CDP has not been exercised. However, the permit did not expire with the approval of 26 timely one-year extensions.

The first of the two current extension applications (5-90-789-E27) was submitted on October 23, 2019, prior to the permit expiration date on November 10, 2019. The application submittal effectively stayed permit expiration—however, approval of the request would only extend the permit by an additional year (i.e. to November 10, 2020.) Commission staff were not able to schedule Application No. 5-90-789-E27 prior to this date. Staff recommended the applicant submit a 28th extension request if they wished to avoid permit expiration, while also disclosing the change in circumstances that would necessitate a denial recommendation. The applicant submitted Application 5-90-789-E28 on May 18, 2021. Thus, the applicant is requesting an extension of the CDP expiration date to November 10, 2021. Staff recommends that the CDP extension NOT be granted because changed circumstances exist that affect the development’s consistency with the Chapter 3 policies of the Coastal Act specifically related to coastal hazards, as described below.

The project site is an approximately 18,850 sq. ft. lot fronting the public boardwalk (Ocean Front Walk) in the Venice subarea of the City of Los Angeles ([Exhibit 1](#)). The Commission approved CDP 5-90-789 on November 10, 1991. The applicant has not completed any of “prior to issuance” conditions of the original permit.

The CDP was approved in 1991 and consisted of the demolition of an existing, privately owned daily-rate beach parking lot and construction of a 20,329 sq. ft. mixed-use commercial development with a 2,580 sq. ft. food plaza open to beachgoers and a two-level, 38,592 sq. ft. parking garage located entirely below grade. On October 14, 1994, the Commission approved an amendment to the permit that approved a reduction in the mixed-use commercial development (resulting in a 14,536 sq. ft. mixed-use commercial development), a decrease in food plaza size (resulting in a 2,155 sq. ft. food plaza), and an increase in parking to 156 spaces ([Exhibit 4](#)). Both the amendment and original permit were approved, but never issued.

Since the time of the Commission’s approvals of the project in 1991 and 1994, there has been a change in the Commission’s understanding of the coastal hazards that affect beach fronting sites, especially as related to sea level rise. The original and amended permit

findings do not include coastal hazards analysis for the beach-front lot, which, as described below, is located in a low-lying area vulnerable to flooding, which will be worsened with projected sea level rise.

In 2015, the Commission unanimously adopted a “Sea Level Rise Policy Guidance” document that provides an overview of the best available science on sea level rise for California at that time, and recommended methodologies for addressing sea level rise in Coastal Commission planning and regulatory actions. In November 2018, the Commission unanimously adopted a “Science Update to the Sea Level Rise Policy Guidance.” The 2018 science-focused changes reflect recent scientific studies and statewide guidance that inform the Commission’s understanding of best available science regarding sea level rise projections relevant to California. The updated Guidance’s sea level rise projection tables estimate up to 6.8 ft. in projected sea level rise in Los Angeles by 2100 (i.e., within approximately 80 years). In addition, the Coastal Storm Modeling System (CoSMoS) indicates that a portion of the site will be affected by flooding with 6.6 ft. of sea level rise and a 100-year storm ([Exhibit 3](#)). With just 6.6 ft. of sea level rise and an annual storm, the perimeter of the site will be subject to flooding. (100-year storm describes a magnitude of storm event with 1 in 100 chance, or 1% chance, of occurring any given year. 20-year storms have a 1 in 20 chance, or 5% chance, of occurring any given year. Annual storms have a lesser magnitude and high likelihood of occurring at least once every year¹.)

While the applicant submitted a coastal hazards report for the project site, dated January 19, 2021, the report does not adhere to the Commission’s Sea Level Rise Policy Guidance in terms of selecting a range of sea level rise projections. The submitted report averages low and high emissions projections to obtain a predicted 1.4 to 6.15 ft. range of sea level rise in the project area by 2100. The Commission’s updated Guidance recommends using the high emissions projection for sea level rise to reflect greenhouse gas emissions, which have not been significantly curtailed in the past decade. Per the Commission’s Guidance, the site will likely experience a range of 3.3 to 6.8 ft. of sea level rise by 2100. It is worth noting that this range of sea level rise would not result in direct wave uprush or flooding onsite, unless combined with a 20-year or 100-year storm. Flooding of the perimeter would occur with 6.6-ft of sea level rise and an annual storm ([Exhibit 3](#)). However, as data regarding sea level rise continues to be collected, our understanding of sea level rise continues to evolve and it is possible that sea level rise projections will continue to change as well (as evidenced by the 2018 Commission update based on best available science). While predictions will remain uncertain regarding the magnitude and timing of sea level rise, the direction of the sea level change is clear, and it is critical to continue assessing sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high—or even extreme—sea level rise rates and plans for future adaptation will produce more resilient coastal California communities.

