



City of  
**Santa Monica**<sup>SM</sup>

City of Santa Monica  
City Planning Division

# PLANNING COMMISSION STATEMENT OF OFFICIAL ACTION

## PROJECT INFORMATION

CASE NUMBER: Development Review Permit 12-001

LOCATION: 1433–1437 Fourteenth Street

APPLICANT: 1433-37 14<sup>th</sup> Street LLC

PROPERTY OWNER: 1433-37 14<sup>th</sup> Street LLC

CASE PLANNER: Lily Yegazu, Associate Planner

REQUEST: Application for Development Review Permit 12DR-001 to allow construction of a three-story (34-foot high), 27,470 square foot, 19-unit condominium complex with a 42-space semi-subterranean parking garage on a 22,500 square foot site.

CEQA STATUS: Exempt from the California Environmental Quality Act pursuant to Class 32, Section 15332 of the State CEQA Guidelines.

## PLANNING COMMISSION ACTION

October 17, 2012	Determination Date
<b>X</b>	Approved based on the following findings and subject to the conditions below.
	Denied.
	Other:

<b>EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:</b>	November 1, 2012
<b>EXPIRATION DATE OF ANY PERMITS GRANTED:</b>	May 1, 2014
<b>LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:</b>	12 months

\* Any request for an extension of the expiration date must be received in the City Planning Division prior to expiration of this permit.

Each and all of the findings and determinations are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information contained herein or in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**FINDINGS:**

**DEVELOPMENT REVIEW FINDINGS**

1. The physical location, size, massing, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to surrounding sites and neighborhoods, in that in that commercial development along Broadway and Santa Monica Boulevard and two and three-story residential structures on Fourteenth Street and Fifteenth Street characterize development in the general area. In addition, the proposed three-story project features a landscaped courtyard design and building stepbacks which reduce the apparent mass of the proposed project.
2. The rights-of-way can accommodate autos and pedestrians, including parking and access, in that the project will provide 41 parking spaces in a semi-subterranean garage with vehicle and pedestrian access from Fourteenth Court alley and pedestrian access from Fourteenth Street. The proposed project is expected to generate fewer vehicular trips than the existing use.
3. The health and safety services (police, fire, etc.) and public infrastructure (e.g. utilities) are sufficient to accommodate the new development, in that the proposed development is located within an urbanized area that is already adequately served by existing City infrastructure. No new safety services or public infrastructure will be required by this project.
4. Any on-site provision of housing or parks and public open space, which are part of the required project mitigation measures required in Part 9.04.10.12 (Project Mitigation Measures) of the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, satisfactorily meet the goals of the mitigation program, in that

the project will not result in the new construction of 15,000 net rentable square feet or the addition to an existing commercial project of 10,000 net rentable square feet or more of office floor area.

5. The project is generally consistent with the Municipal Code and General Plan, in that the 19-unit project implements City urban design policies, and provides 19 additional residential units which is consistent with Objective 1.10 of the Land Use Element which calls for expanding the opportunity for residential land use while protecting the scale and character of existing neighborhoods. Policy 1.10.1 encourages the development of new housing in all residential districts while still protecting the character and scale of neighborhoods. The proposed project will provide 19 residential units. The provision of an expansive central courtyard along with upper level building stepbacks will provide for an articulated project compatible with the surrounding buildings in the neighborhood and allow for a project that appropriately transitions in height between the adjacent residential buildings.
6. The 19-unit residential project would not result in significant effects on the environment which cannot be eliminated or substantially lessened.

### **CONDITIONS OF APPROVAL:**

#### **PLANNING AND COMMUNITY DEVELOPMENT**

##### **Administrative**

1. The Planning Commission's approval, conditions of approval, or denial of this application may be appealed to the City Council if the appeal is filed with the Zoning Administrator within fourteen consecutive days following the date of the Planning Commission's determination in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040. An appeal of the approval, conditions of approval, or denial of a subdivision map must be filed with the City Clerk within ten consecutive days following the date of Planning Commission determination in the manner provided in Part 9.20.14, Section 9.20.14.070. Any appeal must be made in the form required by the Zoning Administrator. The approval of this permit shall expire if the rights granted are not exercised within 18 months from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.
2. Pursuant to SMMC Section 9.04.10.02.450(d), if the Building Official determines that another building permit has been issued less than fifteen months prior to the date on which the building permit for this project has received all plan check approvals and none of the relevant exceptions specified in 9.04.10.02.450(c) and (e) apply, the Building Official shall place the project on a waiting list in order of the date and time of day that the permit application received all plan check approvals, and the term of this approval and other City approvals or permits

