



PLANNING COMMISSION STATEMENT OF OFFICIAL ACTION

City of
Santa MonicaSM

PROJECT INFORMATION

CASE NUMBER: Vesting Tentative Parcel Map No.78204
(17ENT-0252) and Major Modifications 17ENT-0254

LOCATION: 2501 2nd Street

APPLICANT: Howard Laks Architects

PROPERTY OWNER: 2501 LLC

CASE PLANNER: Steve Mizokami, Senior Planner

REQUEST: Vesting Tentative Parcel Map to allow a 3-unit residential condominium development in conjunction with the preservation/rehabilitation of a Turn-of-the-Century Cottage located on the subject property, a designated City Landmark. The following major modifications are also requested:

- Reduce the minimum front yard setback from 15' to 12 feet;
- Reduce the minimum rear yard setback from 15' to 8 feet;
- Allow front steps, eaves, and bay window associated with the Landmark residence to project into the required front yard, and allow a rear balcony to project into the required rear yard.

AFFORDABLE HOUSING: The project will provide payment of an affordable housing fee (affordable housing unit base fee times project floor area) in accordance with SMMC Section 9.64.070.

CEQA STATUS: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3

(New Construction or Conversion of Small Structures), Section 15303(b) of the State CEQA Guidelines. Projects located in an urbanized environment designed for not more than six dwelling units are, consistent with the Guidelines, exempt from environmental review.

Additionally, the project is also categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15331, Class 31 of the State Implementation Guidelines in that the rehabilitation of the Landmark residence, and the proposed construction of a two-story residential building to the rear of the Landmark will be done in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (2017), revised by Anne E. Grimmer and would not cause a substantial adverse change in the significance of the historic resource.

PLANNING COMMISSION ACTION

August 21, 2019 Determination Date
 Approved based on the following findings and subject to the conditions below.
 Denied.
 Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	Vesting Tentative Parcel Map 17ENT-0252: September 1, 2019 Major Modifications 17ENT-0254: September 5, 2019
EXPIRATION DATE OF ANY PERMITS GRANTED:	Vesting Tentative Parcel Map 17ENT-0252: September 1, 2021 Major Modifications 17ENT-0254: March 5, 2022
LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:	Vesting Tentative Parcel Map 17ENT-0252: 36 Months Major Modifications 17ENT-0254: 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

VESTING TENTATIVE TRACT MAP FINDINGS

1. The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451. Specifically, while the subject property is not located in an area governed by a specific plan as specified in Government Code Section 65451, compliance with the City's General Plan is required. For the purpose of subdividing the subject parcel, there are two pertinent policies that must be evaluated with the map; those policies relate to building height and unit density. As noted and shown on the subject map, the project complies with applicable policies, including unit density and height standards for the subject land use designation (Low Density Housing).
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. Specifically, while the subject property is not located in an area governed by a specific plan, compliance with the City's General Plan is required. As noted and shown on the subject map, the proposed improvements will not exceed land use designation limits to building height and unit density.
3. The site is physically suitable for the type of development. Specifically, the subject parcel is a standard-sized parcel located within an urbanized area adequately served by existing roadways and infrastructure. The property is physically able to accommodate the proposed development.
4. The site is physically suitable for the proposed density of development. Specifically, the subject parcel is a standard-sized parcel located within an urbanized area adequately served by existing roadways and infrastructure. Moreover the type of development and unit density is consistent with policies set forth in the City's General Plan and other improvements in the general vicinity.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in that the proposed subdivision is located in an urbanized area that does not contain habitats or would otherwise injure fish and wildlife.

6. The design of the subdivision or the type of improvement is not likely to cause serious public health problems. The proposed subdivision is for a property located in an urbanized area and is consistent with other similar improvements in the area. As noted and shown on the map, the project complies with height and unit density limitations set forth in the General Plan. The subdivision of the parcel does not have the potential to disrupt the urban environment or otherwise cause serious public health problems.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that there are no public easements located within the proposed subdivision.
8. The proposed subdivision is consistent with any ordinance or law of the City of Santa Monica. Specifically, the project has demonstrated compliance with applicable unit density and height limitations set forth in the underlying land use designation. Moreover, as conditioned, the project must comply with all applicable provisions of the Zoning Ordinance, which will be comprehensively evaluated during the City's plan check review process, prior to issuance of a building permit.

MAJOR MODIFICATION – FINDINGS

- (a) The requested modifications to the minimum front and rear setbacks and associated projections are consistent with the General Plan and any applicable area or specific plan. Specifically, pursuant to Santa Monica Municipal Code (SMMC) Section 9.43.030(C), projects involving the retention and preservation of a structure or improvement that is a City-Designated Historic Resource may be granted relief from minimum front and rear setbacks and associated projections. SMMC Section 9.08.030 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a three-unit condominium residential project that, except as established by the requested modifications, will comply with applicable development standards in the Ocean Park Low Density Residential (OP2) zone district. The modifications are necessary to ensure the continued preservation of the Turn-of-the-Century Landmark cottage and are consistent with LUCE Policy LU12 which encourages the retention of historic and architecturally significant resources that characterize the City's heritage. The proposed project is consistent with this policy in that three new residential units are proposed within a rehabilitated residence and new addition/construction to the rear of the historic residence that will be rehabilitated and preserved, and will continue to contribute to the character of the Ocean Park neighborhood. In particular, the project includes the rehabilitation of the Landmark residence and construction of a new two-story, two-unit addition connecting to the rear of the historic resource.

