



Planning Commission Report

Planning Commission Meeting: August 17, 2011

Agenda Item: 8-A

To: Planning Commission
From: Amanda Schachter, City Planning Division Manager
Subject: Development Review Permit 11DR-001 to construct a new one-story 8,084 square foot commercial building and Use Permit 11UP-003 to allow a new first-floor use with a Third Street Promenade frontage exceeding fifty feet.

Address: 1415 Third Street Promenade
Applicant: ASB/Blatteis Promenade Holdings, LLC

Recommended Action

It is recommended that the Planning Commission take the following action(s) subject to findings and/or conditions contained in Attachment B:

1. Approve applications 11DR-001 and 11UP-003.

Executive Summary

The applicant proposes to construct a new one-story, 8,084 square foot commercial building with 75 feet of frontage along the Third Street Promenade. The site is currently developed with a three-story, 33,750 square foot commercial building built in 1984 that is currently vacant. This structure would be demolished as part of the project. A Development Review Permit is required for any new development of more than seven thousand five hundred square feet of floor area, and a Use Permit is required to allow a new first-floor use with a Third Street Promenade frontage exceeding fifty feet.


The following issues should be considered by the Planning Commission in its review of the proposed project and are addressed in this report:

- The compatibility of the proposed project with the surrounding neighborhood.
- The appropriateness of a first-floor use with a frontage exceeding fifty feet.

Project / Site Information

The following table provides a brief summary of the project location. Additional information regarding the project's compliance with applicable municipal regulations and the General Plan is available in Attachment A.

Project and Site Information Table

Zoning District:	Bayside Commercial District (BSC-1)	
Land Use		
Element Designation:	Downtown Core	
Parcel Area (SF):	11,241 SF	
Parcel Dimensions:	75' x 150' (approx.)	
Existing On-Site Improvements (Year Built):	Three-story commercial building (1984) to be demolished	
Adjacent Zoning Districts and Land Uses:	West – BSC1, commercial North – BSC1, commercial East – BSC2, commercial South – BSC1, commercial	
Child Care Linkage Fee:	\$35,812.12 (approx.)	
Cultural Arts Fee:	\$16,168 (approx.)	

The subject property is located on the east side of the Third Street Promenade between Santa Monica Boulevard to the north and Broadway to the south and is currently developed with a three-story, 40-foot high, 33,309 square foot vacant commercial building. A one-story commercial building is located adjacent to the north of the project site, and a two-story commercial building is located adjacent to the south. The Promenade is located in the center of the City’s mixed-use Downtown Core with a wide range of retail, entertainment, restaurant, office, commercial services, and residential uses in the district.

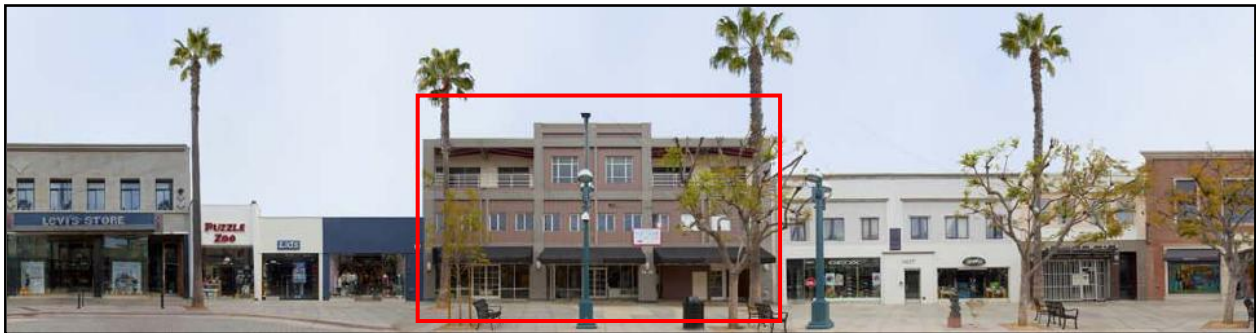


Project site – 1415 Third Street Promenade

Background

On September 17, 1984, the Planning Commission approved Development Review Permit #256 to allow the construction of the three-story commercial building currently

