To: Planning Commission
From: Jing Yeo, AICP, City Planning Division Manager
Subject: Vesting Tentative Tract Map No. 73537 (15ENT-0329)

Address: 500 Broadway
Applicant: DK Broadway, LLC

Recommended Action
Staff recommends that the Planning Commission take the following actions, subject to the findings and conditions contained in Attachment B:

1. Approve application 15ENT-0329;

Executive Summary
The applicant requests approval of a Vesting Tentative Tract Map to create an air-space subdivision to allow the residential and commercial components of the 500 Broadway mixed-use project to be separately leased or financed. The map would not create for-sale residential or commercial condominium units. This request is in conjunction with the 500 Broadway Development Agreement that was approved by the City Council on May 10, 2016. The project site consists of two contiguous parcels with a total of 67,500 square feet. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.54.070(B), the Planning Commission is the responsible authority to approve, conditionally approve, or deny tentative subdivision map applications.

This item was continued from the June 15, 2016 Planning Commission hearing. Prior to the hearing, the applicant proposed revisions to the recommended conditions of approval. Accordingly, staff provided a supplemental report outlining clean-up revisions to the STOA including language modifications and the removal of certain conditions, and provided a revised draft Statement of Official Action to the Commission prior to the hearing. However, after further review of the revised conditions, staff recommended at the hearing that the Planning Commission continue the item to a future date so that staff could further review the project’s compliance with the Subdivision Map Act. Accordingly, staff further analyzed whether a building permit for the project may be issued without final map approval. After further review, staff has confirmed that allowing approval and recordation of the final map after the issuance of the building permit for the project would be appropriate.
Staff therefore recommends approval of the proposed Vesting Tentative Tract Map based on the findings and revised conditions of approval as provided in the attached draft Statement of Official Action.

**Project / Site Information**
The following table provides a brief summary of the project location.

<table>
<thead>
<tr>
<th>Zoning District:</th>
<th>Downtown Specific Plan (DSP) Former C3C District (Downtown Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Element Designation:</td>
<td>Downtown Core</td>
</tr>
<tr>
<td>Parcel Area (SF):</td>
<td>67,500 SF</td>
</tr>
<tr>
<td>Parcel Dimensions:</td>
<td>150’ x 450’ (2 parcels)</td>
</tr>
<tr>
<td>Existing On-Site Improvements (Year Built):</td>
<td>Single story commercial building, 35,425 SF (1959)</td>
</tr>
<tr>
<td>Rent Control Status:</td>
<td>Exempt – Commercial</td>
</tr>
</tbody>
</table>
| Adjacent Zoning Districts and Land Uses: | **North:** DSP (commercial)  
**East:** DSP (commercial office, mixed-use residential)  
**South:** DSP (Future site of Hampton Inn Hotel)  
**West:** DSP (commercial, res) |
| Historic Resource Inventory:           | Not listed on Historic Resource Inventory.                                      |

**Subdivision Information**

<table>
<thead>
<tr>
<th>Vesting Tract Map Number:</th>
<th>73537</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivider/Applicant:</td>
<td>DK Broadway, LLC</td>
</tr>
<tr>
<td>Number of Units:</td>
<td>Proposed tract map will not create for-sale residential or commercial condominium units.</td>
</tr>
</tbody>
</table>
Project Analysis
The proposed Vesting Tentative Tract Map is to create an air-space subdivision to allow the residential and commercial components of the 500 Broadway mixed-use project to be separately leased or financed. Specifically, the proposed map consists of five (5) airspace lots consisting of three (3) surface and above-podium level airspace lots, and two (2) subterranean airspace lots. The map is not a subdivision for condominium purposes of any kind whether residential or commercial. This map request is in conjunction with the 500 Broadway Development Agreement and is subject to the regulations and standards as set forth in Article 9 of the Municipal Code.

The proposed subdivision is consistent with the City’s General Plan in that the proposed mixed-use development project complies with the maximum floor area allowable in the underlying 1984 Land Use and Circulation Element (LUCE) and as established in the Development Agreement. The proposed design of the building will also meet the maximum height regulations allowable in the underlying 1984 LUCE and as established in the Development Agreement by not exceeding seven stories and 84 feet in height.