The project raises hazards concerns under Section 30253 of the Coastal Act because it involves new development in a low-lying area vulnerable to flooding, which may be exacerbated by sea level rise due to the site’s oceanfront location. Although the

¹ [The 100-Year Flood](#), published by USGS on June 11, 2018.

5-90-789-E27 and -E28 (Pacific Coast Management, LLC)
Permit Extension Request

development is expected to be safe from coastal hazards with 6.6 ft of sea level rise, it will be partially inundated with a combined 6.6 ft. of sea level rise and 20-year or 100-year coastal storm. The perimeter of the site will be subject to inundation with 6.6 ft. of sea level rise and an annual storm ([Exhibit 3](#)). The project also includes construction of a two-level subterranean garage likely to be impacted by flooding.

Given the project's location in a hazardous, flood-prone area, the potential flooding of the two-level garage could impact groundwater and endanger human life and property. The submitted 2021 geotechnical report also indicates a historic groundwater level up to 5-ft. below the natural grade, which is significantly above the proposed lowest finished floor elevation (FFE) of the parking garage, which would be 20-ft. below grade. This raises serious water quality and safety issues as the original permit and amendment issued in 1994 did not require any drainage or flood-proofing measures onsite.

In short, the approved project was not adequately analyzed for sea level rise impacts, and current information suggests the site will be susceptible to flooding. This constitutes a critical changed circumstance affecting the approved project's consistency with the Coastal Act's hazards policies, particularly as exacerbated by sea level rise. At a minimum, these changed coastal hazard circumstances are likely to require substantial re-design of the project to ensure its consistency with the Coastal Act. The applicant submitted an amendment application on May 13, 2021, proposing elimination of the subsurface garage—however, the proposal only provided 73 onsite parking spaces and did not clarify how they would satisfy parking requirements for both the subject development and the adjacent development (which the original CDP stipulates must be guaranteed 43 exclusive parking spaces). Commission staff formally requested additional information on May 28, 2021, and the applicant withdrew the amendment application on June 14, 2021.

In conclusion, the Coastal Act's CDP extension process allows the Commission to extend the expiration date of a CDP by one year per extension request, provided there are no changes in circumstances since the time of CDP approval that would affect the approved project's consistency with the Coastal Act.

In this case, there are significant changed circumstances related to projected sea level rise since original CDP approval that affect the project's consistency with the Coastal Act. The changed circumstances require essential project changes, which are necessary to ensure that the new development will minimize risk to life and property and assure stability and structural integrity without the need for protective devices consistent with applicable Coastal Act policies. Per the Commission's regulations, a finding of changed circumstances would mean that the extension requests are denied and the project would be reviewed de novo at a future date, after the Applicant has submitted the requisite filing fee, information to address the changed circumstances, and any other materials necessary for a comprehensive Commission review. Here, the applicant will need to submit not only the required fee (i.e., as required by the Commission's regulations), but also evidence of updated coastal hazard evaluations and updated project plans responding to the hazards analysis. In addition, given the scope of project changes that are likely to be necessary to allow for Commission reconsideration of the proposed project, the applicant will need to provide evidence of current City of Los Angeles approvals for any such revised project.

5-90-789-E27 and -E28 (Pacific Coast Management, LLC)
Permit Extension Request

Staff recommends that the Commission make a finding of changed circumstances and deny the extension requests. Unlike other CDP actions, if three or more Commissioners vote to find changed circumstances (i.e., as opposed to a majority), then changed circumstances are found, and the project will be set for a new hearing in the future, provided the applicant provides the appropriate filing fee and the information necessary to allow for the Commission to consider the application. Alternatively, if only two or fewer Commissioners vote for changed circumstances, then the CDP expiration will be extended to November 10, 2021. The motion to implement the staff recommendation is found on page 7 below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	7
II. FINDINGS AND DECLARATIONS.....	7
A. SITE DESCRIPTION AND PERMIT HISTORY	7
B. CHANGED CIRCUMSTANCES	9
C. ADDITIONAL INFORMATION NEEDED FOR COMMISSION REVIEW	12
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS.....	14

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – CoSMoS Site Projection](#)

[Exhibit 4 – CDP 5-90-789 and -5-90-789-A1](#)

I. MOTION AND RESOLUTION

Motion: I move that the Commission find that there are changed circumstances that affect the consistency of the development approved in Coastal Development Permit Number 5-90-789 with the Chapter 3 policies of the Coastal Act, and I recommend a yes vote.