The project is also consistent with Citywide Land Use Element Policy LU 13.2 that encourages the enhancement of existing neighborhoods as defined by their

distinctive character, design and pattern of development. The project involves the rehabilitation and preservation of the historic residence as part of a condominium project at the site. Goal 3 of the Historic Preservation Element states the importance for an increase in public awareness of the history of Santa Monica and historic preservation in the City. Consistent with this goal, the project will rehabilitate and preserve the historic residence on the property that will continue to convey the early history of the Ocean Park neighborhood and remain as a familiar visual feature in the neighborhood.

- (b) The project including modifications to minimum front and rear setbacks and associated projections meets the intent and purpose of the applicable zone district. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.43.030(C), projects involving the retention and preservation of a structure or improvement that is a City-Designated Historic Resource may be granted relief (Major Modification) from minimum front and rear setbacks and associated projections. More specifically, the project is consistent with the Major Modification findings enumerated in SMMC Section 9.43.100(G) specifically related to the requested modifications for this particular project, as described in the findings below. The project is therefore consistent with the intent of the Zoning Code that provides flexible zoning standards for projects preserving and protecting historically designated Landmarks.
- (c) The approval of the requested modifications to minimum front and rear setbacks and associated projections will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or result in a change in land use or density that would be inconsistent with the requirements of the Zoning Code. The subject property is currently developed with vacant residences. The proposed project consists of a three-unit residential project, consistent with the allowable land use and density for the underlying OP2 district.
- (d) The approval of the requested modifications to minimum front and rear setbacks and associated projections are justified by environmental features, site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees. Specifically, the subject property contains an existing Turn-of-the-Century cottage designated as a City Landmark and Landmark Parcel in 2010. The existing residence in its current placement on the property precludes reasonable development on the remaining portions of the site that is necessary to support the extensive rehabilitation work needed for the Landmark property. The proposed front and rear setback modifications would provide flexibility in the placement and overall development of the new addition in conformance with the Secretary of the Interior's Standards.

Reduction of Front Yard Setback & Associated Projections: The project includes a modification to allow the relocated Landmark cottage to be set back 12 feet from the front property line whereas a minimum of 15 feet is required for the property. Projections associated with the existing residence that will be retained consistent

with the Secretary of the Interior's Standards include extended roof eaves (30"), concrete stoop and steps (5'), and a bay window (18") at the front building elevation. The current residence is set back 20 feet from the front property line, exceeding the minimum requirement by five feet. Shifting the residence closer to the front of the property is necessary to effectively utilize the property and facilitate the addition of the two modest-sized residential units (approximately 1,500 SF each) behind the Landmark cottage. This modification provides flexibility in the design of the addition which conforms to height standards and appears as a low-scale building that is respectful of the Landmark in a manner consistent with the Standards. Furthermore, the proposed placement of the residence would allow the construction of a compliant subterranean garage which would provide the required vehicle and bicycle parking for the project.

The proposed 12 foot front yard setback would be compatible with the existing front yard setback conditions in the immediate area along 2nd Street and Mills Street. Many of the existing buildings on these streets are non-conforming to front setback requirements with less than the 12 feet proposed for the project. Considering the existing front setbacks particularly nearby the street corner (2nd Street/Mills Street), the proposed front yard setback would improve the building's alignment with neighboring properties and further enhance its prominence at the street corner. Accordingly, the proposed front setback modification and its associated projections would be consistent with the neighborhood character as the property would maintain its low-scale physical relationship with the street.

Reduction of Rear Yard Setback & Associated Projection: The project includes a modification to allow an eight-foot rear yard setback whereas a minimum of 15 feet is required for the property. Additionally, an 18 square foot balcony is proposed to project an additional four feet into the modified setback. Due to the buildable area limited to the rear of the Landmark, the required rear yard setback further constrains the building footprint. The proposed seven foot encroachment into the rear yard setback allows the addition to be set back further behind the Landmark residence, consistent with the Standards. Additionally, this modification allows the building to be contained within a 23-foot tall height envelope, compliant with district height requirements.

The adjacent property to the rear of the site (242 Mills Street) is developed with a single-story residence located approximately 13 feet from the common property line. Based on the gradual upward slope of Mills Street from 2nd Street, the adjacent residence sits slightly higher than the subject property. The proposed eight foot rear yard setback would be consistent with, if not greater than the general spacing of the residences on the north side of Mills Street. Furthermore, the proposed addition is setback eight feet from the sidewalk, consistent with the front setbacks of the residences fronting Mills Street. As such, the proposed rear setback modification would not impact the neighborhood streetscape.

