

From: [Grace Page](#)
To: [Melissa Zak](#)
Subject: Item 9-A, Revised Draft Statement of Official Action
Date: Wednesday, July 1, 2020 3:48:48 PM
Attachments: [ATTACHMENT B Revised STOA.pdf](#)

Dear Commissioners:

Attached is a revised DRAFT Statement of Official Action (Attachment B) for the Planning Commission's Consideration. For Item 9-A

The wording in Condition No. 6 has been revised for clarity.

Duplicative conditions (No. 62 and 63) and utility improvements (No. 84 and 85) that were not required for the project have been omitted.

Construction Period Mitigation, Condition No. 93 is also duplicative in nature as the Construction Plan Requirements identified in Condition No. 36 will capture such mitigation efforts.

Grace Page

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**ATTACHMENT B
DRAFT STATEMENT OF OFFICIAL ACTION**



City of Santa Monica
City Planning Division

**PLANNING COMMISSION
STATEMENT OF OFFICIAL ACTION**

City of
Santa MonicaSM

PROJECT INFORMATION

CASE NUMBERS: Development Review Permit 19ENT-0341
Major Modification 20ENT-0118
Conditional Use Permit 20ENT-0158

LOCATION: 1436 2nd Street

APPLICANT: Hostelling International USA

PROPERTY OWNER: American Youth Hostels, Inc.

CASE PLANNER: Grace Page, Senior Planner

REQUEST: Development Review Permit, Major Modification, and Conditional Use Permit to allow a Tier 2 project consisting of a five-story, 60-foot tall, 15,364 square-foot expansion to an existing four-story affordable lodging hostel facility. The expansion results in 40 additional guestrooms, a renovated dining hall, and a central courtyard. The Rapp Saloon, a City Designated Landmark, is located on the subject property and will be rehabilitated and continue to function as a community amenity at the front of the parcel. A dimensional modification to relieve the two-foot rear setback required for the first 16 feet of the building height adjacent to alley is requested for the expansion pursuant to SMMC Section 9.43.030(C-D).

CEQA STATUS: The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32 of the State Implementation Guidelines in that the project is an in-fill

FINDINGS

DEVELOPMENT REVIEW PERMIT FINDINGS

- A. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards and are both compatible and relate harmoniously to surrounding sites and neighborhoods in that the proposed project involves an expansion of an existing hostel facility that complies with the DCP-BSC zoning district development standards. The five-story addition is located at the rear of the property and smaller in height and massing than the fifteen-story mixed use development to the west and seven-story City parking structure east of the subject site. Further, the proposed addition is contemporary in design and situated in a manner that is buffered by the existing four-story hostel and respectful of the Rapp Saloon Landmark located at the front of the property.
- B. The rights-of-way can accommodate autos, bicycles, pedestrians, and multi-modal transportation methods in that the pedestrian access is available from Second Street which contains a sidewalk, bike lane, roadway, and bus route stops. Additional access is available from First Court, a standard 20-foot wide alley.
- C. 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 in an urbanized area that is already adequately served by existing City infrastructure. No new safety services or public infrastructure will be required for this project.
- D. The project is generally consistent with the Municipal Code, General Plan, and any applicable Specific Plan, in that the proposed project complies with all the land use and development standards of the Bayside Conservation District in the Downtown Community Plan. Specifically, LUCE Policy D1.4 encourages new or expanded hotel and other visitor-serving uses in the Downtown. Additionally, the Downtown Community Plan Land Use Goal LU3 envisions a diverse and flexible mix of uses that can meet future visitor demand. Policy LU3.2 encourages a range of accommodation types and affordability levels to provide overnight accommodations to the broadest spectrum of visitors. The hostel is one of few low-cost affordable lodging options in the Downtown, and the expanded use of 40 additional guestrooms is consistent with the goals and policies of the LUCE and DCP.
- E. Based on environmental review, the project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32 of the State Implementation Guidelines in that the project is an in-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as

well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. Additionally, the project is categorically exempt pursuant to Section 15331, Class 31 of the State Implementation Guidelines in that the retention and rehabilitation of the historic saloon in conjunction with the proposed infill expansion to an existing hostel located at the rear half of the parcel, 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.