Staff recommends that the Commission find that there are changed circumstances that affect the consistency of the development with the Chapter 3 policies of the Coastal Act, and therefore recommends that the Commission deny the extension requests. To implement this recommendation, staff recommends a **YES** vote on the following motion. An affirmative vote of three or more Commissioners is needed to deny the extension requests and adopt the following resolution and findings.

Resolution: The Commission hereby denies the requests for extension of Coastal Development Permit 5-90-789 in order for the permit not to expire, and adopts the findings set forth below on the grounds that there is sufficient evidence of changed circumstances that affect the consistency of the development approved in this permit with the Chapter 3 policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. SITE DESCRIPTION AND PERMIT HISTORY

The project site is located approximately 50-ft. inland of the sandy beach and fronts the public boardwalk (Ocean Front Walk) in the Venice subarea of the City of Los Angeles. [\(Exhibit 1\)](#). Vehicle access to the site is obtained from the abutting alley, Speedway. The subject lot is 132-ft. wide by 147-ft. long (18,850 sq. ft. total area) and relatively large compared with surrounding lots. The project site currently functions as a daily-rate beach parking lot owned by the applicant.

The subject amended permit approved demolition of the existing parking lot and construction of a 25-ft. high, four-story, 14,536 sq. ft. mixed-use commercial center with a 2,155 sq. ft. food service plaza open to both patrons and non-customer beachgoers (the permit prohibits the applicant from limiting seating to patrons.) The natural grade at the site slopes downward from east to west, which would result in two levels constructed above Ocean Front Walk, but only one level constructed above the Speedway [\(Exhibit 2\)](#). The upper two levels would serve office, retail, and fast-food uses, while the lower two levels would extend 20-ft. below the Ocean Front Walk natural grade and provide 156 parking spaces for employees and customers. Of the 156 total parking spaces to be provided, 43 are required for exclusive use by employees and patrons of the adjacent development at 511-523 Ocean Front Walk, also owned by the applicant².

Permit History

² This is required as a condition of both the subject permit (CDP 5-90-789) and an associated permit issued to the same applicant for the adjacent property (CDP 5-89-059).

5-90-789-E27 and -E28 (Pacific Coast Management, LLC)
Permit Extension Request

On July 23, 1990, the City issued local CDP 88-036 for the project (which initially proposed five total stories and 152 parking spaces). The City received a timely appeal within seven days of permit issuance, but the City did not adhere to required procedural review, and the Board of Zoning Appeals denied the appeal, thus upholding the original local approval. Litigation between the appellants and the City followed, which temporarily invalidated the local permit and variances. The applicant subsequently filed a lawsuit against the City demanding the release (i.e. formal issuance) of all previous local approvals, which had been effectively withdrawn by the City.

Settlements had yet to occur when, on May 9, 1991, the Commission denied Application 5-90-789 on the basis of inadequate parking and potential impacts to public access. The Commission also cited concern with the lack of local approval, as the Commission application had been submitted and filed prior to Commission knowledge of the appeal, and the local permit remained uncertain. On May 31, 1991, the City reached a settlement with the applicant and released all previous approvals.

On June 7, 1991, the applicant submitted a timely request for reconsideration, contending that the settlement agreement allowed the provision of a Negative Declaration from the City with new information. Commission staff recommended denial of the reconsideration request in the published findings—however, the Commission granted the reconsideration on August 14, 1991 and agreed to consider the project de novo.³

On September 9, 1991, the City's approval of the local CDP pursuant to the settlement was appealed to the Commission. The Commission found Substantial Issue on October 8, 1991 on the basis of local procedural error. The Commission subsequently considered both the appealed local permit (CDP 88-036) and the previously denied Commission application (Application 5-90-789) as a single de novo item, and on November 10, 1991, the Commission approved the project as CDP 5-90-789 ([Exhibit 4](#)). The permit included special conditions eliminating the proposed fifth level, reducing the project height to 25-ft., and reducing the proposed size by 1,300 sq. ft. The applicant obtained a timely one-year extension prior to the November 10, 1993 CDP expiration date. On October 14, 1994, the Commission approved an amendment to CDP 5-90-789, reducing the development size to 14,536 sq. ft., reducing the food plaza size to 2,155 sq. ft., maintaining the two-level, 38,592 sq. ft. subsurface parking garage, and increasing total parking to 156 spaces.