- (e) The proposed design meets the Design Objectives of the Santa Monica Design Guidelines. The proposed design will be reviewed by the Landmarks Commission to ensure that it meets the Design Objectives of the Santa Monica Design Guidelines.
- (f) The proposed project, including modifications to minimum front and rear setbacks and associated projections will not significantly affect the properties in the immediate neighborhood as a result of approval or conditional approval of the major modification or be incompatible with the neighborhood character. The proposed front yard setback modification would be compatible with the existing front yard setback conditions in the immediate area along 2nd Street and Mills Street. Many of the existing buildings on these streets are non-conforming to front setback requirements with less than the 12 feet proposed for the project. Considering the existing front setbacks particularly nearby the street corner (2nd Street/Mills Street), the proposed front yard setback would improve the building's alignment with neighboring properties and further enhance its prominence at the street corner. Accordingly, the proposed front setback modification and its associated projections would be consistent with the neighborhood character as the property would maintain its low-scale physical relationship with the street.

The adjacent property to the rear of the site (242 Mills Street) is developed with a single story residence located approximately 13 feet from the common property line. Based on the gradual upward slope of Mills Street from 2nd Street, the adjacent residence sits slightly higher than the subject property. The proposed eight-foot rear yard setback would be consistent with, if not greater than the general spacing of the residences on the north side of Mills Street. Furthermore, the proposed addition is set back eight feet from the sidewalk, consistent with the front setbacks of the residences fronting Mills Street. As such, the proposed rear setback modification would not impact the neighborhood streetscape.

- (g) The proposed modifications to the minimum front and rear setbacks and associated projections is requested as part of a project that preserves a City-Designated Historic Resource. Accordingly, the project is consistent with the following findings:
 1. The proposed project conforms to the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

Relocation of the residence would not compromise its integrity of setting, association, or location as it will remain on the property with the same orientation facing both 2nd and Mills Street. As proposed, the residence will remain highly visible at the street corner, consistent with its original development. Consistent with Standard 6, the existing wood clapboard siding, wood shingle cladding, and associated continuous wood sill (i.e. beltcourse, water-table board) would be repaired or replaced in-kind. Similarly, the existing wood windows would be refurbished or replaced in-kind as necessary. Any

replacement of these materials would be consistent with the existing in terms of design, size and shape, color, texture, material. The existing, non-original asphalt roof shingles, including the underlying wood shingles, would be replaced with treated wood shingles. The existing brick chimney would be reconstructed in-kind, consistent with its original design, and the existing front entry and door would be restored back to its original recessed configuration. Furthermore, the front concrete stoop and steps would be repaired and the building exterior would be repainted consisting of complementary shades of grey that is consistent with the modest architectural style of the cottage.

The proposed building would be visually compatible with the residence in terms of scale and massing, consistent with Standard 9 which states that new construction shall be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment. Consistent with Standard 9, the contemporary design of the new addition is distinctively differentiated from the historic cottage yet relates to the overall character of the residence in terms of its scale and architectural details. Adequate spacing between the existing and modern construction is executed with a low scale “hyphen” addition, simple in its design and connected below the roofline thereby preserving the residence’s character-defining eaves and exposed rafters. The hyphen creates sufficient separation that minimizes the height difference where the addition does not physically overwhelm and is respectful of the Landmark residence. Furthermore, the new modern addition is consistent with Standard 10 because of the hyphen in that if removed in the future, the essential form and integrity of the historic Landmark structure and its environmental would be unimpaired.

The building elevations of the addition are modulated yet simple in design. The addition consists of muted colors and related materials, and does not detract from the Landmark residence. The exterior siding consists of a combination of horizontal clapboard siding and smooth stucco materials. The horizontal clapboard siding dimensions are consistent with the existing clapboard siding on the Landmark residence and provides a visual connection between the new and existing. Furthermore, the horizontal siding material deemphasizes perceived building mass particularly along the street elevations. The addition complies with the 23’ height requirement for flat roofs and is limited to required parapets and railings that project above the roofline. This simplified roofline contributes to the overall compatibility of the modern addition ensuring there is a respectful relationship in terms of its scale and design. As such, the proposed addition is consistent with Standard 9.

2. The proposed project conforms to the allowable land uses permitted in the underlying OP2 zoning district in that the proposed project consists of a three-unit residential project which conforms with the allowable land uses permitted in the district.