- F. The project promotes the general welfare of the community in that the project yields an expansion of a much-needed low-cost lodging option in the Downtown and Coastal Zone. Additionally, the Tier 2 expansion project provides required community benefits and is designed in a harmonious and sensitive manner that conforms to the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- G. The project has no unacceptable adverse effects on public health or safety in that the project is an expansion of an existing hostel facility and designed to provide accommodations for overnight visitors in the Downtown and Coastal Zone. Furthermore, conditions of approval for project operations and construction management ensure that the project will not adversely affect public health or safety.
- H. The project provides Community Benefits consistent with Section 9.10.070 of the Zoning Ordinance in that it provides payment of an Affordable Housing Commercial Linkage Fee of 23% above the base fee required by Chapter 9.68, a payment of a Transportation Impact Fee of 23% above the base fee required by Chapter 9.66, a payment of an Open Space Fee 23% above the base fee required by Chapter 9.67, and a Transportation Demand Management Plan that includes bike valet free of charge during all automobile valet hours (if applicable).

MAJOR MODIFICATION FINDINGS

- A. The requested modification to the rear setback adjacent to the alley is 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 required setbacks.

The subject site is a designated Landmark Parcel with a Landmark building known as the Rapp Saloon.

- B. The project as modified meets the intent and purpose of the applicable DCP-BSC zoning 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 setbacks. More specifically, the project is consistent with the Major Modification findings enumerated in SMMC Section 9.43.100(G) specifically related to the requested modification for this project, as described in the findings below. The project is therefore consistent with the intent of the Zoning Code that incentivizes flexible zoning standards for projects preserving and protecting historically designated Landmarks.
- C. The approval or conditional approval of the requested modification 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 site is currently developed with a hostel facility, and the modification will not change the lodging land use. The 2-foot setback at the rear is provided for a portion of the new construction and provides a height clearance of 14 feet in-lieu of 16 feet, while portions of the existing building are constructed along the rear property line abutting the alley (First Court). The one-way alley meets the City's standard width of 20-feet for safe vehicular movement, and the modification will not result in an encroachment into public right-of-way.
- D. The approval of the requested modification to the rear setback is 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 is on a landmark parcel developed with a four-story hostel lodging facility. In order to minimize potential impacts to the Landmark building, the addition is strategically situated at the rear half of the property. The modification is a result of aligning the new floors with the existing improvements.
- 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 Objective of the Santa Monica Design Guidelines.
- F. The proposed project 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 in that a majority of the properties in the immediate vicinity are absent of a rear setback abutting the alley (First Court). The area in which the setback modification is requested will partially be used to fulfill a trash room on the premises and eliminate the placement of bins on the alley. The alley meets the City's standard width of 20-feet for safe vehicular movement, and the modification will not result in an encroachment of the public right-of-way.

G. The proposed modification to the rear setback abutting an alley 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*.
2. The proposed project conforms to the permitted land uses (conditionally permitted) in the applicable DCP, Bayside Conservation District in that hostel is an existing use authorized by a CUP (01CUP-014) and that the expansion yielding 40 additional guestrooms conforms with the request to amend the CUP.
3. The proposed project does not exceed the maximum unit density permitted in the applicable Land Use District of the LUCE in that the project is not a residential development and comprised of a commercial lodging use.
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 involve a height modification request and therefore complies with the 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 does not involve a covered porch or stair projection 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 commercial project does not have any private open space requirements 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 Rapp Saloon will be maintained for the life of the project.

CONDITIONAL USE PERMIT FINDINGS

- A. The proposed use is conditionally allowed within the applicable Zoning District and complies with all other applicable provisions of this Ordinance and all other titles of the Municipal Code, in that pursuant to SMMC Table 9.10.040, a hostel (hotel) is a conditionally permitted use in the Bayside Conservation District (2nd & 4th Streets).
- B. The proposed use is consistent with the General Plan and any applicable specific plan. Specifically, LUCE Goal D1, promotes the maintenance of Downtown's competitive advantage as a premier local and regional destination and to support its evolution in order to respond to changing market conditions. Policy D1.4 also encourages new or expanded hotel and other visitor-serving uses in the Downtown. Additionally, the Downtown Community Plan Land Use Goal LU3 envisions a diverse and flexible mix of uses that can meet future visitor demand. Policy LU3.2 encourages a range of accommodation types and affordability levels to provide overnight accommodations to the broadest spectrum of visitors. The hostel is one of few low-cost lodging options in the Downtown, and the expanded use of 40 additional guestrooms is consistent with the goals and policies of the LUCE and DCP.
- C. The subject parcel is physically suitable for the type of land use being proposed, in that the project site is approximately a 15,000 square foot flat parcel with 100-feet of street frontage along 2nd Street. The proposed project meets most applicable development standards of the Downtown Community Plan and is seeking a modification to a rear setback that is available for designated historic resources in the City.