located on the subject site. The building is currently vacant and was last occupied by a permanent tenant, Borders, in 2008. A variety of temporary retail tenants have occupied the site since the closing of the Borders store. Pursuant to the Interim Zoning Ordinance effective March 11, 2011, no development project in the Downtown Core is allowed to exceed 32 feet in height except City projects or projects developed pursuant to development agreements. However, development projects located entirely within the BSC1 zoning district are exempt from the interim standards provided the proposed development project is less than the height and floor area of the existing building. The proposed building height of 34 feet two inches and .72 FAR is less than the existing building height of 40 feet and existing 3.0 FAR. Therefore, the proposed project is exempt from the Interim Zoning Ordinance standards.



Existing building – 1415 Third Street Promenade

Project Analysis

The proposed one-story, 34-foot high commercial building will feature an expansive floor-to-ceiling height accentuated by a transparent glass ceiling. The front façade will consist entirely of transparent glass panels that will project five feet from stone paneled side walls. A 5,210 square foot basement will be accessible from the interior of the building. However, the basement floor area does not count towards the overall project FAR pursuant to the standards for the Downtown Core in the Interim Zoning Ordinance (CCS 2356).



Proposed building – 1415 Third Street Promenade

Pursuant to SMMC Section 9.04.08.15.060(d), a Development Review Permit is required for any new development of more than seven thousand five hundred square feet of floor area. The physical location, size, massing, and placement of proposed structures on the site and the location of proposed uses within the project are required to be compatible with and relate harmoniously to surrounding sites and neighborhoods. The proposed project will consist of a new one-story, 34'2" high, 8,084 square foot commercial building in a district containing commercial buildings of varying heights and massing and is lower in height and floor area than the existing three story commercial building on the subject site. The new building will be located between an existing two-story, 27'5" high commercial building to the south and an existing one-story, 18'4" high commercial building to the north and provide an appropriate transition in height and massing given its location on the Third Street Promenade. This infill redevelopment will be built to the front property line continuing the façade line of the adjacent commercial buildings and will be designed in a contemporary style with pedestrian oriented features including an at-grade entry and a transparent glass façade from floor to ceiling.



Proposed building – 1415 Third Street Promenade

The proposed building will provide 75 feet of frontage along the Third Street Promenade. Pursuant to SMMC Section 9.04.13.060, a Use Permit is required to allow a new first-floor use with a Promenade frontage exceeding fifty feet if one of the following findings can be made:

1. The proposed use is an entertainment-related use that adds to the overall vitality and diversity of the Bayside District and the use cannot be accommodated within a Third Street Promenade frontage of fifty feet or less.
2. The proposed use adds to the diversity of the district by providing goods or services that are not otherwise available in the Bayside District and the use

cannot be accommodated within a Third Street Promenade frontage of fifty feet or less.

3. The conditions of the proposed site make it physically or practically infeasible for the use to occupy a Third Street Promenade frontage of fifty feet or less.

The conditions of the proposed site make it physically or practically infeasible for the use to occupy a Third Street Promenade frontage of fifty feet or less. The subject parcel is 75 feet in width and has been historically occupied by a single retail tenant utilizing the full 75 feet of building frontage. Reducing a retail tenant frontage to fifty feet would result in a secondary tenant frontage of 25 feet which is less than the typical retail frontage and inconsistent with the majority of retail tenant spaces along the Third Street Promenade. The intent of the 50 foot limit is in part to protect existing smaller tenant spaces from being consolidated by larger retailers. However, no existing smaller retailers exist on the subject site. Further, allowing the proposed project to retain a frontage of 75 feet will result in no material change to the long-standing configuration of storefronts along this Promenade block and would render the design intent of a broad expanse of glass physically infeasible.

The applicant intends to implement a voluntary Transportation Demand Management (TDM) program, which has been incorporated into the conditions of approval, to encourage the project's employees to travel to and from the premises by alternative modes of transportation. The applicant will offer all full-time retail employees a \$100 monthly transit subsidy towards the purchase of transit fare and a \$20 per month bicycle reimbursement subsidy for improvements, maintenance, and service. In addition, secure bicycle parking for employees of the building will be located in the basement level.

