

**ATTACHMENT B  
DRAFT STATEMENT OF OFFICIAL ACTION**



City of Santa Monica  
City Planning Division

**PLANNING COMMISSION  
STATEMENT OF OFFICIAL ACTION**

**PROJECT INFORMATION**

**CASE NUMBER:** 19ENT-0250 (Conditional Use Permit); 20ENT0066 (Minor Modification)

**LOCATION:** 438 San Vicente Boulevard

**APPLICANT:** Carlthorp School / Tim Kusserow/ Ken Parr

**PROPERTY OWNER:** Carlthorp School

**CASE PLANNER:** Gina Szilak, Associate Planner

**REQUEST:** Amendment to Conditional Use Permit 95-012 to allow 7,259 square foot expansion to Carlthorp Elementary School and rooftop playcourt with a Minor Modification for a 0.06% increase in parcel coverage (45.06% total).

**CEQA STATUS:** The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the State CEQA Guidelines. This section exempts minor additions to existing schools where the addition does not increase original student capacity by more than 25% or 10 classrooms. The school's existing size is 47,709 square feet with a proposed addition of 7,259 square feet, a 15% increase in size that is intended to accommodate existing student capacity. The school has 22 existing K-6 classrooms and the addition will not add any new classrooms. Therefore, the addition, will not increase the number of classrooms or students and no further environmental analysis is required.

The proposed project is also categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, Class 31 of the State Implementation Guidelines in that the proposed addition to a non-contributor in the San Vicente Boulevard Courtyard Historic District is 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 San Vicente Courtyard Historic District. The District is characterized by courtyard apartments oriented around

landscaped spaces constructed during an architectural period of significance dating from 1937-1956. The proposed project consists of a 5,575 sf subterranean multi-purpose room and 844 sf lunch seating area and 840 sf of administrative offices within the interior courtyard of the existing building envelope that will not be visible from San Vicente Boulevard. Further, the proposed rooftop play area is on an existing building adjacent to the alley (approximately 170 feet from the North property line) and would be minimally visible from San Vicente Boulevard only due to required safety fencing. The proposed project does not change the existing front elevation or landscape features of the non-contributing school and therefore, would have no impact on the overall character or significance of the historic district. Further, the proposed addition requires review and approval of a Certificate of Appropriateness by the City's Landmarks Commission to ensure the structure would not potentially impact the character-defining features of the District.

**PLANNING COMMISSION ACTION**

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

|   |                  |
|---|------------------|
| <b>EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:</b>  | November 5, 2020 |
| <b>EXPIRATION DATE OF ANY PERMITS GRANTED:</b><br><br>(5 years pursuant to applicant the applicant's request and SMMC 9.37.090 + 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 5, 2027 |
| <b>LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:</b>   | 12 months        |

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

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

## **CONDITIONAL USE PERMIT FINDINGS**

1. 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. The existing school was established through an approved Conditional Use Permit and was previously expanded in 1995 when it acquired the adjoining lot after the 1994 Northridge Earthquake. The proposed expansion of an existing school is a permitted use in the R2 district with the approval of an approved Conditional Use Permit.
2. The proposed use is consistent with the General Plan and any applicable specific plan. Specifically, the project is conditionally permitted with an approved via a Conditional Use Permit application and is consistent with the goals, objectives, and policies of the General Plan in the following areas. The addition of on-site long and short term bike parking is consistent with Policies CE.7, CE 14.1 and CE 14.2; as well as goal CE14. Additionally, the project is consistent with stated transit and transportation demand management goals and policies including: Goal CE15; T 14.2, N1.7, N4, and Policy N4.1 which incentivize alternative transportation modes and monitor the outcomes. The North of Montana and San Vicente Boulevard Goals N8 and N8.3 are met via the Certificate of Appropriateness project review by the Landmarks Commission as a non-contributor to the San Vicente Courtyard Apartment Historic District.
3. The subject parcel is physically suitable for the type of land use being proposed. The existing Carlthorp School is located on a 46,362 SF parcel and will comply with the R2 development standards for the proposed expansion with the exception of the parcel coverage. The maximum parcel coverage in the R2 zoning district is 45% while the proposed expansion constitutes a 45.06% overall parcel coverage, an overage of .06% or 26 SF for the less than 1% parcel coverage overage requested with a Minor Modification. This small increase over the allowable parcel coverage would permit a roofed lunch area but requires a Minor Modification application. The school has been in operation for 79 years since 1941 without negatively impacting the adjoining neighbors and residential buildings along its east, west, and south sides. The school enrolls approximately 280 students and the proposed expansion would not increase the enrollment level. The expansion would facilitate and enhance the existing academic services and student experience. No new classrooms are included in the proposal.
4. The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain. The school has been operating on the site for since 1941; the previous expanded operations conditions of approval (Development Review 95-003, Conditional Use Permit 95-012, Variance 95-002 and an approved Environmental Impact Report) are consistent with the existing on-site use. The proposed conditions of approval will serve to further mitigate potential impacts such as noise, parking, construction impacts, and a