3. The proposed project does not exceed the maximum unit density permitted in the applicable Land Use District of the LUCE in that the proposed three-unit residential project conforms with the allowable density established in the OP2 Ocean Park Low Density Residential District.
4. The proposed project's requested height modification, if any, is only sought for a project that preserves a City-Designated Landmark. The project does not include any height modifications and therefore complies with this finding.
5. The proposed project does not exceed the maximum number of stories permitted in the LUCE for the applicable land use classification. The project does not include any modifications to the number of stories and therefore complies with this finding.
6. Covered porches and stairs, if any, of a City-Designated Historic Resource may project a maximum 12 feet into the required front setback area or maintain their current projection if greater than 12 feet provided that the building façade complies with the front setback requirement in the applicable Zoning District. The project includes a modifications to the front setback requirement to allow the Landmark residence to encroach three feet into the required 15-foot front yard setback. The entry stairs leading to the elevated front porch projects an additional five feet from the building's front façade. The total projection is eight feet into the required front setback and therefore complies with this finding.
7. The provision of private open space has not been modified other than the requirement that private open space be adjacent to and accessible from, and at the same approximate elevation, as the primary space of the dwelling unit. The project does not include any modifications to private open space and therefore complies with this finding.
8. Modification of the requirements for the provision of unexcavated area in setback areas, if any, is required because the strict application of such requirements would not allow for the preservation of the City-Designated Historic Resource. The project does not include any modifications to the provision of unexcavated areas in setback areas and therefore complies with this finding.
9. The applicant agrees to record a deed-restriction prior to issuance of building permit for the project establishing that the City-Designated Historic Resource will be maintained for the life of the project. Condition No. 2 requires that a deed-restriction is recorded prior to an issuance of a building permit, establishing that the Landmark designated residence will be maintained for the life of the project.

SECTION B – CONDITIONS OF APPROVAL

Project Specific Conditions

1. The following Major Modifications are approved for the project, as shown on the approved plans:
 1. Reduce the minimum front yard setback from 15' to 12 feet;
 2. Reduce the minimum rear yard setback from 15' to 8 feet;
 3. Allow front steps, eaves, and bay window associated with the Landmark residence to project into the required front yard, and allow a rear balcony to project into the required rear yard, as shown on the approved plans;
2. Prior to the issuance of a building permit, a deed-restriction shall be recorded establishing that the Landmark designated residence will be maintained for the life of the project.
3. The Landmarks Commission shall pay particular attention to the following design elements of the project:
 1. Soften the appearance of the garage threshold by reducing the size of the threshold to the minimum necessary for structural integrity, which may include revising the guardrail design/material above the threshold in coordination with design recommendation No. 4 below;
 2. Increase the amount of natural light to the basement level below the Landmark residence;
 3. Differentiate the appearance of the new addition/building from the Landmark particularly at the front unit (unit 2) by revising the building color (shade of grey) and expanding the size of the front corner window of the new addition (unit 2) facing the street corner;
 4. Railing/fencing design including the guardrail surrounding the basement light-well of the Landmark residence and any redesigned railing above the garage threshold (in coordination with design recommendation No. 1 above) shall reference the Landmark cottage in terms of its design, instead of its modern design that currently references the new construction as shown on the approved plans;
 5. Ensure that the proposed landscape material is compatible with the Landmark residence and the historic setting;
 6. Consider replacing the proposed relocated palm tree within the front yard with a tree that creates oxygen and provides shade.

7. The landscape planter within the front yard along the south property line (adjacent to the driveway) should be scaled back from the front property line to improve site visibility where the driveway intersects the sidewalk (HVO).

Administrative

4. The tentative map shall expire 24 months after approval, except as provided in the provisions of California Government Code Section 66452.6 and Subchapter 9.54.090 of the Santa Monica Municipal Code. During this time period the final map shall be presented to the City of Santa Monica for approval. No building permit for the project will be granted until such time as the final map is approved by the Santa Monica City Council.
5. The approved Major Modifications shall expire thirty (30) months from the effective date, unless, in the case of a new development, a building permit has been obtained, or in the case of a change of use, a business license has been issued and the use is in operation prior to the expiration date. This approval shall also expire if the building permit expires or if the rights granted under this approval are not exercised within one year of the earliest to occur of the following: issuance of a Certificate of Occupancy or, if no Certificate of Occupancy is required, the last required final inspection for new construction. Upon the written request from the applicant, prior to expiration, the Zoning Administrator may extend this period up to an additional one (1) year. Applicant is on notice that extensions may not be granted if development standards, the development process, or other requirements relevant to the project have changed since project approval.
6. 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. The signed Statement shall be returned to the City Planning Division. Failure to comply with this condition shall constitute grounds for potential permit revocation.
7. 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 Section 9.54.070(G). Any appeal must be made in the form required by the Zoning Administrator.
8. The determination for the Major Modifications shall not become effective for a period of fourteen days from the determination date or, if appealed, until a final determination has been made on the appeal.
9. Pursuant to SMMC Section 9.37.110(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 Sections 9.37.110(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 twelve-month 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.

10. Applicant is advised that projects in the California Coastal Zone may need approval of the California Coastal Commission prior to issuance of any building permits by the City of Santa Monica. Applicant is responsible for obtaining any such permits.
11. 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

12. This approval is for those plans dated August 21, 2019, 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.
13. 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, Landmarks Commission, or Director of Planning.
14. 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

15. Pursuant to Santa Monica Municipal Code (SMMC) Chapter 9.64, the project is subject to the City's Affordable Housing Production Program which requires a 3-

unit development to pay an Affordable Housing Production fee. The City's Affordable Housing Production fee is calculated based on the project's floor area as defined by SMMC Section 9.04.080, except that pursuant to SMMC Section 9.64.030(D), a designated landmark building that is retained and preserved on site as part of a multi-family project shall not be considered or included in assessing any of the AHPP requirements. The fee will be calculated prior to payment based on the requirements of the Affordable Housing Production Program, Section 9.64.070 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.