One letter from the public was received prior to the preparation of this staff report and is contained in Attachment C. The letter was submitted by representatives of the Downtown Santa Monica, Inc. Board of Directors and supported the proposed project as submitted.

Environmental Analysis

The proposed one-story, 8,084 square foot commercial building with 75 feet of frontage along the Third Street Promenade is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline Section 15302 (Class 2), Replacement or Reconstruction, in that the project involves the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. In this case, an existing three-story, 33,750 square foot commercial building will be replaced by a one-story, 8,084 square foot commercial building.

Alternative Actions:

In addition to the recommended action, the Planning Commission could consider the following with respect to the project:

- A1. Continue the project for specific reasons, consistent with applicable deadlines and with agreement from the applicant
- A2. Articulate revised findings and/or conditions to Approve OR Deny, with or without prejudice, the subject application

Conclusion

The proposed project consists of a new one-story, 8,084 square foot commercial building with 75 feet of frontage along the Third Street Promenade. The site is currently developed with a three-story, 33,750 square foot commercial building built in 1984 that is currently vacant. This structure would be demolished as part of the project. A Development Review Permit is required for any new development of more than seven thousand five hundred square feet of floor area, and a Use Permit is required to allow a new first-floor use with a Third Street Promenade frontage exceeding fifty feet. The new building will be compatible with and relate harmoniously to surrounding sites and neighborhoods as it will be located between an existing two-story, 27'5" high commercial building to the south and an existing one-story, 18'4" high commercial building to the north and provide an appropriate transition in height and massing between the two buildings in an established commercial neighborhood containing buildings of varying heights and massing. The proposed building will be built to the front property line continuing the façade line of the adjacent commercial buildings and will be designed in a contemporary style with pedestrian oriented features including an at-grade entry and a transparent glass façade from floor to ceiling. As the subject parcel is 75 feet in width and has been historically occupied by a single retail tenant utilizing the full 75 feet of building frontage, reducing a retail tenant frontage to fifty feet would result in a secondary tenant frontage of 25 feet which is less than the typical retail frontage along the Third Street Promenade. Therefore, a Use Permit to allow the first floor frontage to exceed 50 feet along the Promenade, consistent with the frontage length of the existing structure at this site, is warranted.

Prepared by: Tony Kim, Senior Planner
 Bradley J. Misner, AICP, Principal Planner

Attachments

- A. General Plan and Municipal Code Compliance Worksheet
- B. Draft Statement of Official Action
- C. Public Notification & Comment Material
- D. Project Plans/Photographs

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**ATTACHMENT A
GENERAL PLAN AND MUNICIPAL CODE COMPLIANCE WORKSHEET**

Project Location and Permit Processing Time Limits

Project Address: 1415 Third Street Promenade
 Application Filing Date: April 28, 2011
 CEQA Deadline: June 27, 2011
 PSA Deadline: August 26, 2011
 Total Process Review Time (Days): 82 days

General Plan and Municipal Code Compliance Worksheet

CATEGORY	LAND USE ELEMENT	MUNICIPAL CODE	PROJECT
Permitted Use	---	General retail [SMMC Sect. 9.04.08.15.020(1)]	General retail
Height of Building	---	56 feet [SMMC Sect. 9.04.08.15.060(a)]	34 feet two inches
Number of Stories	---	Four stories [SMMC Sect. 9.04.08.15.060(a)]	One story
Stepbacks	N/A	36.9 degree angle measured from horizontal above 30 feet in height [SMMC Sect. 9.04.08.15.060(b)]	36.9 degree angle above 30 feet in height provided
F.A.R.	N/A	3.0 [SMMC Sect. 9.04.08.15.060(a)]	0.72
Loading Spaces	N/A	One loading space [SMMC Sect. 9.04.10.10.030(e)]	One loading space provided
Childcare Linkage Fee	N/A	Required for new commercial greater than 7,500 SF	Contract required prior to issuance of building permit/fee required prior to Certificate of Occupancy
Private Developer Cultural Arts Fee	N/A	Required for new commercial greater than 7,500 SF	Contract required prior to issuance of building permit/fee required prior to Certificate of Occupancy