comprehensive drop-off and pick up plan for the benefit of the students, faculty and on-site administrators.

5. 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. Since Carlthorp elementary school has been located on this site since 1941 and the school previously expanded with the approval of Development Review 95-003, Conditional Use Permit 95-012, Variance 95-022 and an approved Environmental Impact Report, the proposed expansion via a Conditional Use Permit includes a number of specific project conditions to address potential parking impacts, noise, construction impacts and the viability of the school's current and future drop off plans. These project specific conditions #1-14 can be found in the Statement of Official Action.
6. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood. The project is located in the San Vicente Boulevard Courtyard Apartment Historic District. The proposed addition and elevators are most visible to the interior courtyard, and not from San Vicente Boulevard. The upper level play court walls are visible from the street but are located in the rear, furthest from the street. The potential impacts altering visibility, building volume envelope or site design have been mitigated as the proposed project is for additions facing the interior courtyard that are compliant with the R2 development standards with the exception of a slight parcel coverage modification. Additionally, as a non-contributing structure in the district, the Landmarks Commission shall review and provide issuance of a Certificate of Appropriateness to ensure the new school expansion do not impact the integrity of the district nor character defining features of the contributing district structures. The potential impacts associated with ambient and the noise levels regulated via the Municipal Code Noise Ordinance have been analyzed and mitigated. A noise analysis report dated April 28, 2020 verifies the noise levels will be at or below these standards. Staff has added conditions #8-12 to ensure the potential noise impacts are minimized. The parking, loading circulation and bike parking plans shall be reviewed by the Mobility Division and condition #5 mitigates and regulates these operational and on-site requirements.
7. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project. The proposed project is also categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, Class 31 of the State Implementation Guidelines in that the proposed addition to a non-contributor in the San Vicente Boulevard Courtyard Historic District is 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 San Vicente Courtyard Historic District. The District is characterized by courtyard apartments oriented around landscaped spaces constructed during an architectural period of significance dating from 1937-1956. The proposed project consists of a 5,575 sf subterranean multi-purpose room and 844 sf lunch seating area and 840 sf of administrative offices within the interior courtyard of the existing building envelope that will not be visible from San Vicente Boulevard. Further, the proposed rooftop play area is on an existing building adjacent to the alley (approximately 170 feet from the North property line) and would be minimally visible from San Vicente Boulevard only due to required safety fencing. The proposed project does not change the existing front elevation or landscape features of the non-contributing school and therefore, would have no impact on the overall character or significance of the historic district. Further, the proposed addition requires review and approval of a Certificate of Appropriateness by the City's Landmarks Commission to ensure the structure would not potentially impact the character-defining features of the District.

8. The proposed use and related project features would not be detrimental to the public interest, health, safety, convenience, or general welfare. The conditions added per the Conditional Use Permit 19ENT-0250 will provide mitigation to ensure the existing school's proposed expansion is compatible with the surrounding neighbors and will not impact the public interest or the general welfare and minimize the effect of the use on adjacent neighbors.

