

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 Oceangate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071



# W20b

Filed: 6/03/11  
 49th Day: 7/22/11  
 180th Day: 11/30/11  
 Staff: Al Padilla-LB  
 Staff Report: 7/19/11  
 Hearing Date: 8/10-12/11

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER:** 5-11-137

**APPLICANT:** 301 Ocean Development, Llc.

**AGENT:** Trammell Crow Company

**PROJECT LOCATION:** 301 Ocean Avenue, Santa Monica

**PROJECT DESCRIPTION:** The applicant proposes to demolish an existing two-story, 47 unit apartment complex and construct a four-story, 45 foot high, 20 unit condominium complex, with 45 parking spaces within two subterranean parking levels and 35,000 cubic yards of excavation.

Lot Area:	1.01 acres
Building Coverage:	21,400 square feet
Pavement Coverage:	14,344 square feet
Landscape Coverage:	8,070 square feet
Parking Spaces:	45
Zoning:	R-4 (high density residential)
Ht above final grade:	45 feet

**LOCAL APPROVALS RECEIVED:** Development Review Permit 10-001, Tract Map 10-002

**SUBSTANTIVE FILE DOCUMENTS:** Santa Monica certified Land Use Plan, certified in 1992; *301 Ocean Avenue Condominium Project*, Final initial Study/Mitigated Negative Declaration, August 2010.

---

### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions on the basis that the project, as conditioned, conforms with the public access and resource protection policies of the Coastal Act. Special Conditions include: 1) submittal of landscape plans; 2) water quality mitigation; 3) conformance with geotechnical recommendations; and 4) archaeological resource recovery plan.

---

**I. STAFF RECOMMENDATION:**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 5-11-137 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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 TO APPROVE THE PERMIT:**

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

### **III. SPECIAL CONDITIONS:**

#### **1. Landscape Plan**

**A.** Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a landscaping plan. The plan shall be prepared by a licensed landscape architect. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly known as the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants employed on the site shall be drought tolerant (low water use) plants identified by U.C. Davis and the Water Resources Board.

**B.** The permittee shall undertake development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements as required under the City's Municipal Code that are in effect at the time of approval of this permit.

#### **2. Water Quality Standards**

With the acceptance of this permit the applicant agrees to comply with all applicable City of Santa Monica water quality requirements as required under the City's Municipal Code that are in effect at the time of approval of this permit.

### **3. Conformance of Design and Construction Plans to Geotechnical Report**

**A.** All final design and construction plans, including foundations, floor plans and grading shall be consistent with all recommendations contained in the Geotechnical Report prepared by Geotechnical Professionals Inc., dated April 8, 2010. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

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

### **4. Archaeological Resources**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:

1. The monitoring plan shall ensure that any prehistoric or historic archaeological or paleontological 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 unless the applicant submits evidence, subject to the review and approval of the Executive Director, that a more complete survey of cultural resources adjacent to and within a one-half mile radius of the project site finds no cultural resources. If cultural resources are found adjacent to, or within a one-half mile radius of the project site, the applicant may choose to prepare a subsurface cultural resources testing plan, subject to the review and approval of the Executive Director, in-lieu of proceeding with development with the presence of archaeological and Native American monitors on the site during grading activities. If the subsurface cultural resources testing plan results in the discovery of cultural resources, the applicant shall prepare a mitigation plan, which shall be peer reviewed and reviewed by the appropriate Native American tribe, and shall apply for an amendment to this permit in order to carry out the mitigation plan.

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 or paleontological resources.

2. 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, if required in the approved cultural resources monitoring plan required above.
3. If required by the above cultural resources monitoring plan to have archeological and Native American monitors present during grading activities, the permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
4. 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 findings are significant.
5. If the Executive Director determines that the findings are significant, the permittee shall seek an amendment from the Commission to determine how to respond to the findings 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:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The applicant proposes to demolish an existing two-story, 47 unit apartment complex with one level of subterranean parking, and construct a four-story, 45 foot high, 20-unit condominium complex, with 45 parking spaces within two subterranean parking levels. In order to construct the subterranean parking levels, the applicant is proposing to excavate 35,000 cubic yards and export the material outside of the coastal zone.

To meet the City's affordable housing obligation under the Mello Act and City Municipal Code, the project will provide 25% of the total units, or five ownership units, for moderate-income households.

