

**ATTACHMENT B
DRAFT STATEMENT OF OFFICIAL ACTION**



City of Santa Monica
City Planning Division

**DRAFT
PLANNING COMMISSION
STATEMENT OF OFFICIAL ACTION**

PROJECT INFORMATION

CASE NUMBER: Vesting Tentative Parcel Map No. 82871 (20ENT-0164)

LOCATION: 1510 Franklin Street

APPLICANT: Nastaran Khadavi

PROPERTY OWNER: Nastaran Khadavi

CASE PLANNER: Ross Fehrman, AICP, Associate Planner

REQUEST: The applicant requests approval of a Vesting Tentative Parcel Map to create a new three-unit residential condominium development in the R2 (Low Density Residential) Zoning District.

CEQA STATUS: The project is categorically exempt from the provisions of CEQA, pursuant to Class 3 (b) Section 15303 of the State Implementation Guidelines in that the project involves construction of no more than six dwelling units in an urbanized area.

PLANNING COMMISSION ACTION

October 21, 2020	Determination Date
X	Approved based on the following findings and subject to the conditions below.
	Denied.
	Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	November 1, 2020
EXPIRATION DATE OF ANY PERMITS GRANTED: (2 years pursuant to SMMC 9.54.090(A)(1) + 2 years pursuant to the Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on May 29, 2020)	November 1, 2024
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 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 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.

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.

CONDITIONS OF APPROVAL:

PLANNING AND COMMUNITY DEVELOPMENT

Administrative

1. The tentative map shall expire four (4) years 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 (2 years pursuant to SMMC 9.54.090(A)(1) + 2 years pursuant to the Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on May 29, 2020). 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.

2. 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.
3. 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.
4. 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, one-year extension may be permitted if approved by the Director of Planning. Applicant is on notice that time extensions shall not be granted if development standards or the development process applicable to the project have changed since project approval. Extension requests to a subdivision map must be approved by the Planning Commission.
5. In the event permittee violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

Conformance with Approved Plans

6. Project plans for the condominium development shall be subject to a complete code compliance review when the condominium plans are submitted for plan check and shall comply with all applicable City of Santa Monica ordinances, regulations, and 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.

Affordable Housing Obligation

7. 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 9.52.020.0870. 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.

Fees

8. 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.
9. The project is subject to the provisions of Chapter 9.67, Parks and Recreation Impact Fee which shall be due and payable at the time of issuance of a Certificate of Occupancy or Final Inspection of the project.
10. Prior to issuance of a building permit, the developer shall provide for the payment of a Condominium Tax of \$1,000 per planned salable unit pursuant to Chapter 6.76 of the Santa Monica Municipal Code.
11. 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.

12. 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.

Cultural Resources

13. No demolition of buildings or structure 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 or structure of merit designation shall be filed. If an application for landmark designation is filed, no demolition shall be approved until a final determination is made by the Landmarks Commission on the application.

Rent Control

14. Pursuant to SMMC Section 4.24.030, prior to receipt of the final permit necessary to demolish, convert, or otherwise remove a controlled rental unit(s) from the housing market, the owner of the property shall first secure a removal permit under Section 1803(t), an exemption determination, an approval of a vested rights claim from the Rent Control Board, or have withdrawn the controlled rental unit(s) pursuant to the provisions of the Ellis Act.

CC&Rs

15. Prior to issuance of building permits, Condominium Association By-Laws (if applicable) 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 9.54.100(A) and such provisions as are required by SMMC Sections 9.24.030(D-E).

Standard Conditions

16. Final parking lot layout and specifications shall be subject to the review and approval of the Mobility Division.
17. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Architectural Review Board.
18. Landscaping plans shall comply with Chapter 9.26 (Landscaping) of the Zoning Ordinance including use of water-conserving landscaping materials, landscape maintenance and other standards contained in the Subchapter.
19. Refuse areas, storage area and mechanical equipment shall be screened in accordance with Santa Monica Municipal Code 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. Any rooftop mechanical equipment shall be minimized in height and area and shall be located in such a way as to minimize noise and visual impacts to surrounding properties. Unless otherwise approved by the Architectural Review Board, rooftop mechanical equipment shall be located at least five feet from the

edge of the roof. Except for solar hot water heaters, no residential water heaters shall be located on the roof.

20. Prior to issuance of a building permit, a copy of the recorded map shall be provided to the City Planning Division.
21. 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.
22. 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.
23. Prior to issuance of a demolition permit, applicant shall prepare for Building and Safety Division approval a rodent and pest control plan to ensure that demolition and construction activities at the site do not create control impacts on the project neighborhood.
24. 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.

PUBLIC WORKS DEPARTMENT (PW)

Drainage

25. Notwithstanding any Subdivision Map notations to the contrary, in order to mitigate storm water and surface runoff from the project site, an Urban Runoff Mitigation Plan may be required by the Department of Public Works pursuant to Municipal Code Chapter 7.10. Prior to submittal of landscape plans for Architectural Review Board approval, the applicant shall contact Public Works to determine applicable requirements, which include the following:
 - Non-stormwater runoff, sediment and construction waste from the construction site and parking areas is prohibited from leaving the site;
 - Any sediments or materials which are tracked off-site must be removed the same day they are tracked off-site;
 - Excavated soil must be located on the site and soil piles should be covered and otherwise protected so that sediments do not go into the street or adjoining properties;
 - Washing of construction or other vehicles shall be allowed adjacent to a

construction site. No runoff from washing vehicles on a construction site shall be allowed to leave the site;

- Drainage controls may be required depending on the extent of grading and topography of the site; and
- New development is required to reduce projected runoff pollution by at least twenty percent through incorporation of design elements or principles, such as increasing permeable surfaces, diverting or catching runoff via swales, berms, and the like; orientation of drain gutters towards permeable areas; modification of grades; use of retention structures and other methods.

Environmental Mitigation

26. 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.
27. To mitigate solid waste impacts, prior to issuance of a Certificate of Occupancy, project owner shall submit a recycling plan to the Department of Public Works for its approval. The recycling plan shall include:
 - 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.

Streets

28. Unless otherwise approved by the Department of Public Works, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
29. Streets and/or alley lighting shall be provided on public rights of way adjacent to the project if and as needed per the specifications and with the approval of the Department of Public Works.

Off-site

30. All off-site improvements required by the City Engineer shall be installed. Plans and specifications for off-site improvements shall be prepared by a registered civil engineer and approved by the City Engineer.

31. A subdivision improvement agreement for all off-site improvements required by the City Engineer shall be prepared and a performance bond posted through the City Attorney's office.

Final Map Requirements

32. 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.
33. 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.
34. 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.
35. Prior to approval of the Final Map, the requirements of Santa Monica Municipal Code Section 9.25.040(E) shall have been met.

VOTE

Ayes: None
Nays: None
Abstain: None
Absent: None

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.

Shawn Landres, 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