

**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 NUMBER: Conditional Use Permit 20ENT-0226, Conditional Use Permit 20ENT-0227, and Minor Modification 21ENT-0004

LOCATION: 1401 & 1421-1425 Santa Monica Boulevard

APPLICANT: Nadir Hossain

PROPERTY OWNER: Steve Taub

CASE PLANNER: James Combs, Associate Planner

REQUEST: Conditional Use Permits (20ENT-0226 & 20ENT-0227) to allow the operation of a 62-stall electric vehicle recharging facility with solar canopies, restroom, and support equipment split between two project sites bisected by an alley and Minor Modification (20ENT-0004) for reduced drive aisle width.

CEQA STATUS: The proposed project is categorically exempt from CEQA pursuant to Sections 15303 and 15311 of the CEQA Guidelines.

PLANNING COMMISSION ACTION

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

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	Conditional Use Permit 20ENT-0226: March 18, 2021 Conditional Use Permit 20ENT-0227: March 18, 2021 Minor Modification 21ENT-0004: March 18, 2021
EXPIRATION DATE OF ANY PERMITS GRANTED: (2 years pursuant to SMMC 9.37.090 + 2 years pursuant to the Eighteenth Supplement to the Executive Order of Emergency Services Declaring the Existence of a Local Emergency adopted on May 29, 2020)	Conditional Use Permit 20ENT-0226: March 18, 2025 Conditional Use Permit 20ENT-0227: March 18, 2025 Minor Modification 21ENT-0004: March 18, 2025
LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:	Conditional Use Permit 20ENT-0226: 6 months Conditional Use Permit 20ENT-0227: 6 months Minor Modification 21ENT-0004: 6 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.

FINDINGS:

CONDITIONAL USE PERMIT 20ENT-0226 FINDINGS

- A. The proposed use is conditionally allowed within the applicable Zoning District and complies with all other applicable provisions of the "City of Santa Monica Comprehensive Zoning Ordinance" and all other titles of the Municipal Code in

that the proposed recharging facility is a conditionally permitted use within the General Commercial (GC) Zoning District.

- B. The proposed use is consistent with the General Plan and any applicable specific plan in that Goal B5 calls for the transformation of Santa Monica Boulevard into an attractive, mixed-use boulevard that contributes to the auto-related segments of the City's economy. The proposed recharging facility would improve the existing vacant lot with a recharging facility consisting of perimeter landscaping, solar panel structures, and adaptive reuse of an existing structure. The proposed electric vehicle recharging facility would complement the surrounding auto dealerships and provide charging infrastructure necessary to support electric vehicle ownership, a key goal of the City's adopted Electric Vehicle Action Plan. The recharging facility is also consistent with Policies B5.8 and S2.5, which encourage auto-related uses to contribute to the desired character and pedestrian experience by locating vehicular access off Santa Monica Boulevard and on side streets (14th Street) and also call for expanding the use of alternative fuel vehicles by providing fueling infrastructure in public locations. The recharging facility's proposed solar panels also supports LUCE Goal S4, which establishes increasing the use of renewable energy in the City.
- C. The subject parcel is physically suitable for the type of land use being proposed, in that the project site is approximately a 22,500 square foot flat parcel with 150- feet of street frontage along Santa Monica Boulevard and 150-feet of street frontage along 14th Street and 14th Court. The proposed project meets all applicable development standards pursuant to Section 9.11.030 for the General Commercial (GC) zoning district.
- 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 recharging facility will be the exclusive use on the subject sites.
- 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 is conditionally allowed within the underlying General Commercial zoning district. Additionally, the recharging facility is an auto-oriented use located along a segment of Santa Monica Boulevard where such uses are encouraged (B5.8). Site specific conditions of approval and development standards which physically separate and buffer the proposed use from surrounding residential uses and limit hours of operation and activities which would potentially impact surrounding uses.
- F. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood in that the site is an auto-oriented use located along a segment of Santa Monica Boulevard where such uses are encouraged, and is subject to development standards which

require a landscaped buffer along the north property line and daylight plane provide for an appropriate transition of the solar canopies and adjacent residential development. Additional lighting standards will ensure that the site is not overly lit or allow for light trespass onto neighboring properties.

- G. Based on environmental review, the proposed project has is exempt from CEQA under Section 15303 and 15311 and found to have no potentially significant environmental impacts pursuant to Section 15061.
- H. The proposed recharging facility would not be detrimental to the public interest, health, safety, convenience, or general welfare in that its operation would be compatible within the context of its commercial, auto oriented surroundings and would be subject to operational standards and conditions of approval limiting lighting levels and light trespass, requiring daily staff site visits, appointment of a liaison to address community complaints, adequate refuse storage, and a landscape buffer adjacent to the residential use to provide the necessary safeguards against any neighborhood impacts.