Indemnity

16. Applicant shall defend, indemnify, and hold harmless the City and its boards, commissions, agents, officers, and employees (collectively, "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referenced as "Claims") against the City to attack, set aside, void, or annul, the approval of this entitlement(s) concerning the Applicant's proposed project, or any Claims brought against the City due to the acts or omissions in any connected to the Applicant's project. City shall promptly notify the applicant of any Claim and shall cooperate fully in the defense. Nothing contained in this paragraph prohibits the City from participating in the defense of any Claims, if both of the following occur:

- (1) The City bears its own attorney's fees and costs.
- (2) The City defends the action in good faith.

Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of any approvals granted for the Project, or is commenced for any other reason against the City for the act or omissions relating to the Applicant's project, within fourteen (14) days following notice of such action from the City, the Applicant shall file with the City a performance bond or irrevocable letter of credit, or other form of security satisfactory to the City ("the Security") in a form satisfactory to the City, and in the amount of \$100,000 to ensure applicant's performance of its defense, indemnity and hold harmless obligations to City. The Security amount shall not limit the Applicant's obligations to the City hereunder. The failure of the Applicant to provide the Security shall be deemed an express acknowledgment and agreement by the Applicant that the City shall have the authority and right, without consent of the Applicant, to revoke the approvals granted hereunder.

Fees

17. As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city fee schedule.
18. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.30 of the Santa Monica Municipal Code, Private Developer Cultural Arts Requirement.
19. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.65 of the Santa Monica Municipal Code, the Child Care Linkage Program.

If the developer elects to comply with these requirements by providing facilities in lieu of fees, no building permits shall be issued for the project until the Director of Planning and Community Development, in consultation with the Director of the Community and Cultural Services Department, has issued a notice that the developer has complied with the requirements of this Chapter.

20. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.66 of the Santa Monica Municipal Code, the Transportation Impact Fee Program.
21. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.67 of the Santa Monica Municipal Code, the Parks and Recreation Impact Fee Program.
22. No building permit shall be issued for the project until the development complies with the requirements for payment of the Condominium and Cooperative Tax described in SMMC Section 6.76.

CC&Rs

23. 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 9.54.111(A) and such provisions as are required by SMMC Section 9.24.030(E).

Cultural Resources

24. 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.

Final Design

25. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Landmarks Commission.
26. Landscaping plans shall comply with Subchapter 9.26.040 (Landscaping Standards) of the Zoning Ordinance including use of water-conserving landscaping materials, landscape maintenance and other standards contained in the Subchapter.
27. Refuse areas, storage areas and mechanical equipment shall be screened in accordance with SMMC Sections 9.21.100, 9.21.130 and 9.21.140. Refuse areas shall be of a size adequate to meet on-site need, including recycling. The Landmarks Commission 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 Landmarks Commission, 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.
28. No gas or electric meters shall be located within the required front yard setback area. The Landmarks Commission in its review shall pay particular attention to the location and screening of such meters.
29. Prior to consideration of the project by the Landmarks Commission, 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 Landmarks Commission, in its review, shall pay particular attention to the aesthetic, landscaping, and setback impacts of any ramps or other features necessitated by accessibility requirements.

Construction Plan Requirements

30. During demolition, excavation, and construction, this project shall comply with SCAQMD Rule 403 to minimize fugitive dust and associated particulate emission, including but not limited to the following:

- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least three times daily with complete coverage, preferably at the start of the day, in the late morning, and after work is done for the day.
 - All grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph measured as instantaneous wind gusts) so as to prevent excessive amounts of dust.
 - All material transported on and off-site shall be securely covered to prevent excessive amounts of dust.
 - Soils stockpiles shall be covered.
 - Onsite vehicle speeds shall be limited to 15 mph.
 - Wheel washers shall be installed where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
 - An appointed construction relations officer shall act as a community liaison concerning onsite construction activity including resolution of issues related to PM₁₀ generation.
 - Streets shall be swept at the end of the day using SCAQMD Rule 1186 certified street sweepers or roadway washing trucks if visible soil is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water).
 - All active portions the construction site shall be sufficiently watered three times a day to prevent excessive amounts of dust.
31. 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

32. 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.
33. 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.

Standard Conditions

34. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with Subchapter 9.24 Condominiums, and the provisions of SMMC Chapters 9.08 and 9.09, as applicable.
35. 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.
36. 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.
37. Construction period signage shall be subject to the approval of the Landmarks Commission.
38. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

MOBILITY DIVISION

39. Developer shall comply with SMMC Chapter 9.53, Transportation Demand Management, including payment of the Developer Annual TDM Fee pursuant to Section 9.53.110, if applicable.
40. Final auto parking, bicycle parking and loading layouts specifications shall be subject to the review and approval of the Mobility Division.
41. Where a driveway, garage, parking space or loading zone intersects with the public right-of-way at the alley or sidewalk, hazardous visual obstruction triangles shall be provided in accordance with SMMC Section 9.21.180.
42. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Mobility Manager but shall not exceed a twenty percent slope.
43. Bicycle parking provided in the Project shall meet the requirements of SMMC Section 9.28.140.

