

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-22-0927

Applicants: Robert & Patricia Antin

Agent: Pacific Crest Consultants. Attn: Chloe Parker

Location: 117 Westwind Mall, Venice, Los Angeles, Los Angeles County (APN: 4295-008-005)

Project Description: Construction of new 2,157 sq. ft., 2-story, single-family home with attached three-car garage and roof deck on vacant 3,143 sq. ft. lot.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed development is located at 117 Westwind Mall in the Marina Peninsula subarea of Venice in the City of Los Angeles ([Exhibit 1](#)). The applicants are proposing to construct a new 2,157 sq. ft., 2-story, single-family home with attached three-car garage and roof deck on a vacant 3,143 sq. ft. lot ([Exhibit 2](#)). The 3,143 sq. ft. vacant lot is currently improved with a basketball court and lighting fixtures in between a pedestrian mall (Westwind Mall) and a rear alleyway (Westwind Court). On December 19, the applicants submitted the required subject “dual” Coastal Commission Coastal Development Permit (CDP) application for Commission review and action. The standard of review is the Chapter 3 policies of the Coastal Act, with the certified LUP used as guidance.

The neighborhood consists of primarily three and four-story single-family residential structures of similar (or greater) square footage. The proposed residence will comply with the 45-ft. height limit and the front yard setback for all development in the Marina Peninsula subarea. Therefore, the proposed development is compatible with the existing

community character and is not anticipated to have an adverse cumulative effect on surrounding development.

The proposed project site is located in the Del Rey Tract Subdivision, which is located south of the Silver Strand Subdivision ([Exhibit 1](#)). Both the Del Rey and Silver Strand Subdivisions have a long and complex history before the Commission. The coastal resource issues of concern in this area are public parking and circulation, recreation, and wetland habitat and habitat buffers from the Ballona Lagoon. The Commission approved the Del Rey Tract Subdivision pursuant to CDP 5-87-112, as amended (Del Rey Associates), for the installation of surface and underground improvements to serve 36 lots (including the subject project site), including streets, alleys, malls, and utilities. This subdivision was similar in design and layout to the Silver Strand development to the north (CDP A-266-77). Per the Commission's approvals, the developers for the Del Rey and Silver Strand Subdivisions were required to maintain the landscaped pedestrian malls fronting the residential lots, ensure public parking nodes at the west ends of the malls, and direct residential vehicular access to the houses from paved rear alleyways. It is crucial that the applicants continue to participate in maintenance of the public areas, utilities, and landscaping, in conformity with the Commission's previous approvals that apply to the subject site.

Staff is recommending the Commission APPROVE the coastal development permit with six (6) special conditions, including: 1) public area maintenance, 2) public utility improvements, 3) retention of parking onsite, 4) construction best management practices, 5) assumption of risk, and 6) deed restriction.

These conditions are imposed to ensure that the development does not adversely impact public access, visual resources, and water quality, and is consistent with the development and coastal hazard policies of the Coastal Act, the certified Venice LUP, and with the Commission's previous approvals that apply to the subject site. Therefore, staff believes that, as conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect of the proposed project, there are no remaining significant environmental impacts within the meaning of CEQA and, thus, recommends that the Commission find the project is consistent with CEQA, the Chapter 3 policies of the Coastal Act, and the certified LUP.

The motion and resolution can be found on Page 4.

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EXHIBITS

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

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – CDP 5-90-521](#)

[Exhibit 4 – Venice Sea Level Rise Vulnerability Assessment Figures](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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

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 applicants or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicants to bind

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

III. SPECIAL CONDITIONS

1. **Public Area Maintenance.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants and their successors in interest shall participate, on a fair and equitable basis, in the maintenance of all public areas and landscaping (including the pedestrian malls, parking nodes, buffer areas, and pathways) installed pursuant to CDPs A-266-77 (Isthmus Landowners Assoc.), 5-86-641 (Lee), and 5-87-112, as amended (Del Rey Assoc.).
2. **Public Utility Improvements.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants and their successors in interest shall participate, on a fair and equitable basis, in the maintenance of public utility improvements installed pursuant to CDP 5-87-112, as amended (Del Rey Assoc.), including surface improvements to streets, alleys, malls, and underground improvements such as utilities and drainage systems.
3. **Retention of Parking Onsite.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants and their successors in interest shall ensure the provision of three (3) off-street parking spaces on the project site in perpetuity. These parking spaces shall take access from the alley.
4. **Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants 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, and any remaining construction material, 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 applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 5. Assumption of Risk, Waiver of Liability and Indemnity.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittees acknowledge and agree (i) that the site may be subject to hazards including but not limited to erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittees 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; (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; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.

- 6. Deed Restriction.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants 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.

IV. DUAL PERMIT JURISDICTION AREA

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of its local coastal program. Under that section, the local government must establish a program for the review of coastal development permits within its jurisdiction. In 1978, the City of Los Angeles chose to review local CDPs pursuant to this provision of the Coastal Act.

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Act requires that any development that receives a local CDP also obtain such a permit from the Coastal Commission. Section 30601 requires a CDP from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff.

The proposed development is located within the Marina Peninsula area of Venice and within 300 feet of the inland extent of a beach and/or mean high tide line (MHTL). This area is located within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "Dual Permit Jurisdiction" area pursuant

to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act. The applicants received a local CDP (DIR-2020-6650-CDP-SPP-MEL) from the City of Los Angeles on July 14, 2022. The permit was not appealed to the Commission and is, therefore, a final action by the City. This application is for the Commission's dual permit.

V. FINDINGS AND DECLARATIONS

A. Project Description and Background

The proposed development is located at 117 Westwind Mall in the Marina Peninsula subarea of Venice in the City of Los Angeles ([Exhibit 1](#)). The applicants are proposing to construct a new 2,157 sq. ft., 2-story, single-family home with attached three-car garage and roof deck on a 3,143 sq. ft. lot ([Exhibit 2](#)). The 3,143 sq. ft. lot is currently improved with a basketball court and lighting fixtures, and is bounded by a single-family residence and another vacant lot, a pedestrian mall (Westwind Mall), and a rear alleyway (Westwind Court). The applicant did not obtain a CDP for the existing basketball court and lighting fixtures. The site is zoned R1-1 by the City's uncertified zoning code and designated Single Family Residential – Low in the Venice certified Land Use Plan (LUP).

The City of Los Angeles Planning Department has issued local Coastal Development Permit (CDP) No. DIR-2020-6650-CDP-SPP-MEL for the proposed project. No appeal of the local action was filed. On December 19, 2022, the applicants submitted the subject "dual" Coastal Commission CDP application for Commission review and action. The Commission certified the Venice LUP in 2001. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP as guidance.

The proposed project site is located in the Del Rey Tract Subdivision, which is located south of the Silver Strand Subdivision ([Exhibit 1](#)). Both the Del Rey and Silver Strand Subdivisions have a long and complex history before the Commission. The coastal resource issues of concern in this area are public parking and circulation, recreation, and wetland habitat and habitat buffers from the Ballona Lagoon.

In March 1987, the Commission approved CDP 5-87-112, as amended (Del Rey Associates), for the installation of surface and underground improvements to serve 36 lots (including the subject project site), including streets, alleys, malls, and utilities. This subdivision was similar in design and layout to the Silver Strand development to the north. Per the Commission's approvals, the developers for the Del Rey and Silver Strand Subdivisions were required to maintain the landscaped pedestrian malls fronting the residential lots, ensure public parking nodes at the west ends of the malls, and direct residential vehicular access to the houses from paved rear alleyways.

While the onus fell on the developers, and subsequently on the homeowners association, to comply with the Commission's conditions of approval for the subdivision,

the individual property owners in the tract were expected to participate, too. In fact, the Commission approved CDP 5-90-521 (Silver Strand Enterprises, Inc.) for the subject site in 1990 for the construction of a four-level (3 floors over three-car garage), 44.5-ft.-high, 5,008 sq. ft. single-family residence with a rooftop deck and spa ([Exhibit 3](#)); while the 1990 permit was never vested and the home never constructed, the Commission's conditions of approval under this permit would still be relevant today. These conditions included a requirement for the applicants to participate in the maintenance of public areas, participate in the maintenance of public utilities, and provide three (3) off-street parking spaces in perpetuity.

As such, the Commission is requiring **Special Condition 1** (Public Area Maintenance), **Special Condition 2** (Public Utility Improvements), and **Special Condition 3** (Retention of Parking Onsite). Together with **Special Condition 6**, which requires that the property owners record a deed restriction against the property, referencing all of the Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property, these Special Conditions will work to ensure that the applicants participate in the maintenance of all adjacent public areas (pedestrian malls, parking nodes, buffer areas, and pathways) and public utility improvements (streets, alleys, underground utilities, drainage systems, and landscaping) to ensure they remain in good condition and serve their intended public benefit. Currently, the Westwind Point Homeowners Association is the main entity responsible for undertaking maintenance activities in the Del Rey Tract Subdivision, in conformance with CDPs A-266-77 (Isthmus Landowners Assoc.), 5-86-641 (Lee), and 5-87-112, as amended (Del Rey Assoc.); but should circumstances change in the future, the applicants will still be responsible for participation in the upkeep of public areas and utilities in an appropriate manner.

Special Condition 3 will ensure that the site will retain three (3) off-street parking onsite in perpetuity, in order to minimize adverse impacts to public parking in this already parking-impacted area. CDP 5-87-112 approved the Del Rey Tract Subdivision and required the developer to provide parking nodes at the ends of each pedestrian mall in the tract. However, the parking node adjacent to Westwind Mall was not constructed, in violation of the permit, which the Commission considered under Restoration Order No. 5-87-112-RO. In order to resolve the violation, the Commission approved CDP Amendment No. 5-87-112-A2, which modified the requirements of the underlying permit to remove the parking node requirement and instead require that the developers pay a fair and reasonable share of an in-lieu fee for the mitigation of lost public parking. As such, the available public parking in the area is often limited, which affects the public's ability to access the pedestrian malls and the Ballona Lagoon trail nearby. Thus, the imposed Special Condition will ensure that the applicants retain sufficient off-street residential parking spaces in perpetuity.

Community Character

The proposed two-story residence is visually compatible with the surrounding area. The neighborhood consists of primarily three and four-story single-family residential structures of similar (or greater) square footage. The proposed residence will comply

with the 45-ft. height limit and the front yard setback for all development in the Marina Peninsula subarea. Therefore, the proposed development is compatible with the existing community character and is not anticipated to have an adverse cumulative effect on surrounding development. In addition, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with the Chapter 3 policies of the Coastal Act, the Venice LUP, and past Commission actions in the area.

Hazards

The proposed development is located within the tidally influenced Venice canal system, which is mechanically controlled via a tide gate system, which is hydrologically connected to Ballona Lagoon by the Grand Canal. There are two sets of tide gates: tide gates located under the Washington Street Bridge at Grand Canal, which connect to the Venice Canals, and tide gates located at the southern end of Ballona Lagoon. These tide gates limit the potential for flooding and regulate tidal flushing (with seawater) in the Ballona Lagoon, Grand Canal, and Venice Canals. However, based on the City's Venice Sea Level Rise Vulnerability Assessment prepared by Moffat & Nichol (May 2018), the communities within the Venice Canals area are low-lying and flood prone under existing conditions. The tide gates are typically closed prior to higher-high tide events to prevent the water levels in the canal from rising. As sea levels rise, the tide gates may remain closed for longer periods (which would prevent accumulated stormwater from flushing out to sea), and as storm events become more extreme, flooding may become more frequent.

Per the Venice Sea Level Rise Vulnerability Assessment, the proposed development is located on the boundary of the potential flooding area for a 100-year coastal storm with 6.6 feet of sea level rise ([Exhibit 4](#)). While there may be the potential for limited shallow flooding under these extreme conditions, the site's relatively high elevation in combination with the finished floor being approximately six inches above grade adequately minimize risk over the home's lifespan. Regardless, the site is located within a vulnerable area where flooding may hinder access on key roads and impact critical infrastructure.

Therefore, **Special Condition 5** requires the applicants to acknowledge the risks associated with the proposed development and that the proposed development is in an area that is potentially subject to sea level rise, wave uprush, liquefaction, and other tidally induced erosion that can damage the subject property. The applicants must also acknowledge that the Commission is not liable for such damage as a result of approving the permit for development. The condition requires the applicants to waive claims against the Commission and indemnify the Commission in the event of any third-party claims. Finally, the condition requires removal of the development if it is deemed unsafe by a government entity in the case of coastal hazards.

Due to the site's proximity to Ballona Lagoon, canals, and coastal waters, **Special Condition 4** requires construction-related requirements and best management practices to ensure pollution of the waters is prevented. To ensure that prospective

future owners are informed of these conditions, **Special Condition 6** requires that the property owners 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.

B. Development

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the proposed development conforms with Sections 30250, 30251, and 30252 of the Coastal Act, and is not anticipated to have any new adverse environmental impact.

C. Visual Resources

The development is located within an existing developed area, will be compatible with the character and scale of the surrounding area, and will not result in any new adverse impact on visual resources in this area. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Biological Resources

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240 of the Coastal Act.

E. Coastal Hazards

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, and visual resources. To minimize risks to life and property the development has been conditioned to ensure that the landowner or any successor-in-interest assumes the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

F. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the stability of the site. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and 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, the use of non-invasive drought tolerant vegetation, and 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.

G. Public Access and Recreation

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 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

H. Local Coastal Program

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. The Land Use Plan for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. 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.

I. California Environmental Quality Act

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 modified 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 approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that 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, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application No. 5-90-521 and associated file documents.
- Coastal Development Permit Application No. 5-22-0927 and associated file documents.