necessary to commence the project shall be automatically extended by the amount of time that a project remains on the waiting list. However, the permit shall also expire if the building permit expires, if final inspection is not completed or a Certificate of Occupancy is not issued within the time periods specified in SMMC Section 8.08.060. One 1 year extension may be permitted if approved by the Director of Planning. Applicant is on notice that time extensions shall not be granted if development standards or the development process relevant to the project have changed since project approval. Extension requests to a subdivision map must be approved by the Planning Commission.

3. Within ten days of City Planning Division transmittal of the Statement of Official Action, project applicant shall sign and return a copy of the Statement of Official Action prepared by the City Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. By signing same, applicant shall not thereby waive any legal rights applicant may possess regarding said conditions. The signed Statement shall be returned to the City Planning Division. Failure to comply with this condition shall constitute grounds for potential permit revocation.
4. Within thirty (30) days after final approval of the project, a sign shall be posted on site stating the date and nature of the approval. The sign shall be posted in accordance with the Zoning Administrator guidelines and shall remain in place until a building permit is issued for the project. The sign shall be removed promptly when a building permit is issued for the project or upon expiration of the Design Compatibility Permit.
5. In the event permittee violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

### **Conformance with Approved Plans**

6. This approval is for those plans dated October 1, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
7. Minor amendments to the plans shall be subject to approval by the Director of Planning. A significant change in the approved concept shall be subject to Planning Commission Review. Construction shall be in conformance with the plans submitted or as modified by the Planning Commission, Architectural Review Board or Director of Planning.
8. Project plans shall be subject to complete Code Compliance review when the building plans are submitted for plan check and shall comply with all applicable

provisions of Article IX of the Municipal Code and all other pertinent ordinances and General Plan policies of the City of Santa Monica prior to building permit issuance.

### **Affordable Housing Obligation**

9. Pursuant to Santa Monica Municipal Code (SMMC) Chapter 9.56, the project is subject to the City's Affordable Housing Production Program which requires an applicant to provide at least twenty percent of the total units of a project for low-income households, or ten percent of the total unit of a project for very-low income households, or one hundred percent of the total units of a project for moderate income households in an Industrial/Commercial District (SMMC Section 9.56.050); provide the affordable units off-site (SMMC Section 9.56.060), pay an affordable housing fee (SMMC Section 9.56.070), or acquire land for affordable housing (SMMC Section 9.56.080)

The developer has elected to satisfy the City's Affordable Housing Production requirement through payment of the applicable affordable housing fee which is calculated based on the project's floor area as defined by SMMC Section 9.04.02.030.315. The fee will be calculated prior to payment based on the requirements of the Affordable Housing Production Program, Section 9.56.070 and shall be based on the affordable housing unit base fee in effect at the time the affordable housing fee is paid to the City. The fee must be paid in full prior to the City granting any approval for the occupancy of the project, but no earlier than at the time of building permit issuance.

### **Fees**

10. A Park and Recreation Facilities Tax of \$200.00 per residential unit shall be due and payable at the time of issuance of a building permit for the construction or placement of the residential unit(s) on the subject lot, per and subject to the provisions of Section 6.80.010 et seq. of the Santa Monica Municipal Code.
11. Prior to issuance of a condominium license, the developer shall provide for the payment of a Condominium Tax of \$1,000 per planned salable unit pursuant to Chapter 6.76 of the Santa Monica Municipal Code.

### **Cultural Resources**

12. No demolition of buildings or structure built 40 years of age or older shall be permitted until the end of a 60-day review period by the Landmarks Commission to determine whether an application for landmark designation shall be filed. If an application for landmark designation is filed, no demolition shall be approved until a final determination is made by the Landmarks Commission on the application.