PUBLIC LANDSCAPE

44. Street trees shall be maintained, relocated or provided as required in a manner consistent with the City's Urban Forest Master Plan, per the specifications of the Public Landscape Division of the Community & Cultural Services 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.
45. Prior to the issuance of a demolition permit all street trees that are adjacent to or will be impacted by the demolition or construction access shall have tree protection zones established in accordance with the Urban Forest Master Plan. All tree protection zones shall remain in place until demolition and/or construction has been completed.
46. Replace or plant new street trees in accordance with Urban Forest Master Plan and in consultation with City Arborist.

OFFICE OF SUSTAINABILITY AND THE ENVIRONMENT

47. Developer is hereby informed of the availability for free enrollment in the Savings By Design incentive program where available through Southern California Edison. If Developer elects to enroll in the program, enrollment shall occur prior to submittal of plans for Landmarks Commission review and an incentive agreement shall be executed with Southern California Edison prior to issuance of a building permit.
48. The project shall comply with requirements in section 8.106 of the Santa Monica Municipal code, which adopts by reference the California Green Building Standards Code and which adds local amendments to that Code. In addition, the project shall meet the landscape water conservation and construction and demolition waste diversion requirements specified in Section 8.108 of the Santa Monica Municipal Code.

PUBLIC WORKS DEPARTMENT (PWD)

General Conditions

49. Developer shall be responsible for the payment of the following Public Works Department (PWD) permit fees prior to issuance of a building permit:
 - a. Water Services
 - b. Wastewater Capital Facility
 - c. Water Demand Mitigation
 - d. Fire Service Connection
 - e. Tieback Encroachment

- f. Encroachment of on-site improvements into public right-of-way
- g. Construction and Demolition Waste Management – If the valuation of a project is at least \$50,000 or if the total square feet of the project is equal to or greater than 1000 square feet, then the owner or contractor is required to complete and submit a Waste Management Plan. All demolition projects are required to submit a Waste Management Plan. A performance deposit is collected for all Waste Management Plans equal to 3% of the project value, not to exceed \$30,000. All demolition only permits require a \$1,000 deposit or \$1.00 per square foot, whichever is the greater of the two.

Some of these fees shall be reimbursed to developer in accordance with the City's standard practice should Developer not proceed with development of the Project. In order to receive a refund of the Construction and Demolition performance deposit, the owner or contractor must provide receipts of recycling 70% of all materials listed on the Waste Management Plan.

- 50. Any construction related work or use of the public right-of-way will be required to obtain the approval of the City of Santa Monica, including but not limited to: Use of Public Property Permits, Sewer Permits, Excavation Permits, Alley Closure Permits, Street Closure Permits, and Temporary Traffic Control Plans.
- 51. Plans and specifications for all offsite improvements shall be prepared by a Registered Civil Engineer licensed in the State of California for approval by the City Engineer prior to issuance of a building permit.
- 52. 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.
- 53. Until completion of construction, 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, developer and contractor for the purposes of responding to questions and complaints during the construction period. Said sign shall also indicate the hours of permissible construction work.
- 54. 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 Building & Safety 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.

Water Resources

55. Connections to the sewer or storm drains require a sewer permit from the PWD - Civil Engineering Division. Connections to storm drains owned by Los Angeles County require a permit from the L.A. County Department of Public Works.
56. Parking areas and structures and other facilities generating wastewater with potential oil and grease content are required to pretreat the wastewater before discharging to the City storm drain or sewer system. Pretreatment will require that a clarifier or oil/water separator be installed and maintained on site.
57. If the project involves dewatering, developer/contractor shall contact the LA Regional Water Quality Control Board (RWQCB) to obtain an NPDES Permit for discharge of groundwater from construction dewatering to surface water. For more information refer to: <http://www.waterboards.ca.gov/losangeles/> and search for Order # R4-2003-0111.
58. Prior to the issuance of the first building permit, the applicant shall submit a sewer study that shows that the City's sewer system can accommodate the entire development. If the study does not show to the satisfaction of the City that the City's sewer system can accommodate the entire development, prior to issuance of the first building permit, the Developer shall be responsible to upgrade any downstream deficiencies, to the satisfaction of the Water Resources Manager, if calculations show that the project will cause such mains to receive greater demand than can be accommodated. Improvement plans shall be submitted to the Engineering Division. All reports and plans shall also be approved by the Water Resources Engineer.
59. Prior to the issuance of the first building permit, the applicant shall submit a water study that shows that the City's water system can accommodate the entire development for fire flows and all potable needs. Developer shall be responsible to upgrade any water flow/pressure deficiencies, to the satisfaction of the Water Resources Manager, if calculations show that the project will cause such mains to receive greater demand than can be accommodated. Improvement plans shall be submitted to the Engineering Division. All reports and plans shall also be approved by the Water Resources Engineer.
60. Prior to the issuance of the first building permit, the applicant shall submit a hydrology study of all drainage to and from the site to demonstrate adequacy of the existing storm drain system for the entire development. Developer shall be responsible to upgrade any system deficiencies, to the satisfaction of City Engineer, if calculations show that the project will cause such facilities to receive greater demand than can be accommodated. All reports and improvement plans

shall be submitted to Engineering Division for review and approval. The study shall be performed by a Registered Civil Engineer licensed in the State of California.