### **MINOR MODIFICATION FINDINGS**

1. The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees in that the site has unique conditions which justify granting the minor modification. The school has been in operation for 79 years since 1941 without negatively impacting the adjoining neighbors and residential buildings along its east, west, and south sides. The modification allows for the addition of two elevators along the exterior of the existing building as well as enclosure of a roofed lunch area. The addition of the elevators within the existing architecture poses unnecessary hardships and would require major structural and architectural revisions.
2. The requested modification is consistent with the General Plan and any applicable area or specific plans. The requested modification is consistent with the provisions, purpose and goals of the General Plan in that Santa Monica Schools and educational facilities are among the City's most important assets. Facilitating bike access, parking and loading operations plan, transportation demand management are included in the Land Use and Circulation Element (LUCE) goals and policies: The addition of on-site long and short term bike parking is consistent with Policies CE.7, CE 14.1 and CE 14.2; as well as goal CE14. Additionally, the project is consistent with stated transit and transportation demand management goals and policies including: Goal CE15; T 14.2, N1.7, N4, and Policy N4.1 which

incentivize alternative transportation modes and monitor the outcomes. The North of Montana and San Vicente Boulevard Goals N8 and N8.3 are met via the Certificate of Appropriateness project review by the Landmarks Commission as a non-contributor to the San Vicente Courtyard Apartment Historic District.

3. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations. Granting the proposed minor modification will not adversely affect orderly development in this district in that the request for 45.06% parcel coverage primarily facilitates pedestrian circulation, including new elevators. The two added elevators required for disabled access total 276 SF and the parcel coverage overage is 26 SF.
4. The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modification, including but not limited to, impacts on the privacy, sunlight, or air. The adjacent parcels will not be adversely impacted by the parcel coverage overage of .06% or 26 square feet in that the additional square footage includes two elevators of 276 square feet and enclosure of an 844 square foot lunch area. The proposal will not impact the adjacent properties with regard to privacy, sunlight and air since all these areas are located within the buildable footprint of the parcel, are not adjacent to the property lines or encroach into required setbacks.
5. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working at the site. Granting the minor modification will not be detrimental to the health, safety, or general welfare of a person residing or working on the site. The requested .06% additional parcel coverage will facilitate pedestrian circulation and disabled access via new elevators, enclosure of an existing roofed outdoor eating area to provide shade.

## **CONDITIONS OF APPROVAL**

### **Project Specific Conditions**

1. If there are any conflicts between the conditions set forth in this Statement of Official Action and Conditions set forth in the Statement of Official Action for Conditional Use Permit 95-012, the conditions set forth in this Statement of Official Action shall control.
2. The requested Conditional Use Permit Amendment is granted for:
  - a. An upper level play court addition above existing parking and offices located at the rear, adjacent to Georgina Place North Alley; and
  - b. An addition to the existing first floor, second, and basement level of the school totaling approximately 6,477sf
3. The requested Minor Modification for 0.06% additional parcel coverage is granted for a total ground floor parcel coverage of 45.06%.