The project is located within a neighborhood where the necessary public infrastructure and improvements are currently established, and developments of similar use, density, and design are prevalent. Pedestrian and vehicular access to the site is provided from 5th Street and 5th Court Alley. The subject property is not constrained by any public use or access easements. In general, the proposed subdivision will not compromise the public’s health and general welfare. The Vesting Tentative Tract Map is included with this report as Attachment D.

Environmental Analysis
In accordance with the California Environmental Quality Act (CEQA), the environmental clearance for this project is addressed in Environmental Impact Report (EIR) 14-002
prepared for the 500 Broadway Mixed-Use Development Agreement project. Due to the significant and unavoidable impacts of Alternative 4 (the proposed project) with respect to Transportation/Traffic and Sewer/Utilities, City Council adopted a Statement of Overriding Considerations and Mitigation Monitoring Plan, and certified the Environmental Impact Report on May 10, 2016.

The subject property is not on the City’s Historic Resources Inventory. The property and its existing improvements were evaluated in the 500 Broadway Final Environmental Impact Report (FEIR) and for the purposes of CEQA, determined not to be a historic resource. Specifically, the FEIR determined that the existing building and surface parking lot does not meet the criteria for listing in the California Register nor qualify for local designation individually or as a contributor to the City’s potential Central Business District. Notwithstanding this CEQA determination, because the existing structure proposed for demolition is over 40 years old, a permit to demolish the existing improvements will not be issued until all requirements of SMMC Section 9.25.040(E) are met.

A demolition permit application was filed by the applicant on April 27, 2015, and no action was taken by the Landmarks Commission on May 11, 2015. Pursuant to the Development Agreement (Article 3.6), the demolition of the existing building shall be exempt from any further Landmarks Commission review.

**Alternative Actions:**
In addition to the recommended action, the Planning Commission could consider the following with respect to the project:

A1. Continue the project for specific reasons, consistent with applicable deadlines and with agreement from the applicant.

A2. Articulate revised findings and/or conditions to approve or deny the subject application, with / without prejudice.

Prepared by: Steve Mizokami, Associate Planner

**Attachments**
A. Process Review Times & Deadlines
B. Draft Statement of Official Action
C. Public Notification
D. Subdivision Map: Vesting Tentative Tract Map # 73537
### ATTACHMENT A
### PROCESS REVIEW TIME AND DEADLINES

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Determined</td>
<td>May 3, 2016</td>
</tr>
<tr>
<td>Complete for Filing</td>
<td></td>
</tr>
<tr>
<td>CEQA Deadline</td>
<td>EIR – May 10, 2016</td>
</tr>
<tr>
<td>Subdivision Deadline</td>
<td>June 29, 2016</td>
</tr>
<tr>
<td>Total Process Review Time (Days)</td>
<td>May 3, 2016 to August 3, 2016: 91 days</td>
</tr>
</tbody>
</table>
PROJECT INFORMATION

CASE NUMBER: Vesting Tentative Tract Map 15ENT-0329
LOCATION: 500 Broadway
APPLICANT: DK Broadway, LLC
PROPERTY OWNER: DK Broadway, LLC
CASE PLANNER: Steve Mizokami, Associate Planner
REQUEST: Vesting Tentative Tract Map to create an airspace subdivision to allow the residential and commercial components of the 500 Broadway mixed-use project to be separately leased or financed. The map would not create for-sale residential or commercial condominium units.

CEQA STATUS: In accordance with the California Environmental Quality Act (CEQA), the environmental clearance for this project is addressed in Environmental Impact Report (EIR) 14-002 prepared for the 500 Broadway Mixed-Use Development Agreement project. Due to the significant and unavoidable impacts of Alternative 4 (the proposed project) with respect to Transportation/Traffic and Sewer/Utilities, City Council adopted a Statement of Overriding Considerations and Mitigation Monitoring Plan, and certified the EIR on May 10, 2016.
PLANNING COMMISSION ACTION

August 3, 2016  Determination Date

Approved based on the following findings and subject to the conditions below.