**ATTACHMENT B
DRAFT STATEMENT OF OFFICIAL ACTION**



City of
Santa Monica™

**City of Santa Monica
City Planning Division**

**PLANNING COMMISSION
STATEMENT OF OFFICIAL ACTION**

PROJECT INFORMATION

CASE NUMBER: Development Review Permit 11-001, Use Permit 11-003

LOCATION: 1415 Third Street Promenade

APPLICANT: Howard Robinson

PROPERTY OWNER: ASB/Blatteis Promenade Holdings, LLC

CASE PLANNER: Tony Kim, Senior Planner

REQUEST: Development Review Permit to construct a new one-story 8,084 square foot commercial building with 75 feet of street frontage. An existing three-story commercial building at the project site will be removed as part of the proposed project. Pursuant to Santa Monica Municipal Code Section 9.04.13.060, a Use Permit is required to allow a new first-floor use with a Third Street Promenade frontage exceeding fifty feet. The applicant will implement a Transportation Demand Management (TDM) program that includes for employees a \$100 monthly transit subsidy towards the purchase of transit fare and a \$20 per month bicycle reimbursement subsidy for improvements, maintenance, and service. In addition, secure bicycle parking for employees of the building will be located in the basement level.

CEQA STATUS: The project is categorically exempt from the provisions of California Environmental Quality Act pursuant to CEQA Section 15302 (Class 2), Replacement or Reconstruction, in that the project involves the replacement of a commercial structure with a new structure of substantially the same size,

purpose, and capacity.

PLANNING COMMISSION ACTION

August 17, 2011	Determination Date
X	Approved based on the following findings and subject to the conditions below.
	Denied.
	Other:

EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:	September 1, 2011
EXPIRATION DATE OF ANY PERMITS GRANTED:	February 17, 2013
LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:	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:

DEVELOPMENT REVIEW FINDINGS

1. The physical location, size, massing, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to surrounding sites and neighborhoods, in that the proposed project will consist of a new one-story, 34'2" high commercial building in a district containing commercial buildings of varying heights and massing and is lower in height and floor area than the existing three story commercial building on the subject site. The new building will be located between an existing two-story, 27'5" high commercial building to the south and an existing one-story, 18'4" high commercial building to the north and provide an appropriate transition in height and massing between the two buildings. The proposed building will be built to the front property line continuing the façade line of the adjacent commercial buildings and will be designed in a contemporary style with pedestrian oriented features including an at-grade entry and a transparent glass façade from floor to ceiling.

2. The rights-of-way can accommodate autos and pedestrians, including parking and access, in that the project site is located on the Third Street Promenade within the Transit Mall area - a six-square block area bounded by Ocean Avenue, Broadway, Seventh Street and Santa Monica Boulevard with dedicated lanes for the Big Blue Bus and widened sidewalks for easier pedestrian access. Public parking garages are available along Second Street and Fourth Street to accommodate automobiles within close proximity to the project site.
3. The health and safety services (police, fire, etc.) and public infrastructure (e.g. utilities) are sufficient to accommodate the new development, in that the subject property is located within a developed urbanized environment that is adequately served by existing health and safety services, infrastructure, and public utilities and services. The proposed one-story, 8,084 square foot building will replace an existing three-story, 33,750 square-foot building and is not anticipated to create a need for additional utilities or services.
4. The project is generally consistent with the Municipal Code and General Plan, in that all aspects of the project will be designed to meet the development standards within the Municipal Code, and the proposed project is lower in height and floor area than the existing commercial building on the subject site. The LUCE Downtown District land use designation supports the area as a thriving, mixed-use urban environment for people to live, work, be entertained and be culturally enriched. LUCE Policy D1.1 encourages a diversity of retail opportunities including local and regional-serving retail in the Downtown. LUCE Policy D3.2 seeks to ensure pedestrian orientation of ground floor uses in new development, and Policy D8.3 supports building designs with a variety of heights, architectural elements, and shapes to create visual interest along the street. The proposed project is consistent with Bayside District Specific Plan Policy 4.1.1 which supports retail and other complementary uses on or near the Third Street Promenade to maintain a vibrant downtown environment and Policy 4.1.3 which encourages the development of uses as necessary to maintain the economic viability of the Bayside District including retail and specialty commercial uses.