4. The approved use is for a private school with an enrollment of 280 children. Only activities directly associated with the private school shall be allowed at the site, which includes events such as student class performances and parent meetings. Any schoolwide event that draws more than 50 adult attendees (excluding School administrators or faculty and immediate neighbors) to the School campus shall be considered a “Special School Event.” Sports league games and morning flag line (morning announcements typically held on the outdoor play field) shall not constitute Special School Events. The School shall host no more than 18 Special School Events per academic year. No more than 6 of these events may be held after school hours without the Planning Director’s approval. Written requests for after school hours special events must be submitted a minimum of 45 days prior to the proposed event, and such requests shall be reviewed in accordance with the required findings and reasonable conditions in SMMC Sections 9.44.030 and 9.44.040. In addition, at least one week prior to the event, the applicant shall provide public notice of the event for informational purposes to all residents within a 300-foot radius of the property.
5. Parking and Loading Operations Plan (PLOP) shall be reviewed and approved by the Mobility Division prior to the issuance of a building permit. The plan shall include a site plan and circulation features such as the locations where pick-up/drop-off occurs, show path of travel from passenger loading locations and the building entrance. The PLOP shall also address parking procedures for Special School Events, including parking-related information to be included on invitations. The PLOP may be amended from time to time as appropriate with the approval of the Planning Director.
6. Valet parking shall be provided for any Special School Event expected to draw more than 150 vehicles, or other Special School Events as required by the Planning Director. The applicant shall provide a detailed bike and automobile valet plan to the City Mobility Division for review and approval at least 72 hours prior to such a Special School Event. This plan shall include a narrative detailing drop-off, circulation, event hours, estimated number of persons attending, and off-site vehicle staging and the plans must mitigate impacts to the adjacent public right-of-way. Any invitations sent out for Special School Events shall include a description of the limited availability of parking near the School, and shall encourage walking, biking, ridesharing and use of public transportation.
7. Prior to issuance of a building permit for the first phase of the project, the construction plans shall include 32 bike parking spaces comprised of 11 long-term and 21 short-term stalls, on-site shower facilities, and a location for an electrical vehicle recharge station. The facilities shall be designed with the City standards and approved by the Mobility Division.
8. There are currently three “zones” of fixed outdoor speakers including (1) the play court in the inner courtyard, (2) the artificial turf field, and (3) the outdoor lunch

area. As a result of the Project, the lunch area will be enclosed. Therefore, speakers in that area shall be removed.

9. The Applicant's outdoor speakers shall be used primarily for emergency purposes. The only daily use of the speaker system shall occur during the School's brief morning assembly at the beginning of the school day. The only speakers that may be utilized during morning assembly are those installed at the ground floor play court that face inward towards the court zone.
10. Speakers shall not be utilized during afternoon student pickup. Walkie talkies or other technologies that do not contribute significantly to neighborhood noise may be used.
11. The applicant shall conduct an acoustical analysis of the upper level playcourt after the structure is constructed and fully operational. This analysis should be completed and submitted to the City Planning Division within 30 days from the start of the first school session after Certificate of Occupancy for the playcourt construction. The test results shall be analyzed and compared with the noise assumptions made in the report dated May 27, 2020. If the test results exceed the conclusions of the May 27, 2020 report, the applicant shall have 60 days to propose additional mitigation recommended by the preparer of the acoustical analysis. The applicant shall then have 60 additional days to implement such mitigation.
12. An on-site contact person shall be designated to serve as a neighborhood liaison to address any neighborhood concerns related to the school. Notification of the staff liaison and applicable contact information, including telephone and email address, shall be provided to all residents within a 300-foot radius of the subject site prior to the commencement of the school session after Certificate of Occupancy for the playcourt construction, and at least once per year thereafter.
13. To address the potential for ball play equipment or other objects that may fall outside the walled containment area into the alley or adjacent yard areas, a lightweight netting material with 50% minimum transparency to extend no more than 42-inches above the acoustical wall shall be installed. The netting shall be submitted for review and approval by the Landmarks Commission.
14. Pursuant to SMMC Section 8.98.040 a Construction Management Plan to coordinate, communicate, and manage the temporary effects of construction activity on surrounding residents, and commuters shall be submitted and approved by City Staff prior to issuance of building permit.
15. The large playfield to the west on the expanded school campus shall be landscaped with grass or artificial turf rather than hard surface material, to absorb sound. The artificial turf shall consist of acrylic-coated sand or other similar non-toxic material. Crumb rubber fill shall be prohibited unless the material is

determined to be safe and effective by the manufacturer and the administrators of Carlthorp School.