13. If any archaeological remains are uncovered during excavation or construction, work in the affected area shall be suspended and a recognized specialist shall be contacted to conduct a survey of the affected area at project's owner's expense. A determination shall then be made by the Director of Planning to determine the significance of the survey findings and appropriate actions and requirements, if any, to address such findings.

### **CC&Rs**

14. Prior to issuance of building permits, Condominium Association By-Laws and a Declaration of CC&R's shall be reviewed and approved by the City Attorney. The CC&R's shall contain a non-discrimination clause as presented in SMMC Section 9.20.20.020 and such provisions as are required by SMMC Section 9.04.16.01.030(d) and (e).

### **Final Design**

15. The number of bicycle parking shall be increased to be equivalent to the number of vehicle parking spaces required for the project (41) plus 10-guest bicycle parking spaces to a total of 51 bicycle parking spaces.
16. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Architectural Review Board.
17. The Architectural Review Board, in its review, shall pay particular attention to the project's:
  - pedestrian orientation and amenities;
  - scale and articulation of design elements;
  - exterior colors, textures and materials;
  - window treatment and glazing;
  - alley elevation and look for opportunities for more green space;
  - front interface with the street, paying particular attention to the door locations and guard rail design; and
  - canopy coverage of the trees and landscaping.
18. The existing mature tree, a 24" Magnolia, shall be replaced with specimen trees to the satisfaction of the Architectural Review Board.
19. In addition to other landscaping requirements, the Architectural Review Board, in its review, shall ensure that at least 50% of the unexcavated side yard setback area shall be adequately landscaped.
20. Landscaping plans shall comply with Subchapter 9.04.10.04 (Landscaping Standards) of the Zoning Ordinance including use of water-conserving

landscaping materials, landscape maintenance and other standards contained in the Subchapter.

21. Refuse areas, storage areas and mechanical equipment shall be screened in accordance with SMMC Section 9.04.10.02.130, 140, and 150. Refuse areas shall be of a size adequate to meet on-site need, including recycling. The Architectural Review Board in its review shall pay particular attention to the screening of such areas and equipment. Any rooftop mechanical equipment shall be minimized in height and area, and shall be located in such a way as to minimize noise and visual impacts to surrounding properties. Unless otherwise approved by the Architectural Review Board, rooftop mechanical equipment shall be located at least five feet from the edge of the roof. Except for solar hot water heaters, no residential water heaters shall be located on the roof.
22. No gas or electric meters shall be located within the required front or street side yard setback areas. The Architectural Review Board in its review shall pay particular attention to the location and screening of such meters.
23. Prior to consideration of the project by the Architectural Review Board, the applicant shall review disabled access requirements with the Building and Safety Division and make any necessary changes in the project design to achieve compliance with such requirements. The Architectural Review Board, in its review, shall pay particular attention to the aesthetic, landscaping, and setback impacts of any ramps or other features necessitated by accessibility requirements.
24. As appropriate, the Architectural Review Board shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

### **Construction Plan Requirements**

25. Final building plans submitted for approval of a building permit shall include on the plans a list of all permanent mechanical equipment to be placed indoors which may be heard outdoors.

### **Demolition Requirements**

26. Until such time as the demolition is undertaken, and unless the structure is currently in use, the existing structure shall be maintained and secured by boarding up all openings, erecting a security fence, and removing all debris, bushes and planting that inhibit the easy surveillance of the property to the satisfaction of the Building and Safety Officer and the Fire Department. Any landscaping material remaining shall be watered and maintained until demolition occurs.

27. Prior to issuance of a demolition permit, applicant shall prepare for Building Division approval a rodent and pest control plan to insure that demolition and construction activities at the site do not create pest control impacts on the project neighborhood.