61. Developer shall not directly connect to a public storm drain pipe or direct site drainage to the public alley. Commercial or residential units are required to either have an individual water meter or a master meter with sub-meters.
62. All existing sanitary sewer “house connections” to be abandoned, shall be removed and capped at the “Y” connections.
63. The fire services and domestic services 3-inches or greater must be above ground, on the applicant’s site, readily accessible for testing.
64. Developer is required to meet state cross-connection and potable water sanitation guidelines. Refer to requirements and comply with the cross-connections guidelines available at:

<http://www.lapublichealth.org/eh/progs/envirp/ehcross.htm>. Prior to issuance of a Certificate of Occupancy, a cross-connection inspection shall be completed.
65. 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.

Urban Water Runoff Mitigation

66. To mitigate storm water and surface runoff from the project site, an Urban Runoff Mitigation Plan shall be required by the PWD pursuant to Municipal Code Chapter 7.10. Prior to submittal of landscape plans for Landmarks Commission approval, the applicant shall contact PWD to determine applicable requirements, such as:
 - a. The site must comply with SMMC Chapter 7.10 Urban Runoff Pollution Ordinance for the construction phase and post construction activities;
 - b. Non-storm water runoff, sediment and construction waste from the construction site and parking areas is prohibited from leaving the site;
 - c. Any sediments or materials which are tracked off-site must be removed the same day they are tracked off-site;
 - d. Excavated soil must be located on the site and soil piles should be covered and otherwise protected so that sediments are not tracked into the street or adjoining properties;
 - e. No runoff from the construction site shall be allowed to leave the site; and
 - f. Drainage control measures shall be required depending on the extent of grading and topography of the site.

- g. Development sites that result in land disturbance of one acre or more are required by the State Water Resources Control Board (SWRCB) to submit a Storm Water Pollution Prevention Plan (SWPPP). Effective September 2, 2011, only individuals who have been certified by the Board as a “Qualified SWPPP Developer” are qualified to develop and/or revise SWPPPs. A copy of the SWPPP shall also be submitted to the PWD.
67. Prior to implementing any temporary construction dewatering or permanent groundwater seepage pumping, a permit is required from the City Water Resources Protection Program (WRPP). Please contact the WRPP for permit requirements at least two weeks in advance of planned dewatering or seepage pumping. They can be reached at (310) 458-8235.

Public Streets & Rights-of-Way

68. Prior to the issuance of a Certificate of Occupancy for the Project, all required offsite improvements, such as AC pavement rehabilitation, replacement of sidewalk, curbs and gutters, installation of street trees, lighting, etc. shall be designed and installed to the satisfaction of the Public Works Department and Public Landscape Division.
69. All off-site improvements required by the Public Works Department shall be installed. Plans and specifications for off site improvements shall be prepared by a registered civil engineer and approved by the City Engineer.
70. Unless otherwise approved by the PWD, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
71. Sidewalks, curbs, gutters, paving and driveways which need replacing or removal as a result of the project or needed improvement prior to the project, as determined by the PWD shall be reconstructed to the satisfaction of the PWD. Design, materials and workmanship shall match the adjacent elements including architectural concrete, pavers, tree wells, art elements, special landscaping, etc.
72. Street and alley sections adjacent to the development shall be replaced as determined by the PWD. This typically requires full reconstruction of the street or alley in accordance with City of Santa Monica standards for the full adjacent length of the property.

Utilities

73. Prior to the issuance of a Certificate of Occupancy for the Project, provide new street-pedestrian lighting with a multiple circuit system along the new street right-of-way and within the development site in compliance with the PWD Standards and requirements. New street-pedestrian light poles, fixtures and appurtenances to meet City standards and requirements.

74. Prior to submittal of plan check application, make arrangements with all affected utility companies and indicate points of connection for all services on the site plan drawing. Pay for undergrounding of all overhead utilities within and along the development frontages. Existing and proposed overhead utilities need to be relocated underground.
75. Location of Southern California Edison electrical transformer and switch equipment/structures must be clearly shown on the development site plan and other appropriate plans within the project limits. The SCE structures serving the proposed development shall not be located in the public right-of-way.