The proposed project site is located at the southwest corner of Ocean Avenue and San Vicente Boulevard in the northern part of the City of Santa Monica. Along the western boundary the property backs up to an alley, First Court. The site is a 1.01 acre parcel of land that is irregular in shape. The parcel's perimeter is curved along the edge of the street at the southeast intersection of Ocean Avenue and San Vicente Boulevard, creating a pie-shaped parcel. The project site is on the east side of Ocean Avenue, across from the bluff top park, Palisades Park, which overlooks Pacific Coast Highway, the beach, ocean, and Santa Monica Pier to the south. The project site is zoned R4, high-density residential. The surrounding area is developed with multi-story multiple-family residential buildings ranging from two to seventeen stories in height.

The project will consist of three separate buildings around an open courtyard with open walkways connecting the buildings. The two buildings located parallel to First Court and the south property line, respectively, will be four stories with a maximum building height of 45'-0" feet above grade. The third building, located along the curved frontage of the site, will be three stories and 37'-2" above grade.

Pedestrian access to the complex will be provided from Ocean Avenue and San Vicente Boulevard. Vehicular access to the two subterranean parking levels will be provided from First Court.

The proposed development will be designed to achieve a minimum of LEED (Leadership in Energy and Environmental Design) Silver certification, with Gold as the goal, and will include sustainable elements involving building design and materials, onsite energy generation from photovoltaic systems and energy savings from green energy design, energy and water use reduction strategies, drought-tolerant, non-invasive landscaping, and recycling of construction and consumer waste.

## **B. Parking**

Section 30252 of the Coastal Act states in Part:

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

In addition, policy #20 of the Santa Monica certified Land Use Plan states in part that:

*New development shall provide adequate parking to meet all demands created by the development...*

The applicant is proposing to demolish the existing 47 unit apartment, with 44 parking spaces and construct 20 condominium units with 45 parking spaces. Through past Commission permit action the Commission has established for multi-family residential development a parking ratio of 2 parking spaces per unit, plus 1 guest parking space per every four units for projects along Ocean Avenue. The existing complex provided only .9 parking spaces per unit, and based on Commission's parking requirements the existing residential complex was significantly under parked. Maintaining the existing density on-site would be economically infeasible due to the large amount of parking needed to meet current parking requirements. The proposed project will provide parking at the Commission's current parking ratio of 2 parking spaces per unit with 1 guest parking space per four units, for a total of 45.

By demolishing the existing multi-family structure and constructing a new multi-family structure that is consistent with the Commission's on-site parking requirements, the proposed project will improve the on-street parking situation along the surrounding streets by reducing the on-street residential demand caused by older developments that have inadequate on-site parking. By reducing the on-street residential parking demand by these existing older non-conforming structures, existing street parking spaces will become more available for public use for accessing the nearby Palisades Park and even for beach access via the various pedestrian bridges that provide access down to the beach from Palisades Park. The Commission, therefore, finds that, as proposed, the project will not adversely impact coastal access and will be consistent with Section 30252 of the Coastal Act and with the applicable policies of the City's certified LUP.

### **C. Development**

Section 30250 of the Coastal Act states in part that:

*(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 a significant adverse effects, either individually or cumulatively, on coastal resources.*

Section 30251 of the Coastal Act states in part that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Policy 70 of the certified LUP states:

*The City shall develop standards to assure that new development along Adelaide Drive and all other scenic corridors and designated viewing areas, as identified in Visual Resources Map*

*#13, is designed and sited to be visually compatible with the character of the surrounding area, restores and enhances visual quality in visually degraded areas, and protects public views to the coast and scenic coastal areas. Public views shall mean views to the ocean from the public right of way of streets and designated public viewing areas.*

The project is located at the corner of San Vicente Boulevard and Ocean Avenue. Ocean Avenue is a north- south trending street paralleling Palisades Park, which is a bluff top park above Pacific Coast Highway and overlooking the coast. San Vicente Boulevard is perpendicular to Ocean Avenue and forms a curve in front of the project site as it transitions from Ocean Avenue.

The proposed project is designed with at-grade setbacks and upper level setbacks to provide architectural articulation, and is designed with 3 stories along Ocean and San Vicente Boulevard and 4 stories away from the streets to provide better pedestrian scale. At 3 to 4 stories, the scale of the proposed development is compatible with the surrounding development that range from 3 to 17 stories in the immediate area.

Section 30604(f)(g) of the Coastal Act encourages the provision of affordable housing and the project will provide five affordable on-site units. Although the Coastal Act encourages the provision of affordable housing, all development still needs to be designed to be consistent with the visual and resource protection policies of the Coastal Act. As proposed, the five on-site affordable housing units will be incorporated into one of the three separate buildings which will maintain the scale and compatibility with the surrounding area.