### **Construction Period**

28. Immediately after demolition and during construction, a security fence, the height of which shall be the maximum permitted by the Zoning Ordinance, shall be maintained around the perimeter of the lot. The lot shall be kept clear of all trash, weeds, etc.
29. Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions. Immediately after commencing dirt removal from the site, the general contractor shall provide the City of Santa Monica with written certification that all trucks leaving the site are covered in accordance with this condition of approval.
30. Developer shall prepare a notice, subject to the review by the Director of Planning and Community Development, that lists all construction mitigation requirements, permitted hours of construction, and identifies a contact person at City Hall as well as the developer who will respond to complaints related to the proposed construction. The notice shall be mailed to property owners and residents within a 200-foot radius from the subject site at least five (5) days prior to the start of construction.
31. A sign shall be posted on the property in a manner consistent with the public hearing sign requirements which shall identify the address and phone number of the owner and/or applicant for the purposes of responding to questions and complaints during the construction period. Said sign shall also indicate the hours of permissible construction work.
32. A copy of these conditions shall be posted in an easily visible and accessible location at all times during construction at the project site. The pages shall be laminated or otherwise protected to ensure durability of the copy.

### **Standard Conditions**

33. No fence, gate, or wall within the required front yard setback, inclusive of any subterranean garage slab and fencing, gate, or railing on top thereof, shall exceed a height of 42" above actual grade of the property.
34. Mechanical equipment shall not be located on the side of any building which is adjacent to a residential building on the adjoining lot, unless otherwise permitted by applicable regulations. Roof locations may be used when the mechanical equipment is installed within a sound-rated parapet enclosure.

35. Final approval of any mechanical equipment installation will require a noise test in compliance with SMMC Section 4.12.040. Equipment for the test shall be provided by the owner or contractor and the test shall be conducted by the owner or contractor. A copy of the noise test results on mechanical equipment shall be submitted to the Community Noise Officer for review to ensure that noise levels do not exceed maximum allowable levels for the applicable noise zone.
36. Final parking lot layout and specifications shall be subject to the review and approval of the Transportation Management Division.
37. Prior to issuance of a building permit, a copy of the recorded map shall be provided to the City Planning Division.
38. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with Subchapter 9.04.16 Condominiums.
39. Construction period signage shall be subject to the approval of the Architectural Review Board.
40. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

## **PUBLIC WORKS DEPARTMENT (PW)**

### **Drainage**

41. To mitigate storm water and surface runoff from the project site, an Urban Runoff Mitigation Plan may be required by the Department of Public Works pursuant to Municipal Code Chapter 7.10. Prior to submittal of landscape plans for Architectural Review Board approval, the applicant shall contact Public Works to determine applicable requirements, which include the following:
  - Non-stormwater runoff, sediment and construction waste from the construction site and parking areas is prohibited from leaving the site;
  - An sediments or materials which are tracked off-site must be removed the same day they are tracked off-site;
  - Excavated soil must be located on the site and soil piles should be covered and otherwise protected so that sediments do not go into the street or adjoining properties;
  - Washing of construction or other vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site shall be allowed to leave the site;
  - Drainage controls may be required depending on the extent of grading and topography of the site; and
  - New development is required to reduce projected runoff pollution by at

least twenty percent through incorporation of design elements or principles, such as increasing permeable surfaces, diverting or catching runoff via swales, berms, and the like; orientation of drain gutters towards permeable areas; modification of grades; use of retention structures and other methods.

### **Hazardous Materials**

42. Prior to the demolition of any existing structure, the applicant shall submit a report from an industrial hygienist to be reviewed and approved as to content and form by the Public Works /Environmental Programs Division. The report shall consist of a hazardous materials survey for the structure proposed for demolition. The report shall include a section on asbestos and in accordance with the South Coast AQMD Rule 1403, the asbestos survey shall be performed by a state Certified Asbestos Consultant (CAC). The report shall include a section on lead, which shall be performed by a state Certified Lead Inspector/Assessor. Additional hazardous materials to be considered by the industrial hygienist shall include: mercury (in thermostats, switches, fluorescent light); polychlorinated biphenyls (PCBs) (including light Ballast), and fuels, pesticides, and batteries.

### **Streets**

43. Unless otherwise approved by the Department of Public Works, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
44. Sidewalks, curbs, gutters, paving and driveways which need replacing or removal as a result of the project as determined by the Department of Public Works shall be reconstructed to the satisfaction of the Department of Public Works. Approval for this work shall be obtained from the Department of Public Works prior to issuance of the building permits.
45. Street and/or alley lighting shall be provided on public rights of way adjacent to the project if and as needed per the specifications and with the approval of the Department of Public Works.