16. The applicant is required to implement the Transportation Demand Management Plan as described in Attachment H of the Planning Commission staff report.
17. The subterranean multi-purpose room shall be used in the manner described in Attachment J of the staff report and shall not be used as a classroom.
18. The applicant proposes to accomplish construction phased over a five-year period. Thus, approval of CUP 19ENT-025 is granted a five-year term. In addition, pursuant to the 3<sup>rd</sup> revised 18<sup>th</sup> supplement to the Executive Order, permits approved between March 13, 2020 and the expiration of the Executive Order are extended for an additional two years.

### **Administrative**

19. The Planning Commission's approval, conditions of approval, or denial of Conditional Use Permit 19ENT-0250, or Minor Modification 20ENT-0066 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 five years from the permit's effective date allowing phased construction. Exercise of rights shall mean issuance of a building permit to commence construction.
20. 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 1-year extension may be permitted if approved by the Director of Planning. Applicant is on notice that time extensions shall not be granted if development standards or the development process relevant to the project have

changed since project approval. Extension requests to a subdivision map must be approved by the Planning Commission.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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**

26. 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 Variance 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**

27. This approval is for those plans dated April 23, 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.
28. Minor amendments to the plans shall be subject to approval by the Director of Planning. A significant change in the approved concept shall be subject to Planning Commission Review. Construction shall be in conformance with the plans submitted or as modified by the Planning Commission, Architectural Review Board, or Director of Planning.
29. 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**

30. 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.

### **Cultural Resources**

31. 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.
32. If any archaeological remains are uncovered during excavation or construction, work in the affected area shall be suspended and a recognized specialist shall be contacted to conduct a survey of the affected area at project's owner's expense. A determination shall then be made by the Director of Planning to determine the significance of the survey findings and appropriate actions and requirements, if any, to address such findings.

### **Final Design**

33. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Landmarks Commission (San Vicente Boulevard Courtyard Apartment Historic District).
34. 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.
35. 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 Architectural Review Board in its review shall pay particular attention to the screening of such areas and equipment. Any rooftop mechanical equipment shall be minimized in height and area, and shall be located in such a way as to minimize noise and visual impacts to surrounding properties. Unless otherwise approved by the Architectural Review Board, rooftop mechanical equipment shall be located at least five feet from the edge of the roof. Except for solar hot water heaters, no residential water heaters shall be located on the roof.

36. No gas or electric meters shall be located within the required front or street side yard setback areas. The Architectural Review Board in its review shall pay particular attention to the location and screening of such meters.
37. As appropriate, the Architectural Review Board shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

### **Construction Management Plan Requirements**

38. 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 PM<sub>10</sub> 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.
39. 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.

### **Standard Conditions**

40. Lofts or mezzanines shall not exceed 33.3% of the room below unless compliance with the district's limits on number of stories can be maintained.

41. The front yard fence shall be constructed and landscaping installed and maintained so as not to obstruct a clear view through the front fence.
42. 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.
43. 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.
44. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

#### **PUBLIC LANDSCAPE**

45. 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.
46. 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.
47. 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**

48. 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 Architectural Review and an incentive agreement shall be executed with Southern California Edison prior to issuance of a building permit.
49. 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**

50. 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.

51. 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.
52. 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.
53. 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.

54. 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.
55. 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**

56. 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.
57. 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.
58. 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.
59. 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.

60. 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.
61. 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.
62. 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.
63. All existing sanitary sewer "house connections" to be abandoned, shall be removed and capped at the "Y" connections.
64. The fire services and domestic services 3-inches or greater must be above ground, on the applicant's site, readily accessible for testing.
65. 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.
66. 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**

67. 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 Architectural Review Board

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.
68. 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**

69. 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.
70. 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.
71. Unless otherwise approved by the PWD, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.

72. 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.
73. 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**

74. 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
75. 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.
76. 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.

77. 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**

78. 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.
79. Contact Resource Recovery and Recycling RRR division to obtain dimensions of the refuse recycling enclosure.
80. 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.
81. 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 Management plan**

82. A Construction Management Plan per SMMC 8.98.040 shall be prepared by the applicant for approval by the following City departments prior to issuance of a building permit: Public Works, Fire, 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.**

\_\_\_\_\_  
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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature