

**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: 20ENT-0314 (Vesting Tentative Parcel Map No. 83173)

LOCATION: 1311-1313 3rd Street

APPLICANT: SVF Criterion Santa Monica Corporation

PROPERTY OWNER: SVF Criterion Santa Monica Corporation

CASE PLANNER: Tiffany Lin, Associate Planner

REQUEST: The applicant is requesting an approval of a Vesting Tentative Parcel Map to create an air-space subdivision to allow the residential and commercial components of the existing development at 1311-1313 3rd Street to be separately leased or financed. The property is located in the BC (Bayside Conservation) District of the Downtown Community Plan (DCP) and the proposed subdivision includes three airspaces: the residential units, the office area, and the retail space.

CEQA STATUS: The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15315, which exempts projects that consist of the division of property into four or fewer parcels where the division is in conformance with the general plan and zoning, no other variances or exceptions requiring environmental review are required, and all required services and access to the proposed parcels to local standards are available.

PLANNING COMMISSION ACTION

February 3, 2021 Determination Date
 _____ Approved based on the following findings and subject to the
 _____ conditions below.
 _____ Denied.
 _____ Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	February 14, 2021
EXPIRATION DATE OF ANY PERMITS GRANTED:	February 14, 2025 (2 years pursuant to SMMC Section 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)
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, the proposed subdivision will be consistent with the City’s General Plan and Downtown Community Plan. The property has a Downtown Core Land Use General Plan designation and is located within the Bayside Conservation District. The Bayside Conservation District supports a lively mix of active storefronts, restaurants, pedestrian-oriented services with the opportunity for housing and office uses on upper building floors. The subject property is currently developed with a mixed-use building that supports retail, residential, and office uses. The proposed subdivision will divide the existing building into three airspace lots along the

contours of the existing uses and no modifications are proposed to the existing development. Therefore, the site will continue to comply with all applicable general and specific plans and the Zoning Ordinance.

2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. Specifically, the subject property is governed by the City's General Plan and Downtown Community Plan. No modifications are proposed to the existing development; therefore, no additional designs or improvements have been considered with the proposal. The design of the existing building will continue to remain consistent with both the General Plan and the Downtown Community Plan.
3. The site is physically suitable for the type of development. Specifically, the subject parcel currently accommodates an existing three-story building with a basement. The existing building will remain and will be subdivided into three airspace lots for finance and conveyance purposes only. The property will continue to accommodate the existing development.
4. The site is physically suitable for the proposed density of development. Specifically, the subject parcel is currently developed with a three-story building with a basement. The building will remain and will be subdivided into three airspace lots. The proposed subdivision will not propose any new construction and therefore, the density will remain unchanged and consistent with the underlying approvals.
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 for an airspace subdivision only, does not propose any new construction, and 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 an already developed property located in an urbanized area and is consistent with other similar improvements in the area. The proposed subdivision to create three airspace lots does not propose any changes to the existing building. The existing development as well as the existing land uses will remain. Therefore, the subdivision 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 since the proposed airspace subdivision does not propose any modifications to the existing site. There will be no effect on existing public utilities easements.

8. The proposed subdivision is consistent with any ordinance or law of the City of Santa Monica. Specifically, the proposed subdivision will not modify the existing building and therefore the existing development will continue to comply with the underlying approvals for the subject property as well as with limitations set by any ordinance or law of the City.

CONDITIONS OF APPROVAL:

PLANNING AND COMMUNITY DEVELOPMENT

Project Specific Conditions

1. The project shall continue to comply with all underlying approvals.
2. The applicant shall record prior to final map approval a deed restriction or other instrument in form acceptable to the City Attorney, which:
 - a. Ensure that the air space lots have access to appropriate public rights-of-way by means of or more easements or other entitlements to use, in a form satisfactory to the City Engineer; and
 - b. Restrict each lot so that minimum lot size, dimension and area requirements, parking requirements, setback requirements, building density limitations, building envelope limitations, yard requirements, landscaping requirements, inclusionary housing requirements, Building Code and other technical code requirements, and other standards affecting the development of the property are determined for the air space lots as if all lots in the air space subdivision were merged into the same lot.

Administrative

3. The tentative map shall expire 48 months after approval, except as provided in the provisions of California Government Code Section 66452.6 and Subchapter 9.54.090 of the Santa Monica Municipal Code. During this time period the final map shall be presented to the City of Santa Monica for approval. No building permit for the project will be granted until such time as the final map is approved by the Santa Monica City Council.
4. 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.

5. 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.
6. 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.

Fees

7. 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.

CC&Rs

8. 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).

PUBLIC WORKS DEPARTMENT (PW)

Off-site

9. 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.
10. 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

11. 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.
12. 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.
13. 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.
14. 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:
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

Applicant's Signature