X  Denied.

Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:  August 14, 2016

EXPIRATION DATE OF ANY PERMITS GRANTED:  August 14, 2018

LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:  Maximum three (3) years with Planning Commission approval

* Any request for an extension of the expiration date must be received in the City Planning Division prior to the 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:

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 floor area ratio. As conditioned, the project must comply with all applicable policies, including floor area ratio and height standards pursuant to the 500 Broadway Development Agreement which will be comprehensively evaluated during the City’s plan check review process, prior to issuance of a building permit.

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 conditioned, the proposed improvements will not exceed land use designation limits to building height and floor area ratio.

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 density shall be 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 such 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 to allow for the development of 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 building height 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. As noted and shown on the subject map, 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 floor area ratio and height limitations set forth in the underlying land use designation and Development Agreement. Moreover, as conditioned, the project must comply with all applicable provisions of the Zoning Ordinance and Development Agreement, which will be comprehensively evaluated during the City’s plan check review process, prior to issuance of a building permit.

**CONDITIONS OF APPROVAL:**

**Project Specific Conditions**

1. Project shall comply with all requirements and conditions of the 500 Broadway Development Agreement (13DEV-008) Exhibit “E”. In the event of a conflict between the Development Agreement and the vesting tentative map, the Development Agreement shall control.
Administrative

2. 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. If the final map is not presented to the City of Santa Monica within this time frame or any lawful extensions thereof, or if the tentative map approval is abandoned in writing by the subdivider or its successor in interest prior to this time frame or any lawful extensions thereof, the tentative map shall expire and this approval, including the conditions approval, shall expire.

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. 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. An appeal of the 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) of the Santa Monica Municipal Code. Any appeal must be made in the form required by the Zoning Administrator.

5. In the event permittee violates or fails to comply with any conditions of approval of this permit, then no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

Conformance with Approved Plans

6. Project plans for the development shall be subject to a complete code compliance review when the plans are submitted for plan check and shall comply with all applicable City of Santa Monica ordinances, regulations, policies, prior to building permit issuance, including, but not limited to, the requirements established or authorized by Articles VII, VIII, and IX of the Municipal Code.

CC&Rs

7. When processing the final map, prior to recording of the final map, a Declaration of CC & Rs shall be submitted by the subdivider for review for approval by the City Attorney. The CC&Rs shall contain a non-discrimination clause as required by SMMC Section 9.54.100(A).
Air Space Subdivision

8. For air space subdivisions, minimum lot size, lot dimension and lot area requirements, parking requirements, setback requirements, building density limitations, building envelope limitations, yard requirements, landscaping requirements, inclusionary housing requirements (if applicable), Building Code and other technical code requirements, and other standards affecting the development of the property shall be determined for the air space lots as if all lots in the air space subdivision were merged into the same lot.

9. All tentative maps creating air space lots, other than condominiums, community apartments, or cooperative apartments, shall be conditioned upon the recordation, prior to final map approval (when processing the final map), of deed restrictions, or other instruments in a form acceptable to the City Attorney, which:
   1. Ensure that the air space lots have access to appropriate public rights-of-way by means of one or more easements or other entitlements to use, in a form satisfactory to the City Engineer; and
   2. Restrict each lot so that minimum lot size, dimension and area requirements, parking requirements, setback requirements, building density limitations, building envelope limitations, yard requirements, landscaping requirements, inclusionary housing requirements (if applicable), Building Code and other technical code requirements, and other standards affecting the development of the property are determined for the air space lots as if all lots in the air space subdivision were merged into the same lot.

Standard Condition

10. Notwithstanding anything to the contrary herein, none of the newly-created parcel(s) approved in the map may be sold, leased, or financed until the final map is in full compliance with all conditions of approval, herein.

Off-Site

11. Any off-site improvements lawfully required by the City Engineer shall be installed. Plans and specifications for any such off-site improvements shall be prepared by a registered civil engineer and approved by the City Engineer.

Final Map Requirements

12. 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.

13. The form, contents, accompanying data, and filing of the final tract map shall conform to the provisions of SMMC Section 9.54.040 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.