USE PERMIT FINDINGS

1. The proposed use is one subject to approval of a Use Permit within the subject district and complies with all of the applicable provisions of this Chapter in that the proposed general retail use is a permitted use within the BSC-1 zoning district, and all aspects of the project will be designed to meet the development standards within the Municipal Code. Pursuant to SMMC Section 9.04.13.060, a Use Permit is required for a new use on the Third Street Promenade with a first-floor frontage that exceeds fifty feet.
2. The subject parcel is physically suitable for the type of land use being proposed in that the subject parcel is a standard-sized parcel measuring 75 feet in width and 150 feet in depth located within an urbanized area adequately served by

existing roadways and infrastructure. The property is physically able to accommodate the proposed development as an existing three-story commercial building has been located on the subject site since 1984.

3. 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 existing retail building will be demolished and replaced with a new retail building of lower height and floor area in a district containing a variety of retail and commercial uses. Furthermore, the new structure will be built to the front property line continuing the façade line of the adjacent commercial buildings and will be designed in a contemporary style with pedestrian oriented features including an at-grade entry and a transparent glass façade from floor to ceiling.
4. 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 in that the existing retail building will be demolished and replaced with a new retail building of lower height and floor area in a district containing a variety of retail and commercial uses.
5. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood in that the proposed project will consist of a new one-story, 34'2" high commercial building in a district containing commercial buildings of varying heights and massing and is lower in height and floor area than the existing three story commercial building on the subject site. The new building will be located between an existing two-story, 27'5" high commercial building to the south and an existing one-story, 18'4" high commercial building to the north and provide an appropriate transition in height and massing given its location on the Third Street Promenade. The proposed building will be built to the front property line continuing the façade line of the adjacent commercial buildings and will be designed in a contemporary style with pedestrian oriented features including an at-grade entry and a transparent glass façade from floor to ceiling.
6. The proposed use is consistent with the goals, objectives, and policies of the General Plan in that the LUCE Downtown District land use designation supports the area as a thriving, mixed-use urban environment for people to live, work, be entertained and be culturally enriched. LUCE Policy D1.1 encourages a diversity of retail opportunities including local and regional-serving retail in the Downtown. LUCE Policy D3.2 seeks to ensure pedestrian orientation of ground floor uses in new development, and Policy D8.3 supports building designs with a variety of heights, architectural elements, and shapes to create visual interest along the street. The proposed project is consistent with Bayside District Specific Plan Policy 4.1.1 which supports retail and other complementary uses on or near the Third Street Promenade to maintain a vibrant downtown environment and Policy 4.1.3 which encourages the development of uses as necessary to maintain the economic viability of the Bayside District including retail and specialty commercial

uses.

7. The proposed use would not be detrimental to the public interest, health, safety, or general welfare in that the proposed project will be located in an urbanized area and is consistent with other similar improvements in the area. The existing retail building will be demolished and replaced with a new retail building of lower height and floor area in a district containing a variety of retail and commercial uses and does not have the potential to disrupt the urban environment or cause health or safety problems.

ADDITIONAL USE PERMIT FINDING(S)

1. The conditions of the proposed site make it physically or practically infeasible for the use to occupy a Third Street Promenade frontage of fifty feet or less in that the subject parcel is 75 feet in width and has been historically occupied by a single retail tenant utilizing the full 75 feet of building frontage. Reducing a retail tenant frontage to 50 feet will result in a secondary tenant frontage of 25 feet which is less than the typical retail frontage along the Third Street Promenade. The intent of the 50 foot limit is in part to protect existing smaller tenant spaces from being consolidated by larger retailers. However, no existing smaller retailers exist on the subject site. Further, allowing the proposed project to retain a frontage of 75 feet will result in no material change to the long-standing configuration of storefronts along this Promenade block and would render the design intent of a broad expanse of glass physically infeasible.