- D. The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain in that the proposed use is an expansion of an existing hostel facility operating under a CUP (01CUP-014) and therefore requiring an amendment to reflect the enlarged floorplan with up to 40 additional guestrooms.
- E. The proposed use is compatible with existing and permissible land uses within the District and the general area in which the proposed use is to be located which may include but not be limited to size, intensity, hours of operation, number of employees, or the nature of the operation in that the proposed use involves the expansion of an established lodging/hostel use that is compatible with nearby lodging such as Wyndham, Hotel Carmel, Ocean View Hotel, The Georgian, and Shore Hotel.
- F. The physical location or placement of the expanded hostel use on the site is compatible with and relates harmoniously to the surrounding neighborhood in that the surrounding area is located in the Downtown Core that promotes the highest concentration of activity in the City and developed with other commercial, office, and mixed-use structures that are of comparable height and form.
- G. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts in that the project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32 of the State Implementation Guidelines in that the project is an in-fill development and Section 15331, Class 31 of the State Implementation Guidelines in that the retention and rehabilitation of the historic saloon in conjunction with the proposed infill expansion to an existing hostel located at the rear half of the parcel, 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 Building
- H. The proposed use and related project features would not be detrimental to the public interest, health, safety, convenience, or general welfare in that the proposed expansion of the hostel use is a conditionally permitted use within the DCP-BSC zone. The expansion of the use involves a building addition on a site that is located in an urbanized setting surrounded by a variety of uses which include, office, restaurant, retail, personal services, residential, and lodging. All necessary water, sewer, and utilities as well as public and private improvements are existing and would continue to serve the proposed expansion and use. The project would be required to meet all current requirements from various city's divisions/departments, including Building and Safety, Fire Prevention, and Public Works/Engineering.

CONDITIONS OF APPROVAL

Project Specific Conditions

1. The conditions of this approval (19ENT-0341, 20ENT-0118, and 20ENT-0158) include and shall supercede the relevant conditions of the previous approvals (01DR-009 and 01CUP-014).
2. Prior to the issuance of a building permit, a deed-restriction shall be recorded to ensure that the City-Designated Historic Resource will be maintained for the life of the project.
3. A final Parking & Loading Operations Plan formalizing all loading procedures will be required to be submitted and reviewed by the City's Mobility Division for compliance as part of the plan check process prior to the issuance of building permits.
4. The primary use of the premises shall be a hostel with the following operational conditions:
 - a. Any future sale of alcohol at this facility would require a separate conditional use permit (or perhaps an alcohol exemption zoning conformance permit, if applicable). Absent such approval, alcohol shall only be dispensed at catered events from time to time to the extent consistent with the caterer's ABC license.
 - b. Illegal drug use is prohibited on the premises.
 - c. Consistent with policies for large-scale hostels in generally urban settings, 95% of the hostel visitors at this facility shall be limited to a maximum 14-day stay.
 - d. Membership in Hostelling International USA is not strictly required of hostel guests, but all guests must present forms of identification typical of any standard hotel guest registration process, such as a government issued photo identification.
5. The hostel shall be limited to a maximum of 88 guestrooms.
6. No dancing, live entertainment, or amplified music/noise shall be permitted on the outdoor spaces (roof deck areas, central courtyard, and entry court) of the project premises, with the exception of within the Rapp Saloon building space.
7. The upper level outdoor spaces shall not be occupied by guests during the hours of 11:00 PM to 8:00 AM daily.

8. The project at all times shall comply with the provisions of the Noise Ordinance (SMMC Chapter 4.12).
9. Pursuant to SMMC Section 9.10.070(D) the project shall provide the following community benefits:
 - a. Developer shall pay a housing mitigation fee 23% above the base fee as required by Chapter [9.68](#), Affordable Housing Commercial Linkage Fee Program for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan
 - b. Developer shall pay an additional transportation impact fee (TIF) 23% above the base fee required by Chapter [9.66](#), Transportation Impact Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.
 - c. Developer shall pay an additional parks and recreation development impact fee 23% above the base fee required by Chapter [9.67](#), Parks and Recreation Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.
 - d. The Tier 2 project shall include the following transportation demand management measures in addition to those required by Chapter [9.53](#), Transportation Demand Management: bike valet, free of charge, during all automobile valet operating hours (if applicable).

Administrative

10. The Planning Commission's approval, conditions of approval, or denial of Development Review Permit 19ENT-0341, Major Modification 20ENT-0118, and Conditional Use Permit 20ENT-0158 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 Section 9.40.070. 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. The approval of this permit shall expire if the rights granted are not exercised within 4.5 years of the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.
11. Prior to issuance of a final inspection the applicant shall post a notice at the building entry stating that the site is regulated by a Conditional Use Permit and the Statement of Official Action, which includes the establishment's conditions of

approval. This notice shall remain posted at all times the establishment is in operation.

12. 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.
13. 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.
14. 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.
15. 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 Review Permit.
16. 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.

Indemnity

17. 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 Development Review Permit, Major Modification, and Conditional Use Permit 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.

Conformance with Approved Plans

18. This approval is for those plans dated June 18, 2020, 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.
19. 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.
20. 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.

Fees

21. 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.

22. 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.
23. 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.
24. No building permit shall be issued for the project until the developer complies with the requirements of SMMC Section 9.10.070(D)(1)(a-c), Impact Fees.
25. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.53, the Transportation Demand Management Fee.

Cultural Resources

26. The City shall not approve the demolition of any building or structure unless the applicant has complied with all of the requirements of SMMC Chapter 9.25, including no demolition of buildings or structures built 40 years of age or older shall be permitted until the end of a 75-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 on the application by the Landmarks Commission, or City Council on appeal.
27. 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.

Project Operations

28. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
29. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00pm to 7:00am daily. In

addition, there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00pm to 7:00am daily. Trash containers shall be secured with locks.

Final Design

30. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Landmarks Commission.
31. 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.
32. 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.
33. No gas or electric meters shall be located within the required front or street side yard setback areas. The Landmarks Commission in its review shall pay particular attention to the location and screening of such meters.
34. 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.
35. As appropriate, the Landmarks Commission shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

Construction Plan Requirements

36. Prior to issuance of a building permit for any project that meets the criteria set forth in Section [8.98.030](#), a Construction Management Plan shall be submitted by the applicant to the Planning Director or designee and the Planning Director or designee shall approve that Construction Management Plan if it meets the

requirements established pursuant to Section [8.98.030](#). The contents shall include, but not be limited to:

- (a) The timeline and method of any demolition;
- (b) The timeline for construction;
- (c) Anticipated impacts to or closures of public rights-of-way, including required permits and temporary traffic control plans related to such closures and impacts. A separate permit shall be issued by the Director of Public Works for any work affecting the public right-of-way pursuant to Article 7 of the Santa Monica Municipal Code;
- (d) The nature and extent of anticipated construction and associated truck, crane, and/or helicopter activity;
- (e) Any anticipated request for construction beyond normally permitted hours pursuant to Section [4.12.110](#)(e) of this Code;
- (f) Proposed construction-period noise measures;
- (g) Proposed construction-period security measures;
- (h) Proposed construction-period parking plan that minimizes use of public streets for parking to the greatest extent feasible;
- (i) Contact information for the project developer, architect, contractor(s), and subcontractor(s);
- (j) Contact information for a single individual appointed to communicate with residents, businesses, and commuters impacted by construction activity; and
- (k) Any other construction period mitigation measures, if required, pursuant to the California Environmental Quality Act ([Public Resources Code](#) Section 21000 et seq.), or other applicable laws.

37. 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.
38. 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.
39. Any new restaurant at the site with fewer than 50 seats capacity shall install a grease interceptor with minimum 750 gallons static holding capacity in order to pretreat sewered grease. Facilities with greater than 50 seats are required to install an interceptor with 1000 gallons minimum holding capacity. The Public Works Department may modify the above requirements only for good cause. Specifically, the facility must demonstrate to the satisfaction of the Industrial Waste Section and Building and Safety Division that interceptor installation is not feasible at the site in question. In such cases where modifications are granted, grease traps will be required in the place of an interceptor. Building permit plans shall show the required installation.