Since that time, no final plans have been submitted to, or accepted by, Commission staff. Additional special conditions yet to be fulfilled include completion of a deed restriction memorializing the conditions of approval; plans for an employee transit incentive program; plans for onsite signage to clarify parking availability; and the provision of interim parking for the adjacent development at 511-523 Ocean Front Walk. To date, no conditions have been satisfied, and the amended permit has not been issued or exercised. The applicant has submitted extension requests on an annual basis since 1993 and received 26 one-year extensions.

³ The findings for CDP 5-90-789 state: "According to California Code of Regulations Section 13109.5(d), if the Commission grants the reconsideration, the permit is heard as a de novo matter."

The applicant applied for a 27th extension on October 23, 2019, prior to the expiration date on November 10, 2019, as required. Approval of this extension would extend the permit expiration to November 10, 2020—however, Commission staff were unable to schedule the application prior to this date and recommended the applicant submit a 28th extension request if it wished to avoid permit expiration. During this communication, staff ensured the applicant was aware of the change in circumstances that would necessitate a denial recommendation. (This change in circumstances is discussed further below.) The applicant submitted a 28th extension application on May 18, 2021.

Thus, although the substantive issue before the Commission is singular in terms of whether to extend the CDP, there are currently two extension requests before the Commission (Applications 5-90-789-E27 and 5-90-789-E28). The original permit has not expired and would be extended to November 10, 2021, with the approval of the two current extension requests.

B. CHANGED CIRCUMSTANCES

Coastal Act Section 30253 states, in relevant 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.
- 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...

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in hazardous areas, including areas subject to flooding. New development must also not significantly contribute to erosion or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The subject CDP was approved in 1991, prior to the advent of satellite altimetry in 1993, which has allowed measurements of absolute sea level from space. This technology has significantly improved our understanding of climate change and the corresponding acceleration in sea level rise.

On August 12, 2015, the Commission unanimously adopted a “Sea Level Rise Policy Guidance” document that provides an overview of the best available science on sea level rise for California at that time and recommends methodologies for addressing sea level rise in Coastal Commission planning and regulatory actions. On November 7, 2018, the Commission unanimously adopted a science update to the “Sea Level Rise Policy Guidance” that provides interpretive guidelines to ensure new projects are designed and built in a way that minimizes sea level rise risks to the development and avoids related impacts to coastal resources consistent with Coastal Act Section 30253.

The applicant’s submitted coastal hazards report, dated June 14, 2021, averages low emission and high emission projections to obtain a 1.4 ft. to 6.15 ft. range of predicted

sea level rise for the project area. However, the Commission's 2018 update recommends using the high emission scenario when determining the range of Low Risk and Medium-High Risk sea level rise. Per this guidance, sea levels near the Santa Monica gauge (i.e. nearest to the project site) will likely rise between 3.3 ft. and 6.8 ft. within the subject development's estimated 75-year lifespan. Furthermore, the guidance document indicates the risk of even more significant sea level rise based on various uncertainties, including the dynamics of ice sheet loss. Sea level rise projection is given in a range because researchers cannot know exactly how much greenhouse gases we will continue to emit. However, there has not been a dramatic greenhouse gas curtailment in the past decade, and the Ocean Protection Council (OPC) and the Natural Resources Agency recommend against relying on the low emission projections in planning and decision-making processes.⁴ While the Commission has approved extension requests for this project since the 2018 updated guidance, staff approaches each extension request anew and believes that the facts and evidence available at this time demonstrate that there are clearly changed circumstances associated with coastal hazards. Moreover, such past approvals do not prevent the Commission from acknowledging and addressing the coastal hazards issue now.

In the project area, a major effect of sea level rise will be landward migration of the mean high tide line (MHTL) and a magnification in wave heights. Along much of the California coast, the ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to increased wave action. In summary, structures that are adequate for current storm conditions may not provide as much protection in the future.

