

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802-4302
(562) 590-5071



F14c

Filed: 12/8/23
180th day: 6/5/24
Staff: E.Tate-Pulliam-LB
Staff Report: 4/25/2024
Hearing Date: 5/10/2024

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-23-0483

Applicant: Adelaide 430, LLC

Location: 430 Adelaide Drive, Santa Monica, Los Angeles County (APN: 4293-001-003)

Project Description: Demolition of an existing 18-ft. tall, one-story 4,297 sq. ft. single-family residence with a detached, 400 sq. ft. 2-car garage, and 680 sq. ft. pool and the construction of a new 23-ft. tall, two-story, 12,936 sq. ft. home including a 4,767 sq. ft. basement, a 2-story detached structure consisting of a 658 sq. ft., 3-car garage on the first level and an 882 sq. ft. ADU on the second level, a 711 sq. ft. pool, and approximately 4,142 cu. yds. of grading (3,760 cu. yds. cut, 381 cu. yds. fill) and 3,379 cu. yds. of export.

Staff Recommendation Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish an existing 18-ft. tall, one-story, 4,297 sq. ft. single-family residence, a 400 sq. ft. 2-car detached garage, and a 680 sq. ft. pool

onsite and construct a new 23-ft. tall, two-story, 12,936 sq. ft. single-family residence with 8,169 sq. ft. allocated for above-grade living space and 4,767 sq. ft. basement, a 658 sq. ft. 3-car garage with an 882 sq. ft. ADU above the garage, and a 711 sq. ft. pool ([Exhibit 2](#)). The project site is located at 430 Adelaide Drive in Santa Monica, approximately 0.4 mi. inland from Pacific Coast Highway ([Exhibit 1](#)).

While the Commission certified the City's LUP in 1992, the City of Santa Monica 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. The certified LUP may provide guidance.

The primary coastal resource issue raised by the project is the potential for tribal cultural resource impacts. The proposed development would require approximately 4,142 cu. yds. of ground disturbance for the basement and pool excavation that could impact archaeological, tribal cultural, and paleontological resources. The applicant's consultant, DUDEK, conducted a Paleontological Resources Review and a Cultural Resources Assessment dated August 25, 2023 and August 31, 2023, respectively, which concluded that there is the potential for such resources to be encountered on the subject lot despite the presence of artificial fill. The reports also included recommendations to reduce the potential impacts to paleontological and tribal cultural resources including retaining a qualified paleontological monitor, archeological monitor, and following an inadvertent discovery response protocol. The applicant is proposing to incorporate all of the impact reduction measures recommended in the archeology/paleontology and tribal cultural resources reports to minimize impacts to in-ground resource deposits.

Staff believes that the development, as proposed and conditioned, can be found to be consistent with the Chapter 3 of the Coastal Act policies. Thus, staff recommends that the Commission **APPROVE** Application No. 5-23-0483 with **3** special conditions that further reduce potential for in-ground resource impacts and protect water quality during and post construction. The motion to carry out the staff recommendation is on Page 4.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS.....	5
IV. FINDINGS AND DECLARATIONS	8
A. PROJECT DESCRIPTION	8
B. DEVELOPMENT	8
C. ARCHEOLOGICAL, PALEONTOLOGICAL, AND TRIBAL CULTURAL RESOURCES	11
D. WATER QUALITY	12
E. LOCAL COASTAL PROGRAM.....	13
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	14

EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Project Plans](#)

Appendices

Appendix A- Substantive File Documents

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit 5-23-0483 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves Coastal Development Permit 5-23-0483 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Protection of Archeological and Tribal Cultural Resources.** The permittee shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:
 - A. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify the representatives of Gabrieleño-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.
 - B. If an area of archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall retain an archaeologist and/or tribal cultural resource specialist qualified to analyze the significance of the find in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.
 - C. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. The Native American group/person deemed acceptable by the NAHC shall participate in the identification process, pursuant to Public Resources Code Section 5097.98. Should the human remains be determined to be that of a Native American, the permittee shall comply with the requirements of Section

5097.98. Within five (5) calendar days of such notification, the permittee shall notify the Executive Director of the discovery of human remains.

- D. A permittee seeking to recommence construction within the exclusion zone following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP 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.

2. **Storage of Construction Materials, Mechanized equipment, and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F. The permittees 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 is 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.

During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or storm drain, unless specifically authorized by the California Regional Water Quality Control Board.

3. Water Quality, Drainage, and Landscaping Plans

- A.** The permittee shall undertake development in accordance with the drainage and run-off control plan received by Commission staff on November 8, 2023, showing that roof and surface runoff will be captured with a trench drain and an on-site drainage system that connects to the municipal storm drain system. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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. The applicants shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development.