CONDITIONAL USE PERMIT 20ENT-0227 FINDINGS

- A. The proposed use is conditionally allowed within the applicable Zoning District and complies with all other applicable provisions of the "City of Santa Monica Comprehensive Zoning Ordinance" and all other titles of the Municipal Code in that the proposed recharging facility is a conditionally permitted use within the General Commercial (GC) Zoning District.
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that Goal B5 calls for the transformation of Santa Monica Boulevard into an attractive, mixed-use boulevard that contributes to the auto-related segments of the City's economy. The proposed recharging facility would improve the existing vacant lot with a recharging facility consisting of significant perimeter and interior landscaping. The proposed electric vehicle recharging facility would complement the surrounding auto dealerships and provide charging infrastructure necessary to support electric vehicle ownership, a key goal of the City's adopted Electric Vehicle Action Plan. The recharging facility is also consistent with Policies B5.8 and S2.5, which encourage auto-related uses to contribute to the desired character and pedestrian experience by locating vehicular access off Santa Monica Boulevard and on side streets (15th Street) and also call for expanding the use of alternative fuel vehicles by providing fueling infrastructure in public locations.
- 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 150- feet of street frontage along Santa Monica Boulevard and 100- feet of street frontage along 15th Street and 14th Court. The proposed project meets all applicable development standards pursuant to Section 9.11.030 for the General Commercial (GC) zoning district.

- 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 recharging facility will be the exclusive use on the subject sites.
- 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 is conditionally allowed within the underlying General Commercial zoning district. Additionally, the recharging facility is an auto-oriented use located along a segment of Santa Monica Boulevard where such uses are encouraged (B5.8). The site is separated from surrounding uses by streets and alleys and shares only one property line with another use which is currently operated as a private parking lot. The recharging facility is also subject to both site-specific conditions of approval and development standards which reduce potential impacts on surrounding uses and create a landscape buffer along Santa Monica Boulevard and
- F. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood in that the site is an auto oriented use located along a segment of Santa Monica Boulevard where such uses are encouraged and is subject to development standards creating significant internal landscape as well as a landscaped buffer along Santa Monica Boulevard which will not only reduce a heat island effect but also enhance the streetscape environment to create an inviting pedestrian environment (B4.12).
- G. Based on environmental review, the proposed project has is exempt from CEQA under Section 15303 and 15311 and found to have no potentially significant environmental impacts pursuant to Section 15061.
- H. The proposed recharging facility would not be detrimental to the public interest, health, safety, convenience, or general welfare in that its operation would be compatible within the context of its commercial, auto oriented surroundings and would be subject to operational standards and conditions including; limiting lighting levels and light trespass, requiring daily staff site visits, appointment of a liaison to address community complaints, adequate refuse storage, and a landscape buffer along the Public Right of Way to provide the necessary safeguards against any neighborhood impacts.

MINOR MODIFICATION FINDINGS:

- A. 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 project requires minimum distances

for access and safety from the electrical equipment while seeking to update and reuse the existing office building as an accessible restroom.

- B. The requested modification is consistent with the General Plan and any applicable area or specific plan in that the reduced drive aisle will not reduce number of parking stalls or negatively impact the operations of the proposed use.
- C. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations in that This Zoning District is intended to maintain areas for a broad range of commercial uses that provide necessary daily services such as auto-oriented uses while respecting adjacent residential neighborhoods. A reduction in the proposed drive aisle width will not affect the proposed use or its ability to operate on the site or negatively impact surrounding residential uses.
- D. 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 privacy, sunlight, or air in that the reduced drive aisle width will not result in a loss of privacy or any physical structure which could block air or sunlight, neither will the reduced drive aisle alter traffic patterns so as not to negatively impact surrounding uses.
- E. 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 on the site in that the site has been reviewed by Mobility staff and the proposed reduction in drive aisle width has been determined to still allow for safe vehicular circulation within and through the site and would therefore, not result in safety hazards on the site.

CONDITIONS OF APPROVAL:

PLANNING AND COMMUNITY DEVELOPMENT

Project Specific Conditions

1. The Architectural Review Board shall pay special attention to the landscape buffers along the perimeter and the design of the proposed solar canopies. The project shall comply with SMMC Sections 9.11.030(A-C) regulating the Active Commercial Design, Active Use, Pedestrian-Oriented Design, and Build-to Line design requirements for the ground floor street frontage of new buildings on commercial boulevards.
2. Prior to building permit submittal, the palm trees proposed along the north property line of 1401 Santa Monica Boulevard shall be switched for a tree species with a greater ability to visually buffer the subject property from the

adjacent residential use; plant species shall be subject to the approval of Planning Staff.