Hazards of Subsurface Development

In past Commission actions, shoreline basements and subsurface development have been considered potential future shoreline protective devices.⁵ Erosion from magnified wave action and storms could cause subterranean levels to daylight and guard the development from coastal erosion at the expense of natural beach accretion, much like a seawall. Additionally, a daylighting structure would reflect wave energy in a manner similar to a seawall and impact surrounding coastal resources, such as the remaining sandy beach or surrounding developments without shoreline protection. This could adversely affect public access, beach width, shoreline sand supply, visual resources, or environmentally sensitive habitat areas. As such, under circumstances similar to those present here, the Commission has found that constructing new subsurface development on ocean-fronting properties could conflict with Section 30253, which provides that new development "shall not contribute to erosion, geologic instability, or the destruction of the site or surrounding area."

⁴ Ocean Protection Council (OPC). 2018. [State of California Sea-Level Rise Guidance: 2018 Update](#).

⁵ [A-5-MNB-20-0020 & A-5-MNB-20-0041](#)(Cotsen), [5-19-0955](#) (Lesman), [5-18-1212](#) (Lowell/Correll), [A-5-VEN-15-0052](#), [A-5-VEN-15-0053](#), and [A-5-VEN-15-0054](#) (Bever).

Even if daylighting does not occur, subsurface development in flood-prone areas poses risks relating to the presence of pollutants, the storage of hazardous materials and electrical/mechanical equipment. Parking garages typically include an elevator system, lighting and ventilation system, cleaning chemicals and vehicles. Inundation of a multi-level parking lot with up to 156 cars could present important human health and safety concerns (e.g., electrocution, interruption in public infrastructure services), release of harmful toxins into the water, and/or impacts to water quality and surrounding coastal habitats.

In the event of potential inundation, removal of vulnerable structures may be considered necessary to minimize risks to life and property. In past decisions, the Commission has imposed conditions requiring removal, relocation, or elevation of structures at a specified future time to ensure the development will appropriately minimize risks and protect coastal resources consistent with Coastal Act provisions.⁶ However, the subject permit does not include any of these conditions. The approved subsurface development would also make removal of the associated development difficult, and/or result in greater impacts to coastal resources, in a manner inconsistent with Section 30253.

As previously described, the project site is a beach fronting lot set back 50-ft. from sandy beach and approximately 800 ft. from the MHTL. The subject CDP approves the construction of a two-level, 38,592 sq. ft. subterranean parking lot extending approximately 20-ft. below the natural grade at Ocean Front Walk. The third level will also daylight with its location above ground at Ocean Front Walk and below ground at the Speedway. The applicant's submitted coastal hazards report, dated January 19, 2021, indicates the highest historical presence of groundwater onsite to be 5 ft. below natural grade. This suggests the potential presence of groundwater up to 15 ft. above the lowest proposed FFE—a serious issue, considering the original permit does not require any floodproofing or drainage control features to be installed. According to CoSMoS, a portion of the development will be subject to flooding with 6.6 ft of sea level in combination with a 20-year or 100-year storm ([Exhibit 3](#)). With 6.6 ft of sea level rise and an annual storm, the perimeter of the site will be inundated. The maximum predicted sea level rise for this site is 6.8 ft., but 6.6 ft is the closest scale offered by CoSMoS. 100-year storm describes a magnitude of storm event with 1 in 100 chance, or 1% chance, of occurring any given year and 20-year storms have a 1 in 20 chance, or 5% chance, of occurring any given year. Annual storms have a lesser magnitude and high likelihood of occurring at least once every year⁷.

The applicant submitted an amendment application on May 13, 2021, proposing elimination of the subsurface garage—however, the proposal only provided 73 onsite parking spaces and did not clarify how they would satisfy parking requirements for both the subject development and the adjacent development (which the original CDP stipulates must be guaranteed 43 exclusive parking spaces). Commission staff formally requested additional information on May 28, 2021, and the applicant withdrew the

⁶ [5-19-1167](#) (Harley GCS, LLC), [5-19-1266](#) (German Quality Borders, LLC), [A-5-VEN-18-0049 & 5-19-1015](#) (Mobile Park Investment), [5-89-011-A1](#) (Waldorf, LLC).