Demolition Requirements

40. 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.
41. Prior to issuance of a demolition permit, applicant shall prepare for Building Division approval a rodent and pest control plan to ensure that demolition and construction activities at the site do not create pest control impacts on the project neighborhood.

Construction Period

42. 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.

43. 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.
44. Developer shall prepare a notice, subject to the review by the Director of 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.
45. 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.
46. 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

47. 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.
48. 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.
49. Construction period signage shall be subject to the approval of the Landmarks Commission.

50. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

MOBILITY DIVISION

51. 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.
52. Final auto parking, bicycle parking and loading layouts specifications shall be subject to the review and approval of the Mobility Division.
53. Bicycle parking provided in the Project shall meet the requirements of SMMC Section 9.28.140.

PUBLIC LANDSCAPE

54. 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.
55. 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.
56. 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

57. 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 design review and an incentive agreement shall be executed with Southern California Edison prior to issuance of a building permit.
58. 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

59. 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.

60. 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.
61. 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.

- ~~62. 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.~~
- ~~63. 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.~~
- 64-62. 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

- 65-63. 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.
- 66-64. 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.
- 67-65. 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.
- 68-66. 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.

~~69-67.~~ 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.

~~70-68.~~ 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.

~~71-69.~~ 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.

~~72-70.~~ All existing sanitary sewer "house connections" to be abandoned, shall be removed and capped at the "Y" connections.

~~73-71.~~ The fire services and domestic services 3-inches or greater must be above ground, on the applicant's site, readily accessible for testing.

~~74-72.~~ 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.

~~75-73.~~ All new restaurants and cooking facilities at the site are required to install Gravity Grease Interceptors to pretreat wastewater containing grease. The minimum capacity of the interceptor shall be determined by using table 10-3 of the 2007 Uniform Plumbing Code, Section 1014.3. All units shall be fitted with a standard final-stage sample box. The 2007 Uniform Plumbing Code guideline in sizing

Gravity Grease Interceptors is intended as a minimum requirement and may be increased at the discretion of PWD, Water Resources Protection Program.

~~76-74.~~ 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

~~77-75.~~ 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.

~~78-76.~~ 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

~~79-77.~~ 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.

~~80-78.~~ 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.

~~81-79.~~ Unless otherwise approved by the PWD, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.

~~82-80.~~ 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.

~~83-81.~~ 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

~~84. No Excavation Permit shall be issued without a Telecommunications Investigation by the City of Santa Monica Information Systems Department. The telecommunications investigation shall provide a list of recommendations to be incorporated into the project design including, but not limited to measures associated with joint trench opportunities, location of tie-back and other underground installations, telecommunications conduit size and specifications, fiber optic cable specifications, telecommunications vault size and placement and specifications, interior riser conduit and fiber optic cable, and adjacent public right of way enhancements. Developer shall install two Telecommunications Vaults in either the street, alley and/or sidewalk locations dedicated solely for City of Santa Monica use. Developer shall provide two unique, telecommunication conduit routes and fiber optic cables from building Telecommunications Room to Telecommunications Vaults in street, alley and/or sidewalk. Developer will be responsible for paying for the connection of each Telecommunications Vault to the existing City of Santa Monica fiber optic network, or the extension of conduit and fiber optic cable for a maximum of 1km terminating in a new Telecommunications Vault for future interconnection with City network. The final telecommunications design plans for the project site shall be submitted to and approved by the City of Santa Monica Information Systems Department prior to approval of project.~~

~~a. Project shall comply with any City of Santa Monica issued Telecommunications Guidelines~~

~~b. Project shall comply with City of Santa Monica Right-of-Way Management Ordinance No. 2129CCS, Section 3 (part), adopted 7/13/04~~

~~85. 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.~~

~~86-82.~~ 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.

~~87-83.~~ 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

~~88-84.~~ 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.

~~89-85.~~ Contact Resource Recovery and Recycling RRR division to obtain dimensions of the refuse recycling enclosure.

~~90-86.~~ 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. The State of California AB 341 requires any multi-family building housing 5 units or more to have a recycling program in place for its tenants. All commercial businesses generating 4 cubic yards of trash per week must also have a recycling program in place for its employees and clients/customers. 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.

~~91.87.~~ 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.

~~92.88.~~ 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~~

- ~~93. 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.~~

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.

Leslie Lambert, 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