- B.** Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is located at 430 Adelaide Drive in the City of Santa Monica. The subject lot is approximately 19,700 sq. ft. and is zoned R-1 (Single Family Residential) in the certified Santa Monica Land Use Plan. The project site is currently developed with a single-family residence that was constructed prior to passage of the Coastal Act, a detached garage, and a swimming pool.

The applicant proposes the demolition of the existing 18 ft. tall, 4,297 sq. ft., 1-story, single-family residence, detached, 400 sq. ft., 2-car garage and 680 sq. ft. pool. The applicant also proposes to construct a 12,936 sq. ft., 2-story, single-family residence – with 8,169 sq. ft. of above ground living area and a 4,767 sq. ft. basement, a detached 658 sq. ft. 3-car garage with an 882 sq. ft. ADU above the proposed garage, and a 711 sq. ft. pool. The project would require approximately 4,142 cu. yds. of grading comprised of 3,760 cu. yd. of cut and 381 cu. yd. of fill. Approximately 3,379 cu. yds. of the material will be exported outside of the coastal zone.

The City of Santa Monica has a certified Land Use Plan (LUP) but does not have a certified Local Coastal Program (LCP). Coastal Act Section 30604 (a) states that prior to certification of an LCP, a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Coastal Act. The certified LUP may be used as guidance.

B. DEVELOPMENT

Section 30210 of the Coastal Act states:

“In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.”

Section 30211 of the Coastal Act states:

“Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.”

Section 30250 of the Coastal Act states, in pertinent part:

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

Section 30251 of the Coastal Act states, in pertinent part:

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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253 of the Coastal Act states, in pertinent part:

New development shall do all of the following:

(d) Minimize energy consumption and vehicle miles traveled

Certified LUP Policy 49 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 the Scenic and 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.

Certified LUP Policy 68:

The residential area north of Wilshire Boulevard to the north side of Montana Avenue shall contain medium density residential. East of Ocean Avenue between the north side of Montana and the northern city limits, the area shall consist of single family residential, and along San Vicente up to the coastal zone boundary low density residential.

Certified LUP Policy 69:

Development in the single-family residential areas shall not exceed two stories, 28 feet in height and one dwelling unit per parcel. Development in the low-density multiple family residential areas shall not exceed two stories, 30 feet in height and a unit density of one dwelling unit per 1, 500 square feet of parcel area.

Development in the medium density multiple-family residential areas shall not exceed three stories, 35 feet with a flat roof, 40 feet with a pitched roof and a unit density of one dwelling unit per 1,250 square feet of parcel area. Development in the high-density multiple-family residential areas shall not exceed four stories, 45 feet in height with a unit density of one dwelling unit per 900 square feet of parcel area.

Pursuant to Coastal Act section 30251, the visual and scenic qualities of the coast shall be protected. The certified Santa Monica LUP provides guidance on the visual and scenic qualities of the local area and methods by which to protect them. The project is located within the North Side Residential Subarea (Subarea 4) of Santa Monica along the Adelaide Drive scenic view corridor as designated by the certified LUP. This area of Santa Monica is comprised of a mix of medium density residential and single-family residential developments. According to certified LUP Policy 68, the residential area east of Ocean Avenue between the north side of Montana and the northern city limits (which includes the project site) shall consist of single-family residential development. The project proposes to replace an existing single-family residence with another single-family residence, which would be consistent with the allowable uses for Subarea 4 as well as certified Policy 68.

Certified LUP Policy 69 establishes a 28 ft. height limit for single-family development, and further requires that single-family residences not exceed two stories. The proposed residence would be 23 ft. tall and the proposed garage/ADU structure would be approximately 18 ft. tall for the garage/ADU structure at the rear of the property. Thus, the proposed project is consistent with the building height requirements set forth in certified LUP Policy 69. Although the certified LUP does not include setback requirements, the proposed project would be consistent with the setbacks required under the uncertified Santa Monica Santa Monica zoning code, which include a 40 ft. front yard setback, a total of 30% of the parcel width for side setbacks for two story residences, and a rear setback of 15 ft. from the rear parcel line for primary residences. Moreover, the proposed development would be similar in mass and scale to the adjacent one- and two-story single-family residences ranging from approximately 3,400 sq. ft. to 8,300 sq. ft. along Adelaide Drive. The project is designed to be compatible with the mass and scale of the surrounding single-family residences in the area. Thus, the project is not anticipated to adversely impact public views to or along the scenic corridor and can be found consistent with the visual and scenic resource protection policies of Chapter 3 of the Coastal Act.

The proposed development includes a 658 sq. ft. detached garage that will provide three onsite parking spaces. No new curb cuts or off-site parking are proposed, and, thus, there would be no anticipated impacts to public on-street parking within the project vicinity. Additionally, while there is an 882 sq. ft. ADU proposed, which is to be located above the proposed garage, the uncertified Santa Monica zoning code does not require the provision of parking spaces for ADUs on this site as the proposed ADU is located within one-half mile walking distance of public transit, consistent with state ADU law. Although neither the state ADU law nor the uncertified local zoning code constitutes a standard of review for CDP applications before the Commission, it is worth noting that

public transportation options are readily available within the project vicinity including six bus stops within .5 miles of the subject lot. Thus, the project is not expected to adversely impact public access and can be found consistent with the public access policies of Chapter 3 of the Coastal Act.

The project as proposed and conditioned will not establish a new development pattern as the surrounding area is already developed with similar structures and is not anticipated to impact public access.

C. ARCHEOLOGICAL, PALEONTOLOGICAL, AND TRIBAL 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 development requires approximately 4,142 cu. yds. of ground disturbance for basement and pool excavation that could impact archaeological, tribal cultural, and paleontological resources. Regarding paleontological resources, the applicant's consultant, Dudek, prepared a Paleontological Resources Review dated August 25, 2023, and concluded:

“While the project area has been heavily disturbed by urban development over the years, intact paleontological resources may be present below the original layer of fill material.”

. . .

“Given the proximity and shallow depth of path fossil discoveries in the surrounding area and the underlying older alluvial deposits, the project site is highly sensitive for supporting paleontological resources.”

The submitted memorandum also outlines management recommendations to reduce the potential impacts to “below a level of significance.”

Dudek also prepared a Cultural Resources Assessment dated August 31, 2023, which identified that there is potential for intact cultural resource deposits to be encountered on the subject lot despite the presence of artificial fill. The Commission acknowledges Tribal sovereignty and understands that California's Tribes and their members have long served as stewards of the State's important coastal resources and possess unique and valuable knowledge and practices for conserving and managing these resources in a sustainable manner and in a manner consistent with the spirit and intent of the Coastal Act.

Given the extent of proposed ground disturbance (approximately 4,142 cu. yds.), it is important that any paleontological, archaeological, and tribal cultural resources present are preserved and protected to the maximum extent feasible. The applicant is proposing

to incorporate the impact reduction measures recommended in the archeology/paleontology and tribal cultural resources reports to address inadvertent discovery. To further ensure that the proposed project protects any potential tribal cultural resource deposits that may be encountered during ground disturbance, the Commission imposes **Special Condition 1** requiring the applicant to adhere to monitoring and discovery treatment measures, including the monitoring of ground disturbing activities by a qualified archaeologist and any Gabrieleño-affiliated Native American Tribe that accepts the invitation to monitor.

Therefore, as proposed and conditioned, the development would minimize potential impacts to paleontological, archaeological, and tribal cultural resources, consistent with Coastal Act section 30244.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Construction Impacts to Water Quality

The above policies of the Coastal Act require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can inhibit light penetration and reduce habitat quality and foraging success for avian and marine species. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition 2**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Post-Construction Impacts to Water Quality

The proposed project has the potential to adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to deal with these post construction water quality impacts, the applicant has submitted a drainage and runoff control plan that minimizes impacts to water quality the proposed project may have after construction. The Commission imposes **Special Condition 3**, which ensures that the project conforms to the drainage and run-off control plan received on November 8, 2023. The plan includes an irrigation system to manage water flow for landscaping and integrated with an automatic control system to manage water flow.

The applicant has also submitted a landscaping plan that consists of non-invasive, drought tolerant vegetation. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. For water conservation, any plants in the landscape plan must be drought tolerant to minimize the use of water (and preferably native to coastal Los Angeles County). In order to ensure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, **Special Condition 3** imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Coastal Act Section 30604(a) states that, prior to certification of an LCP, a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not

prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. In August 1992, the Commission certified, with suggested modifications, the LUP portion of the City of Santa Monica's LCP, except for the areas of deferred certification. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. The City does not have a certified Implementation Plan and, thus, no certified LCP.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP 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.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c)).

The findings in this staff report, incorporated herein by reference, have analyzed the relevant coastal resources issues raised by the subject proposal. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual or cumulative, that the activity may have on the environment. Therefore, 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

- CDP Application No. 5-23-0483 and associated file documents.
- Cultural Resources Assessment for the 430 Adelaide Drive Project, City of Santa Monica California prepared by Dudek, August 2023
- Paleontological Resources Review - 430 Adelaide Drive Project prepared by Dudek, August 2023