⁷ [The 100-Year Flood](#), published by USGS on June 11, 2018.

amendment application on June 14, 2021.

Conclusion

In conclusion, section 13169 of Title 14 of the California Code of Regulations sets forth the Coastal Act's CDP extension process and allows the Commission to extend the expiration date of a CDP by one year, provided there are no changes in circumstances since the time of CDP approval that would affect the approved project's consistency with the Coastal Act. In this case, there are significant changed circumstances since the original CDP approval that not only affect the project's consistency with the Coastal Act but will require fundamental project changes to meet Coastal Act hazards avoidance and minimization requirements. Specifically, the coastal hazards threatening the site are more severe than understood in 1991, and the Commission has improved its ability to plan for these risks since the last extension was approved in early 2019. The scope of new information and planning measures available since the original permit approval constitutes a critical changed circumstance affecting the approved project's consistency with Coastal Act policies regarding coastal hazards, particularly with respect to sea level rise. As such, Commission staff find that the extension request must be denied.

C. ADDITIONAL INFORMATION NEEDED FOR COMMISSION REVIEW

Section 13169(d)(1) of the Commission's administrative regulations indicates that following determination of changed circumstances by at least three commissioners, the extension shall be denied, and upon submittal of additional information necessary to evaluate the effect of the changed circumstances, the development proposal shall then be set for a full hearing of the Commission.

Additional information from the applicant is needed to evaluate the effect of the changed circumstances and to determine if the project can be found consistent with the Chapter 3 policies of the Coastal Act. The project would also be evaluated for whether it may prejudice the ability of the local government to prepare an LCP that is in conformity with the Chapter 3 provisions. There is a significant amount of information that will be necessary for the Commission to review the project as a de novo item, summarized below.

The applicant must provide a new filing fee based on the square footage of commercial development and other parameters addressed in the Commission's current filing fee schedule. The applicant must provide evidence that the required local CDP or CDP amendment has been obtained from the City of Los Angeles Planning Department and the 20 working-day Commission appeal period on the local CDP has ended.

The applicant must also provide new project plans which more clearly list the proposed heights, elevations, areas, and uses of the development, as the current set of plans on file have become illegible. The plans should include estimates of permeable area onsite and specify the plant palettes proposed for any landscaping. The project plans should clarify whether electrical vehicle charging stations are proposed onsite, where the 43 parking spaces required for exclusive use of 511, 517, and 523 Ocean Front Walk will be located, and how this exclusive use will be enforced. The applicant must provide clarification on how the 43 parking spaces have been provided since 1991 in the absence of any

construction at 601 Ocean Front Walk. The applicant should clarify whether the daily-rate beach parking lot was constructed prior to 1972, or if it received Commission approval via a CDP or exemption.

The applicant must provide an analysis of parking demand for the proposed development that considers current traffic conditions and parking availability in the surrounding neighborhood, as this has likely changed since 1991. Any proposed reduction in parking must be accompanied by an analysis of the parking demands presented by each proposed commercial use onsite and analysis of how the reduction may impact the stock of available public beach parking in Venice, as well as analysis of project consistency with applicable policies of the certified Venice LUP.

Lastly, the applicant must address the coastal hazards discussed above with submittal of a revised geotechnical report. The report must use a methodology consistent with the 2018 Update to the Commission's Sea Level Rise Policy Guidance in determining a range of likely future tide levels due to sea level rise and discuss any impacts of the proposed project on the level of the existing groundwater table, as well as surrounding water quality and public infrastructure with future sea level rise. Information regarding a drainage system and comprehensive set of flood-proofing measures must be provided.

After all the above materials have been received, the application will be set for a new hearing in front of the Coastal Commission, as is provided for by the Commission's regulations.

Appendix A – Substantive File Documents

1. California Coastal Commission Sea Level Rise Policy Guidance, dated November 7, 2018.
<https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLR_GuidanceUpdate.pdf>
2. Coastal Development Permit No. 5-90-789 and associated materials, including Amendment 5-90-789-A1.
3. Findings for Coastal Development Permit 5-19-0955.
<<https://documents.coastal.ca.gov/reports/2020/6/F17a/F17a-6-2020-report.pdf>>
4. Coastal Hazard and Wave Runup Study for Development at 601 Ocean Front Walk, Venice Beach, City of Los Angeles, California. Published by GeoSoils, Inc. on January 19, 2021.