CONDITIONS OF APPROVAL:

PLANNING AND COMMUNITY DEVELOPMENT

Administrative

1. The Planning Commission's approval, conditions of approval, or denial of this application 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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040. 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 Part 9.20.14, Section 9.20.14.070. 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 18 months from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.
2. Within ten days of City Planning Division transmittal of the Statement of Official Action, project applicant shall sign and return a copy of the Statement of Official

Action prepared by the City Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. 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.

3. 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 Compatibility Permit.
4. 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.
5. 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.

Conformance with Approved Plans

6. This approval is for those plans dated 06/07/2011, 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.
7. 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.
8. 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

9. No building permit shall be issued for the project until the developer complies with the requirements of Chapter 9.04.10.20 of the Santa Monica Municipal Code, Private Developer Cultural Arts Requirement [approx. 8,084 x \$200 x .01 = \$16,168], and Chapter 9.72 of the Santa Monica Municipal Code, the Child Care Linkage Program [approx. 8,084 x \$4.43 = \$35,812.12].

Cultural Resources

10. No demolition of buildings or structure built 40 years of age or older shall be permitted until the end of a 60-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 by the Landmarks Commission on the application.
11. If any archaeological remains are uncovered during excavation or construction, work in the affected area shall be suspended and a recognized specialist shall be contacted to conduct a survey of the affected area at project's owner's expense. A determination shall then be made by the Director of Planning to determine the significance of the survey findings and appropriate actions and requirements, if any, to address such findings.

Project Operations

12. 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.
13. The project shall at all times comply with the provisions of the Noise Ordinance (SMMC Chapter 4.12).

Final Design

14. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Architectural Review Board.
15. The Architectural Review Board, in its review, shall pay particular attention to the project's pedestrian orientation and amenities; scale and articulation of design elements; exterior colors, textures and materials; window treatment; glazing; and landscaping.
16. Landscaping plans shall comply with Subchapter 9.04.10.04 (Landscaping Standards) of the Zoning Ordinance including use of water-conserving landscaping materials, landscape maintenance and other standards contained in the Subchapter.

17. Refuse areas, storage areas and mechanical equipment shall be screened in accordance with SMMC Section 9.04.10.02.130, 140, and 150. 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.
18. 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.
19. 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.
20. As appropriate, the Architectural Review Board shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

Construction Plan Requirements

21. 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.
22. 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.

Demolition Requirements

23. 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.
24. 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

25. 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.
26. 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.

27. 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.
28. 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.
29. 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

30. 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.
31. 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.
32. Final parking lot and loading layout and specifications shall be subject to the review and approval of the Strategic and Transportation Planning Division.
33. Construction period signage shall be subject to the approval of the Architectural Review Board.
34. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

PUBLIC WORKS DEPARTMENT (PW)

Drainage

35. To mitigate storm water and surface runoff from the project site, an Urban Runoff Mitigation Plan may be required by the Department of Public Works pursuant to Municipal Code Chapter 7.10. Prior to submittal of landscape plans for Architectural Review Board approval, the applicant shall contact Public Works to determine applicable requirements, which include the following:
- Non-stormwater runoff, sediment and construction waste from the construction site and parking areas is prohibited from leaving the site;
 - An sediments or materials which are tracked off-site must be removed the same day they are tracked off-site;
 - Excavated soil must be located on the site and soil piles should be covered and otherwise protected so that sediments do not go into the street or adjoining properties;
 - Washing of construction or other vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site shall be allowed to leave the site;
 - Drainage controls may be required depending on the extent of grading and topography of the site; and
 - New development is required to reduce projected runoff pollution by at least twenty percent through incorporation of design elements or principles, such as increasing permeable surfaces, diverting or catching runoff via swales, berms, and the like; orientation of drain gutters towards permeable areas; modification of grades; use of retention structures and other methods.

Hazardous Materials

36. 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 Public Works /Environmental Programs 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.