14. 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 the final map being effective and any of the newly-created parcels approved in the map being separately sold, leased or financed 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.

15. The final map shall contain the dimensions of the reciprocal easements necessary to ensure ingress and egress, access to on-site parking, and access to all common utilities and structural components for each parcel, as approved by the City Engineer.

Indemnity

16. Subdivider shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, the approval of vesting tentative map [number] concerning the proposed subdivision, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. Nothing contained in this paragraph prohibits the City from participating in the defense of any claim, action, or proceeding, 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.

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

VOTE
Ayes:
Nays:
Abstain:
Absent:
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.

Amy Anderson, 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

Applicant’s Signature
ATTACHMENT C
PUBLIC NOTIFICATION INFORMATION

Consistent with SMMC 9.54.070(A), notice of the subject application was published in a newspaper of general circulation (*Santa Monica Daily Press*) and mailed to owners and occupants within 300 feet of the property, at least ten days prior to the hearing. In addition, a copy of the notice was posted on the City’s website, on the City’s bulletin board, and copies of the agenda mailed to all City-recognized neighborhood groups prior to the hearing.

On May 16, 2016, the applicant was notified by phone of the subject hearing date.

**The applicant provided the following information regarding attempts to contact area property owners, residents, and recognized neighborhood associations:**

**Downtown Santa Monica Inc.**
DTSM provided support for the proposed 500 Broadway Development Agreement.

**Community Meetings**
A community meeting was held at the Santa Monica Main Public Library on December 5, 2013 to discuss the Development Agreement. Thirty-five (35) members of the public were in attendance.
NOTICE OF A CONTINUED PUBLIC HEARING
BEFORE THE SANTA MONICA PLANNING COMMISSION

SUBJECT: 15ENT-0329
500 Broadway
APPLICANT: DK Broadway, LLC
PROPERTY OWNER: DK Broadway, LLC

A continued public hearing will be held by the Planning Commission to consider the following request:

The applicant requests approval of a vesting tentative tract map to create an air-space subdivision to allow the residential and commercial components of the 500 Broadway mixed-use project to be separately leased or financed. The Development Agreement for the project was approved by City Council on May 10, 2016. The map would not create for-sale residential condominium units. The project site consists of two contiguous parcels with a total parcel size of 67,500 square feet. This item was continued from the June 15, 2016 Planning Commission meeting.

DATE/TIME: WEDNESDAY, AUGUST 3, 2016, AT 7:00 PM

LOCATION: City Council Chambers, Second Floor
Santa Monica City Hall
1685 Main Street, Santa Monica, California

HOW TO COMMENT
The City of Santa Monica encourages public comment. You may comment at the Planning Commission public hearing, or by writing a letter. Written information will be given to the Planning Commission at the meeting.

Address your letters to: Steve Mizokami, Associate Planner
Re: 15ENT-0329 (500 Broadway)
City Planning Division
1685 Main Street, Room 212
Santa Monica, CA 90401

MORE INFORMATION
If you want more information about this project or wish to review the project file, please contact Steve Mizokami at (310) 458-8341, or by e-mail at steve.mizokami@smgov.net. The Zoning Ordinance is available at the Planning Counter during business hours and on the City’s web site at www.smgov.net.

The meeting facility is wheelchair accessible. For disability-related accommodations, please contact (310) 458-8341 or (310) 458-8696 TTY at least 72 hours in advance. All written materials are available in alternate format upon request. Santa Monica “Big
Blue” Bus Lines #1, #2, #3, Rapid #3, #7, and #9 service the City Hall and the Civic Center.

Pursuant to California Government Code Section 65009(b), if this matter is subsequently challenged in Court, the challenge may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City of Santa Monica at, or prior to, the public hearing.

ESPÁÑOL
Este es una noticia de una audiencia pública para revisar aplicaciones proponiendo desarrollo en Santa Monica. Si deseas más información, favor de llamar a Carmen Gutierrez en la División de Planificación al número (310) 458-8341.

APPROVED AS TO FORM:

___________________________
Jing Yeo, AICP
Planning Manager
ATTACHMENT D

Tentative Tract Map No. 73537

500 Broadway