### **Off-site**

46. All off-site improvements required by the City Engineer shall be installed. Plans and specifications for off-site improvements shall be prepared by a registered civil engineer and approved by the City Engineer.
47. A subdivision improvement agreement for all off-site improvements required by the City Engineer shall be prepared and a performance bond posted through the City Attorney's office.

## **Environmental Mitigation**

48. To mitigate solid waste impacts, prior to issuance of a Certificate of Occupancy, project owner shall submit a recycling plan to the Department of Public Works for its approval. The recycling plan shall include:
- 1) List of materials such as white paper, computer paper, metal cans, and glass to be recycled;
  - 2) Location of recycling bins;
  - 3) Designated recycling coordinator;
  - 4) Nature and extent of internal and external pick-up service;
  - 5) Pick-up schedule; and
  - 6) Plan to inform tenants/ occupants of service.
49. Ultra-low flow plumbing fixtures are required on all new development and remodeling where plumbing is to be added, including dual flush toilets, 1.0 gallon urinals and low flow shower heads.

## **Construction Period Mitigation**

50. At all time during construction, fugitive dust control measures like wetting of the soil shall be employed pursuant to SC-AQMD Rule 403.
51. A construction period mitigation plan shall be prepared by the applicant for approval by the Department of Public Works prior to issuance of a building permit. The approved mitigation plan shall be posted on the site for the duration of the project construction and shall be produced upon request. As applicable, this plan shall:
- 1) Specify the names, addresses, telephone numbers and business license numbers of all contractors and subcontractors as well as the developer and architect;
  - 2) Describe how demolition of any existing structures is to be accomplished;
  - 3) Indicate where any cranes are to be located for erection/construction;
  - 4) Describe how much of the public street, alleyway, or sidewalk is proposed to be used in conjunction with construction;
  - 5) Set forth the extent and nature of any pile-driving operations;
  - 6) Describe the length and number of any tiebacks which must extend under the property of other persons;
  - 7) Specify the nature and extent of any dewatering and its effect on any adjacent buildings;
  - 8) Describe anticipated construction-related truck routes, number of truck trips, hours of hauling and parking location;
  - 9) Specify the nature and extent of any helicopter hauling;
  - 10) State whether any construction activity beyond normally permitted hours is proposed;

- 11) Describe any proposed construction noise mitigation measures, including measures to limit the duration of idling construction trucks;
- 12) Describe construction-period security measures including any fencing, lighting, and security personnel;
- 13) Provide a drainage plan;
- 14) Provide a construction-period parking plan which shall minimize use of public streets for parking by workers or construction equipments;
- 15) To the greatest extent possible, keep the bike lane and sidewalk open and unobstructed by construction vehicles or dumpsters.
- 16) List a designated on-site construction manager;
- 17) Provide a construction materials recycling plan which seeks to maximize the reuse/recycling of construction waste;
- 18) Provide a plan regarding use of recycled and low-environmental-impact materials in building construction; and
- 19) Provide a construction period water runoff control plan.

### **Final Map Requirements**

52. In submitting required materials to the Santa Monica Civil Engineering and Architecture Division for a final map, applicant shall provide a copy of the approved Statement of Official Action.
53. The form, contents, accompanying data, and filing of the final subdivision map shall conform to the provisions of SMMC Sections 9.20.12.010 through 9.20.08.090 and the Subdivision Map Act. The required Final Map filing fee shall be paid prior to scheduling of the Final Map for City Council approval.
54. One mylar and one blue-line copy of the final map shall be provided to and recorded with the Los Angeles County Recorder prior to issuance of any building permit for a condominium project pursuant to Government Code Section 66499.30. Applicant shall also provide the County with a copy of this Statement of Official Action at the time the required copies of the map are submitted.
55. Prior to approval of the Final Map, the requirements of Santa Monica Municipal Code Section 9.04.10.16.010 (d) shall have been met.

### **OPEN SPACE MANAGEMENT**

56. Street trees shall be maintained, relocated or provided as required in a manner consistent with the City's Community Forest Management Plan 2000, per the specifications of the Public Landscape Division of the Community Maintenance Department and the City's Tree Code (SMMC Chapter 7.40). No street trees shall be removed without the approval of the Public Landscape Division.