Streets

37. Unless otherwise approved by the Department of Public Works, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
38. Sidewalks, curbs, gutters, paving and driveways which need replacing or removal as a result of the project as determined by the Department of Public Works shall be reconstructed to the satisfaction of the Department of Public Works. Approval for this work shall be obtained from the Department of Public Works prior to issuance of the building permits.
39. Street and/or alley lighting shall be provided on public rights of way adjacent to the project if and as needed per the specifications and with the approval of the Department of Public Works.

Off-site

40. 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.
41. 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.

Environmental Mitigation

42. To mitigate solid waste impacts, prior to issuance of a Certificate of Occupancy, project owner shall submit a recycling plan to the Department of Public Works for its approval. The recycling plan shall include:
 - 1) List of materials such as white paper, computer paper, metal cans, and glass to be recycled;
 - 2) Location of recycling bins;
 - 3) Designated recycling coordinator;
 - 4) Nature and extent of internal and external pick-up service;
 - 5) Pick-up schedule; and
 - 6) Plan to inform tenants/ occupants of service.
43. 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.

Construction Period Mitigation

44. A construction period mitigation plan shall be prepared by the applicant for approval by the Department of Public Works prior to issuance of a building permit. 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:
- 1) Specify the names, addresses, telephone numbers and business license numbers of all contractors and subcontractors as well as the developer and architect;
 - 2) Describe how demolition of any existing structures is to be accomplished;
 - 3) Indicate where any cranes are to be located for erection/construction;
 - 4) Describe how much of the public street, alleyway, or sidewalk is proposed to be used in conjunction with construction;
 - 5) Set forth the extent and nature of any pile-driving operations;
 - 6) Describe the length and number of any tiebacks which must extend under the property of other persons;
 - 7) Specify the nature and extent of any dewatering and its effect on any adjacent buildings;
 - 8) Describe anticipated construction-related truck routes, number of truck trips, hours of hauling and parking location;
 - 9) Specify the nature and extent of any helicopter hauling;
 - 10) State whether any construction activity beyond normally permitted hours is proposed;
 - 11) Describe any proposed construction noise mitigation measures, including measures to limit the duration of idling construction trucks;
 - 12) Describe construction-period security measures including any fencing, lighting, and security personnel;
 - 13) Provide a drainage plan;
 - 14) Provide a construction-period parking plan which shall minimize use of public streets for parking;
 - 15) List a designated on-site construction manager;
 - 16) Provide a construction materials recycling plan which seeks to maximize the reuse/recycling of construction waste;
 - 17) Provide a plan regarding use of recycled and low-environmental-impact materials in building construction; and
 - 18) Provide a construction period water runoff control plan.

OPEN SPACE MANAGEMENT

45. Street trees shall be maintained, relocated or provided as required in a manner consistent with the City's Community Forest Management Plan 2000, per the specifications of the Public Landscape Division of the Community Maintenance 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.

FIRE

46. A “Knox” key storage box shall be provided for ALL new construction. For buildings, other than high-rise, a minimum of 3 complete sets of keys shall be provided. Keys shall be provided for all exterior entry doors, fire protection equipment control equipment rooms, mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-rise buildings, 6 complete sets are required.
47. Santa Monica Municipal Code Chapter 8 section 8.44.050 requires an approved automatic fire sprinkler system in ALL new construction and certain remodels or additions. Any building that does not have a designated occupant and use at the time fire sprinkler plans are submitted for approval, the system shall be designed and installed to deliver a minimum density of not less than that required for ordinary hazard, Group 2, with a minimum design area of not less than three thousand square feet. Plans and specifications for fire sprinkler systems shall be submitted and approved prior to system installation.
48. Provide Multipurpose Dry Chemical type fire extinguishers with a minimum rating of 2A-10B:C. Extinguishers shall be located on every floor or level. Maximum travel distance from any point in space or building not to exceed 75 feet. Extinguishers shall be mounted on wall or installed in cabinet no higher than 4 ft. above finished floor and plainly visible and readily accessible or signage shall be provided.
49. The fire sprinkler system shall be monitored.
50. The applicant authorizes reasonable City inspection of the property to ensure compliance with the conditions of approval imposed by the City in approving this project and will bear the reasonable cost of these inspections as established by Santa Monica Municipal Code Section 2.72.010 and Resolution No. 9905 (CCS) or any successor legislation thereto. These inspections shall be no more intrusive than necessary to ensure compliance with conditions of approval.

TRANSPORTATION DEMAND MANAGEMENT

51. Transit Subsidy. As proposed in the project application, Developer shall offer all full-time retail employees a \$100 monthly transit subsidy towards the purchase of public transit fare and a \$20 monthly bicycle reimbursement subsidy for improvements, maintenance, and service.
52. Secure Bicycle Storage. As proposed on the project plans, Developer shall provide a location in the project for secure bicycle parking for employees of the building. For purposes of this section, secure bicycle parking shall mean bicycle lockers, a locked cage, or other secure parking area.

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.

Jim Ries, 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

**ATTACHMENT C
PUBLIC NOTIFICATION INFORMATION**

Pursuant to Municipal Code Section 9.04.20.20.080 and in accordance with the posting requirements set forth by the Zoning Administrator, prior to application filing the applicant posted a sign on the property regarding the subject application. At least 8 weeks prior to the public hearing date, the applicant submitted a photograph to verify the site posting and to demonstrate that the sign provides the following information: Project case number, brief project description, name and telephone number of applicant, site address, date, time and location of public hearing, and the City Planning Division phone number. It is the applicant's responsibility to update the hearing date if it is changed after posting.

In addition, pursuant to Municipal Code Section 9.04.20.22.050, notice of the public hearing was mailed to all owners and residential and commercial tenants of property located within a (500 foot) radius of the project and published in the *Santa Monica Daily Press* at least ten consecutive calendar days prior to the hearing.

On June 21, 2011, the applicant/appellant was notified by phone and in writing of the subject hearing date.

**NOTICE OF A PUBLIC HEARING
BEFORE THE SANTA MONICA PLANNING COMMISSION**

SUBJECT: Development Review Permit 11DR-001, Use Permit 11UP-003
1415 Third Street Promenade
APPLICANT: Howard Robinson
PROPERTY OWNER: ASB/Blatteis Promenade Holdings, LLC

A public hearing will be held by the Planning Commission to consider the following request:

The applicant is seeking a Development Review Permit to construct a new one-story 8,084 square foot commercial building with 75 feet of street frontage. An existing three-story commercial building at the project site will be removed as part of the proposed project. Pursuant to Santa Monica Municipal Code Section 9.04.13.060, a Use Permit is required to allow a new first-floor use with a Third Street Promenade frontage exceeding fifty feet.

DATE/TIME: WEDNESDAY, AUGUST 17, 2011 AT 7:00 P.M.

LOCATION: City Council Chambers, Second Floor, Santa Monica City Hall
1685 Main Street, Santa Monica, California

HOW TO COMMENT

The City of Santa Monica encourages public comment. You may comment at the Planning Commission public hearing, or by writing a letter. Written information will be given to the Planning Commission at the meeting.

Address your letters to: Tony Kim, Senior Planner
Re: 11DR-002 / 11UP-003
City Planning Division
1685 Main Street, Room 212
Santa Monica, CA 90401

MORE INFORMATION

If you want more information about this project or wish to review the project file, please contact Tony Kim at (310) 458-8341, or by e-mail at tony.kim@smgov.net. The Zoning Ordinance is available at the Planning Counter during business hours and on the City's web site at www.smgov.net.

The meeting facility is wheelchair accessible. For disability-related accommodations, please contact (310) 458-8341 or (310) 458-8696 TTY at least 72 hours in advance. Every attempt will be made to provide the requested accommodation. All written materials are available in alternate format upon request. Santa Monica Big Blue Bus Lines numbered 2, 3, Rapid 3, and 9 serve City Hall.

Pursuant to California Government Code Section 65009(b), if this matter is subsequently challenged in Court, the challenge may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City of Santa Monica at, or prior to, the public hearing.

ESPAÑOL

Esto es una noticia de una audiencia pública para revisar aplicaciones proponiendo desarrollo en Santa Monica. Si deseas más información, favor de llamar a Carmen Gutierrez en la División de Planificación al número (310) 458-8341.

APPROVED AS TO FORM:

Amanda Schachter
Planning Manager