Resource Recovery and Recycling

76. Development plans must show the refuse and recycling (RR) area dimensions to demonstrate adequate and easily accessible area. If the RR area is completely enclosed, then lighting, ventilation and floor drain connected to sewer will be required. Section 9.21.130 of the SMMC has dimensional requirements for various sizes and types of projects. Developments that place the RR area in subterranean garages must also provide a bin staging area on their property for the bins to be placed for collection.
77. Contact Resource Recovery and Recycling RRR division to obtain dimensions of the refuse recycling enclosure.
78. Prior to issuance of a building permit, submit a Waste Management Plan, a map of the enclosure and staging area with dimensions and a recycling plan to the RRR Division for its approval. Show compliance with these requirements on the building plans. Visit the Resource Recovery and Recycling (RRR) website or contact the RRR Division for requirements of the Waste Management Plan and to obtain the minimum dimensions of the refuse recycling enclosure. The recycling plan shall include:
 - List of materials such as white paper, computer paper, metal cans, and glass to be recycled;
 - Location of recycling bins;
 - Designated recycling coordinator;
 - Nature and extent of internal and external pick-up service;
 - Pick-up schedule; and
 - Plan to inform tenants/ occupants of service.
79. For temporary excavation and shoring that includes tiebacks into the public right-of-way, a Tieback Agreement, prepared by the City Attorney, will be required.
80. Nothing contained in these Conditions of Approval shall prevent Developer from seeking relief pursuant to any Application for Alternative Materials and Methods of

Design and Construction or any other relief as otherwise may be permitted and available under the Building Code, Fire Code, or any other provision of the SMMC.

Construction Period Mitigation

81. A construction period mitigation plan shall be prepared by the applicant for approval by the following City departments prior to issuance of a building permit: Public Works, Fire, Planning and Community Development, and Police. 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:
- a. Specify the names, addresses, telephone numbers and business license numbers of all contractors and subcontractors as well as the developer and architect;
 - b. Describe how demolition of any existing structures is to be accomplished;
 - c. Indicate where any cranes are to be located for erection/construction;
 - d. Describe how much of the public street, alleyway, or sidewalk is proposed to be used in conjunction with construction;
 - e. Set forth the extent and nature of any pile-driving operations;
 - f. Describe the length and number of any tiebacks which must extend under the property of other persons;
 - g. Specify the nature and extent of any dewatering and its effect on any adjacent buildings;
 - h. Describe anticipated construction-related truck routes, number of truck trips, hours of hauling and parking location;
 - i. Specify the nature and extent of any helicopter hauling;
 - j. State whether any construction activity beyond normally permitted hours is proposed;
 - k. Describe any proposed construction noise mitigation measures, including measures to limit the duration of idling construction trucks;
 - l. Describe construction-period security measures including any fencing, lighting, and security personnel;
 - m. Provide a grading and drainage plan;
 - n. Provide a construction-period parking plan which shall minimize use of public streets for parking;
 - o. List a designated on-site construction manager;
 - p. Provide a construction materials recycling plan which seeks to maximize the reuse/recycling of construction waste;
 - q. Provide a plan regarding use of recycled and low-environmental-impact materials in building construction; and
 - r. Provide a construction period water runoff control plan.

FIRE

82. A security gate shall be provided across the opening to the subterranean garage. If any guest parking space is located in the subterranean garage, the security gate shall be equipped with an electronic or other system which will open the gate to

provide visitors with vehicular access to the garage without leaving their vehicles. The security gate shall receive approval of the Police and Fire Departments prior to issuance of a building permit.

Final Map Requirements

83. In submitting required materials to the Civil Engineering and Architecture Division for a final map, applicant shall provide a copy of the approved Statement of Official Action.
84. The form, contents, accompanying data, and filing of the final subdivision map shall conform to the provisions of SMMC Sections 9.54.060 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.
85. 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.
86. Prior to approval of the Final Map, the requirements of Santa Monica Municipal Code Section 9.25.040(E) shall have been met.

VOTE: Vesting Tentative Parcel Map No.78204 (17ENT-0252)

Ayes: Fresco, Lambert, Landres, McKinnon, Paster, Ries
Nays: ---
Abstain: ---
Absent: Fonda-Bonardi

VOTE: Major Modification 17ENT-0254:Front Yard Setback/Associated Projections

Ayes: Fresco, Lambert, Landres, McKinnon, Paster, Ries
Nays: ---
Abstain: ---
Absent: Fonda-Bonardi

VOTE: Major Modification 17ENT-0254:Rear Yard Setback/Associated Projection

Ayes: Fresco, Lambert, Landres, McKinnon, Paster, Ries
Nays: ---
Abstain: ---
Absent: Fonda-Bonardi

NOTICE

If this is a final decision not subject to further appeal under the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, the time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which provision has been adopted by the City pursuant to Municipal Code Section 1.16.010.

I hereby certify that this Statement of Official Action accurately reflects the final determination of the Planning Commission of the City of Santa Monica.

September 4, 2019

Shawn Landres,
Acting Chairperson

Date

Acknowledgement by Permit Holder

I hereby agree to the above conditions of approval and acknowledge that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval.

Print Name and Title

Date

Applicant's Signature