3. Prior to building permit submittal, the 9'-0" tall fence/wall along the north property line of 1401 Santa Monica Boulevard shall be reduced to 8'-0" to comply with the maximum height of fences and walls within a side or rear setback SMMC 9.21.180.
4. Temporary operation of a recharging facility shall not constitute effectuation of the subject entitlements. Electric vehicle charging may only occur from the temporary facility for a period not to exceed one year from the effective date of the subject entitlement, or until operation of a permanent Recharging Facility at either 1401 or 1421-1425 Santa Monica Boulevard is permitted.
5. The property owner/operator shall designate a community liaison to work with neighborhood residents and community groups to respond to questions or complaints and resolve any operational issues and concerns that may impact the community.
6. Prior to issuance of building permit at 1421 & 1425 Santa Monica Boulevard, a lot tie shall be recorded between the two properties.
7. Employees of the facility shall inspect/clean the restrooms and walk the facility each day to pick up and dispose of any trash on the site.
8. Prior to plan review submittal applicant shall modify and detail the refuse enclosure to the satisfaction of Resource Recovery & Recycling staff; modifications may include but are not limited to the inclusion of a sliding gate and/or mechanical roll up door.
9. Prior to plan review submittal, applicant shall modify the lighting plan to be compliant with SMMC 9.21.080, with specific attention to Section F. "Parking Lot and Structure Lighting" to ensure the maximum 3.0 foot-candle lighting requirement is not exceeded.
10. Prior to plan review submittal, applicant shall work with Mobility Division staff to develop wayfinding for the site directing users leaving the site towards major destinations and prohibiting left turns from the site where appropriate.

Administrative

11. The Planning Commission's approval, conditions of approval, or denial of Conditional Use Permit No 20ENT-0226, 0227 & Minor Modification 21ENT-0004 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 TWO YEARS from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.

12. 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.
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. Prior to plan review submittal applicant shall modify and detail the refuse enclosure to the satisfaction of Resource Recovery & Recycling staff; modifications may include but are not limited to the inclusion of a sliding gate and/or mechanical roll up door.
16. 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.
17. 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

18. 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 concerning the Applicant's proposed project, or any Claims brought against the City due to the acts or omissions in any way 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

19. This approval is for those plans dated July 28, 2017, 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.
20. 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.

21. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. No building permit shall be issued for the project until the development complies with the requirements for payment of the Condominium and Cooperative Tax described in SMMC Section 6.76.

Cultural Resources

28. 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.

29. 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.

Rent Control

30. Pursuant to SMMC Section 4.24.030, prior to receipt of the final permit necessary to demolish, convert, or otherwise remove a controlled rental units 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 units pursuant to the provisions of the Ellis Act.

Project Operations

31. 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.
32. 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

33. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Architectural Review Board.
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. Prior to consideration of the project by the Architectural Review Board, 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 Architectural Review Board, in its review, shall pay particular attention to the aesthetic, landscaping, and setback impacts of any ramps or other features necessitated by accessibility requirements.
38. As appropriate, the Architectural Review Board shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

Construction Plan Requirements

39. 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.
40. 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.
 41. 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 sewerage. 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

42. 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.
43. Prior to issuance of a demolition permit, applicant shall prepare for Building Division approval a rodent and pest control plan to insure that demolition and construction activities at the site do not create pest control impacts on the project neighborhood.

Construction Period

44. 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.
45. 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.

46. Developer shall prepare a notice, subject to the review by the Director of Planning and 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.
47. 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.
48. 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

49. 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.
50. 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.
51. 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.
52. Construction period signage shall be subject to the approval of the Architectural Review Board.
53. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

MOBILITY DIVISION

54. 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.
55. Final auto parking, bicycle parking and loading layouts specifications shall be subject to the review and approval of the Mobility Division:
56. Where a driveway, garage, parking space or loading zone intersects with the public right-of-way at the alley or sidewalk, hazardous visual obstruction triangles shall be provided in accordance with SMMC Section 9.21.180.
57. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Mobility Manager but shall not exceed a twenty percent slope.
58. Bicycle parking provided in the Project shall meet the requirements of SMMC Section 9.28.140.

PUBLIC LANDSCAPE

59. 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.
60. 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.
61. 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

62. 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.

63. 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

64. 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.

65. 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.
66. 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.
67. 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.

68. 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.
69. 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

70. 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.
71. 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.
72. 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.
73. 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.

74. 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.
75. 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.
76. 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.
77. All existing sanitary sewer "house connections" to be abandoned, shall be removed and capped at the "Y" connections.
78. The fire services and domestic services 3-inches or greater must be above ground, on the applicant's site, readily accessible for testing.
79. 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.
80. 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.

81. 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

82. 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.
83. 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

84. 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.

85. 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.
86. Unless otherwise approved by the PWD, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
87. 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.
88. 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

89. 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

90. 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.
91. 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.
92. 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

93. 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.
94. Contact Resource Recovery and Recycling RRR division to obtain dimensions of the refuse recycling enclosure.
95. 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.
96. 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.
97. 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

98. 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.

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