Furthermore, the proposed project will underground all existing utilities along the entire length of First Court, from San Vicente Boulevard to Georgina Avenue. Although the utilities are on the inland side of existing development along Ocean Avenue and do not interfere with or detract from coastal views that may be available from the surrounding streets, the removal of these utilities and poles will improve the appearance of First Court.

The project will also include sustainable design features for a minimum LEED certification of Silver, with a goal for Gold certification, and will include drought tolerant landscaping with non-invasive plant species. Such plantings will keep water use to a minimum and will also reduce off-site sedimentation and runoff. To ensure that the project will include and maintain drought tolerant and non-invasive plant species, Special Condition No. 1 requiring the applicant to submit and implement a landscape plan that consists of drought tolerant, non-invasive plants is necessary.

As proposed, the project will not significantly impact coastal views from along Ocean Avenue or San Vicente Boulevard and will be compatible with the height and mass of surrounding development. The Commission, therefore, finds that the project as conditioned will be compatible with the character and scale of the surrounding uses and with Sections 30240, 30250 and 30251 of the Coastal Act.



**D. Control of Polluted Runoff**

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 all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed parking lot and other hardscape. The City, to mitigate potential impacts for all development, has adopted an Urban Runoff Ordinance. The ordinance requires projects to incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. The City requires all new development to achieve twenty- percent reduction of the projected runoff for the site with design features such as biofilters and retention structures, and also requires the use of oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants. The City's Best Management Practices are designed to treat, infiltrate or filter the amount of stormwater runoff up to the 85% percentile for a 24 hour storm event. Furthermore, the City has a new state-of-the-art stormwater treatment facility that treats all dry weather storm runoff. Runoff from all new development is directed to existing stormdrains, which direct stormwater to the treatment facility.

Coastal Commission water quality staff has previously reviewed the City of Santa Monica's water quality standards for similar projects and have determined that the City's standards are consistent with standards imposed by the Commission. To ensure that the development complies with the City requirements, a special condition is necessary that requires the applicant to agree to comply with the water quality requirements of the City. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

## **E. Geology**

Section 30253 of the Coastal Act states in part:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) 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.*

According to the Geotechnical Investigation, prepared by the applicant's consulting Geotechnical engineer, the subsurface profile consists of undocumented fill and natural soils. Groundwater was not encountered within the 66 foot depth explored and based on the depths planned for the subterranean parking levels groundwater is not anticipated to be encountered.

There are no known faults in the area and the site is located outside of the liquefaction zone, based on the "Seismic Hazard Zones" map issued by the State of California, and according to the report, the project site is considered as having very low susceptibility to liquefaction.

The report concludes that development of the site is feasible from a geotechnical engineering viewpoint provided their recommendations are incorporated into the design. Recommendations include grading, foundation design and construction. To ensure that the recommendations made by the consultants are implemented, the applicant shall submit plans reviewed and approved by their geotechnical consultants indicating that all recommendations have been incorporated into the design. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act and the certified LUP.

## **F. Cultural Resources**

Section 30244 of the Coastal Act 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 site is currently developed and has been disturbed in the past including excavation for the existing subterranean parking level. According to archaeological records no identifiable historical, archaeological, and/or paleontological resources exist on the project site.

Although no known archaeological or paleontological resources have been discovered in the past, the proposed project does include further excavating of the site and the Commission has required applicants proposing large or deep grading activities to monitor all grading and construction activities within areas of potential archaeological or paleontological resources and

has also required appropriate recovery and mitigation measures regarding excavation, reporting and curation. To ensure that the project is consistent with past Commission action, Special Condition No. 4 is necessary to ensure consistency with the Coastal Act. As part of the condition, a monitoring plan shall be submitted and reviewed and approved by the Executive Director. The monitoring plan shall require that archaeological and Native American monitors be present during all grading operations, unless the applicant submits evidence that a more complete survey of cultural resources finds no cultural resources adjacent to, or within a one-half mile radius of the project site.

Once a site is determined to contain significant cultural resources, a Treatment Plan (Mitigation Plan) shall be prepared and reviewed by the appropriate Federal and State reviewing agencies (see Appendix 1, Cultural Resources Significance Testing Plan Procedures). The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, shall determine if an amendment will be required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

In the event that grave goods are found the Los Angeles County Coroner's Office must be notified in compliance with state law, and they in turn will request the Native American Heritage Commission to determine the cultural affiliation.

The Commission's Archaeological Guidelines (Appendix 1) also recommend that the research design include arrangements for curation of collections when appropriate, and dissemination of the research findings. Regarding curation, there must be some assurance that the collection and related field records, catalogs and reports will be properly curated. Without proper curation there is no assurance that the value of information obtained will be retained in perpetuity. A qualified curation facility is one that meets the State Historic Preservation Office (SHPO) guidelines, such as the San Bernardino County Museum. However, there is no guarantee that the facility will be able to accept the collections once the artifacts are ready for curation. Consequently, if another facility is available that meets SHPO's guidelines, it would also be appropriate to allow curation to occur there. In any case, curation of any significant artifacts must be assured in order to find that the proposed project meets Section 30244 of the Coastal Act's requirement for reasonable mitigation. Therefore, as a condition of approval, artifacts of significant cultural value collected as a result of this project at the archaeological sites shall be curated at a qualified curation facility. If no qualified curation facility is available at the time the project is complete, an amendment to this permit shall be required to determine the appropriate curation process. The Commission finds, therefore, that as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

### **G. Local Coastal Program**

Section 30604(a) of the Coastal Act states that:

*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).*

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

The subject site is suitable for residential development as proposed. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare implementation for a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### **H. CEQA**

The City of Santa Monica is the lead agency for the purposes of CEQA. A Mitigated Negative Declaration was prepared for this project in accordance with the California Environmental Quality Act.

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

**APPENDIX 1****CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES**

**A.** An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.

1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.

2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.

3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.

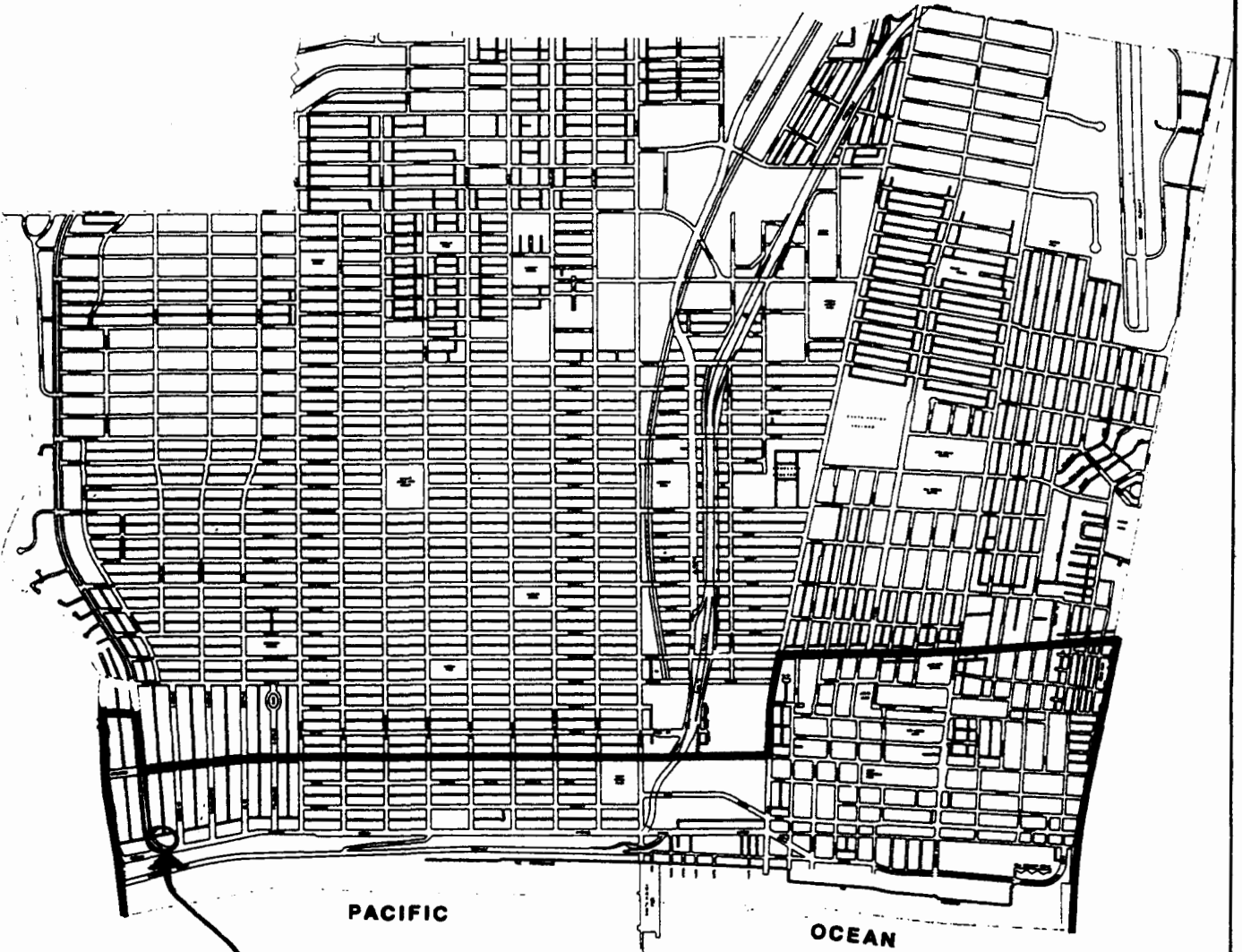
**B.** An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered

shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.

2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

**C.** Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.



*Project Location*

MAP 3

### Santa Monica Coastal Zone

SANTA MONICA LOCAL COASTAL PROGRAM

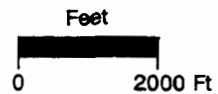


EXHIBIT NO. <i>1</i>
Application Number <i>5-11-137</i>
<i>Vicinity Map</i>
California Coastal Commission

4293

1998

SCALE 1" = 400'

- 680726
- 750225
- 750311
- 750726
- 760818
- 770901
- 780918
- 781221
- 790225
- 790323
- 790808
- 791001
- 791222
- 801110
- 810224
- 810408
- 811222
- 811028
- 811229
- 890725
- 891226
- 900215
- 900605
- 910325
- 911005
- 920921
- 930420
- 930820
- 931001
- 940110
- 940208
- 970127
- 980223

SUBJECT SITE

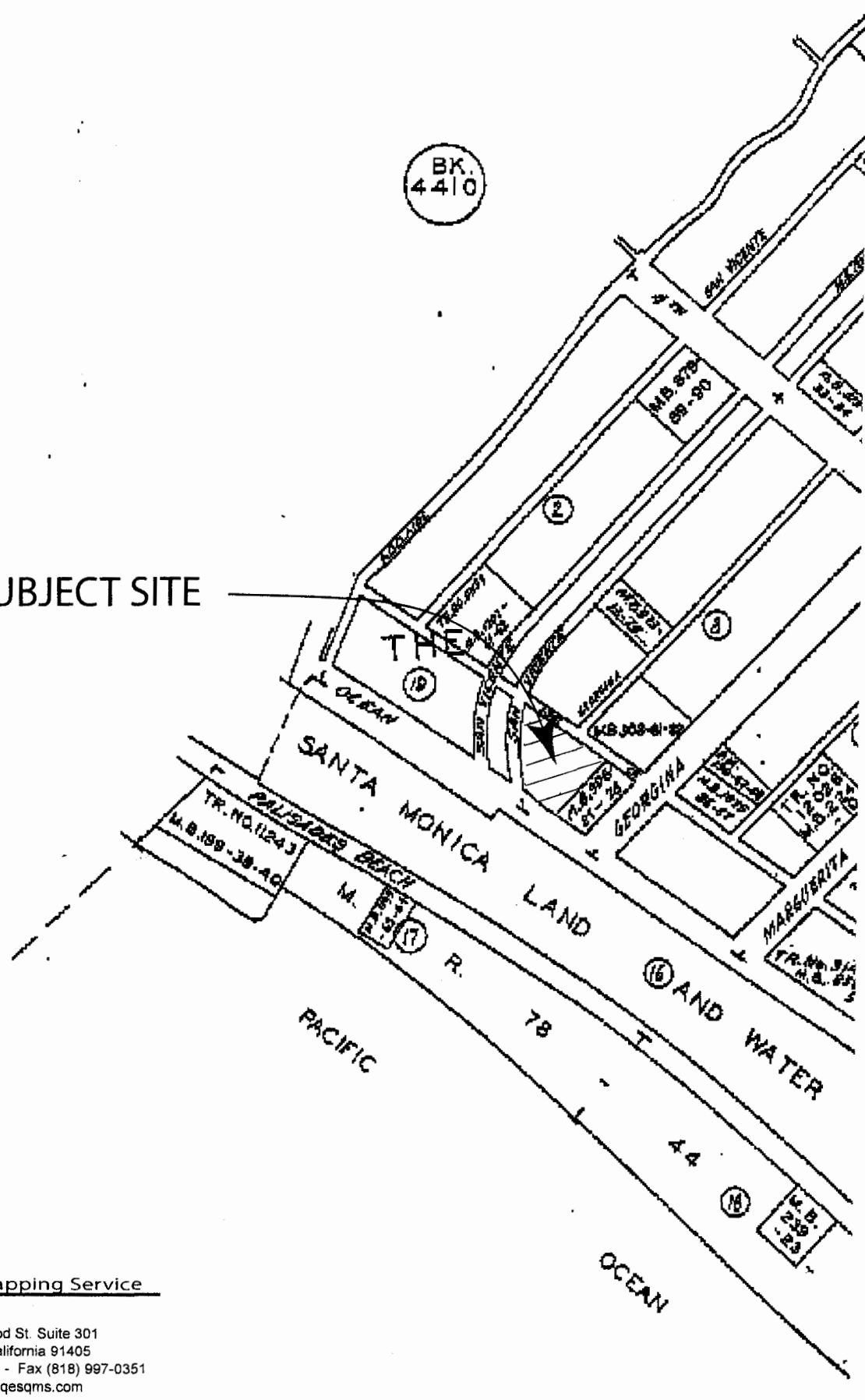


EXHIBIT NO. 2
Application Number 5-11-137
Parcel Map
California Coastal Commission

Quality Mapping Service

4549 Archwood St. Suite 301  
 Van Nuys, California 91405  
 (818) 997-7949 - Fax (818) 997-0351  
 qmapping@quesqms.com



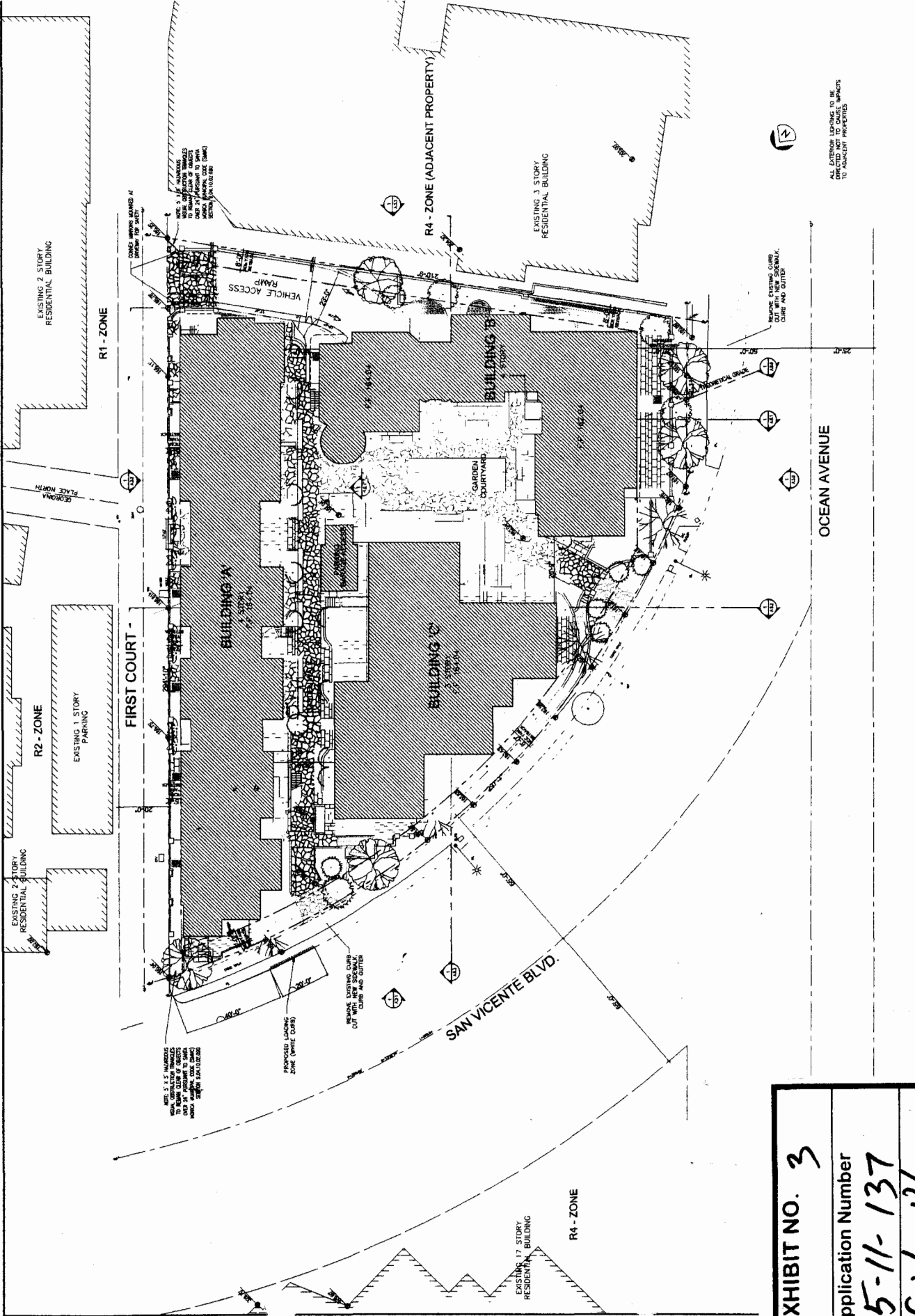
DATE: 05/11/11  
 DRAWN BY: [unintelligible]  
 CHECKED BY: [unintelligible]  
 PROJECT NO: 0500000-0000

**hla**  
 howard laka architects

CONSULTANTS  
 MICHAEL  
 [unintelligible]

**301 OCEAN AVENUE**  
 20-UNIT MULTIFAMILY  
 SAN VICENTE BLVD. - CALIFORNIA, 90222  
 SITE PLAN

DATE: 05/11/2010  
 PROJECT NUMBER: 0500000-0000  
 SHEET: A.1.0  
 SCALE: 1/8" = 1'-0"



**EXHIBIT NO. 3**  
 Application Number  
 5-11-137  
 Site Plan  
 California Coastal Commission



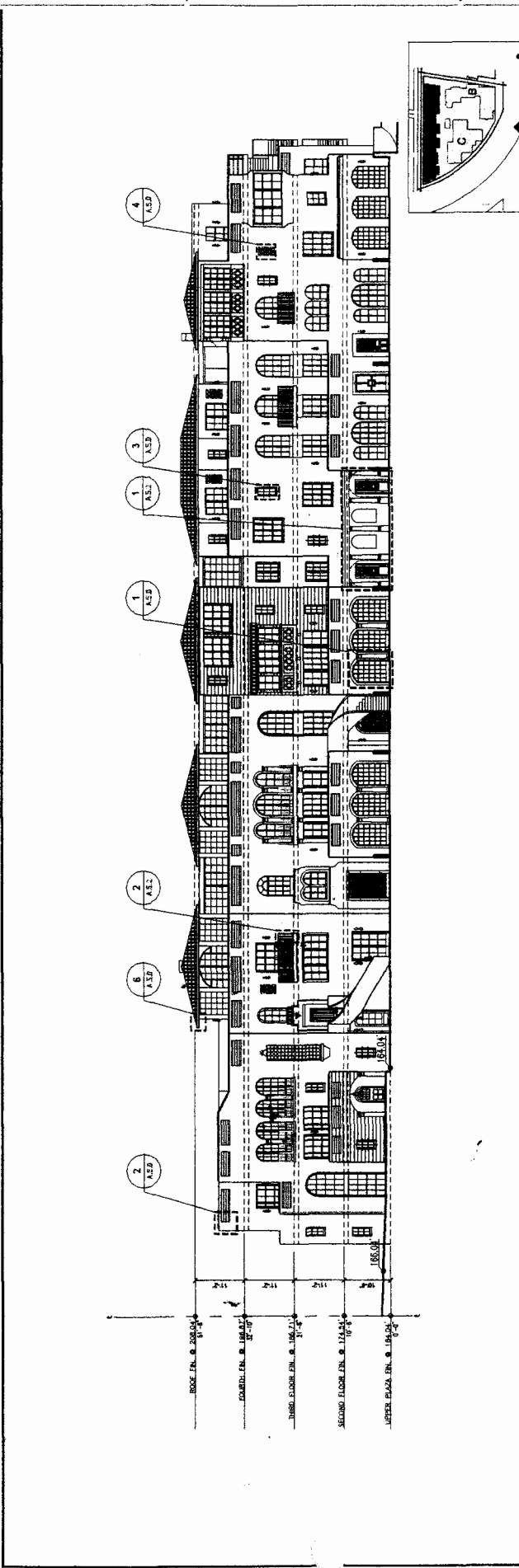
DATE: 01/21/2010  
 DRAWN BY: M. J. JONES  
 CHECKED BY: M. J. JONES  
 PROJECT: 301 OCEAN AVENUE

**hla**  
 howard laka architects

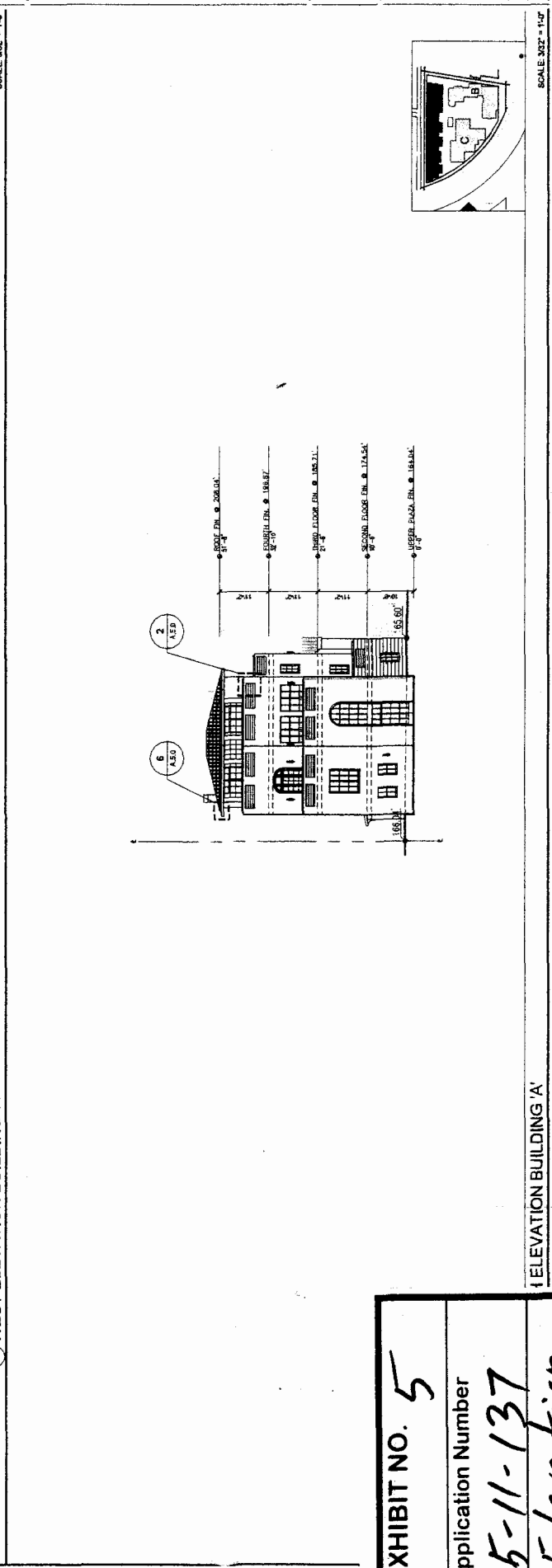
CONSULTANTS  
 Michael Lee

301 OCEAN AVENUE  
 20-UNIT MULTI-FAMILY  
 SANTA MONICA - CALIFORNIA, 90402  
 BUILDING 'A' - WEST & NORTH ELEVATIONS

DATE: 01/21/2010  
 DRAWN BY: M. J. JONES  
 CHECKED BY: M. J. JONES  
 PROJECT: 301 OCEAN AVENUE  
 SHEET: A.34  
 SCALE: 3/32" = 1'-0"



① WEST ELEVATION BUILDING 'A'  
 SCALE: 3/32" = 1'-0"



② NORTH ELEVATION BUILDING 'A'  
 SCALE: 3/32" = 1'-0"

**EXHIBIT NO. 5**  
 Application Number  
 5-11-137  
 Elevation  
 California Coastal Commission



# 301 Ocean Avenue

SANTA MONICA, CALIFORNIA 90402  
 CALIFORNIA COASTAL COMMISSION  
 SUBMITTAL SET

Date 5.31.11  
 Planner JK  
 Comments

*Approval in  
 concept*

NOTE: All changes to these plans shall be submitted to Planning and Zoning for review. Such changes will require a separate approval. Additional requirements may be applicable based on issuance of a Certificate of Occupancy Check with Planning and Zoning.

**APPROVED**

PLANS



EXHIBIT NO.	7
Application Number	5-11-137
	Rendering
	California Coastal Commission

ZONING DIVISION

301 OCEAN AVENUE  
 20-UNIT MULTI-FAMILY  
 SANTA MONICA - CALIFORNIA 90402  
 COVER SHEET

DATE: 01/11/2010  
 PROJECT NUMBER: 11-100000-0000  
 T.1.0

howard laks architects

CONSULTANTS