

RESOLUTION NO. 2017-P017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP P2017-0150-TPM TO ALLOW THE CONSTRUCTION OF TWO DETACHED CONDOMINIUM UNITS AT 9615 LUCERNE AVENUE IN THE TWO FAMILY RESIDENTIAL (R2) ZONE.

(Tentative Parcel Map, P2017-0150-TPM)

WHEREAS, on July 18, 2017, Chrono South I, LP (the "Applicant") filed an application for a Tentative Parcel Map to construct and create three attached condominium dwelling units on three new lots within one existing residential lot (the "Project"). The Project site is legally described as the Southwest 54 feet of Lot 94 and 95 of Nolan Park Tract in the City of Culver City, County of Los Angeles, State of California; and,

WHEREAS, in order to implement the proposed Project, approval of the following applications is required:

1. Tentative Parcel Map, P2017-0150-TPM, for the creation of a two condominium airspace units subdivision, to ensure the subdivision complies with all required standards, City ordinances and state law, and;

WHEREAS, pursuant to CEQA Section 15303, Class 3 – New Construction or Conversion of Small Structures, and Section 15315, Class 15 – Minor Land Divisions, the Project is Categorically Exempt; and

WHEREAS, on September 27, 2017, after conducting a duly noticed public hearing on the subject application, including full consideration of the application, plans, staff report, environmental information and all testimony presented, the Planning Commission (i) by a vote of _ to _, adopted a Categorical Exemption, in accordance with the California Environmental Quality Act (CEQA), finding the Project will not result in significant adverse environmental

1 impacts; and (ii) by a vote of _ to _, conditionally approved Tentative Parcel Map, P2017-0150-
2 TPM;

3 NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CULVER
4 CITY, CALIFORNIA, RESOLVES AS FOLLOWS:

5 SECTION 1. Pursuant to the foregoing recitations and the provisions of Culver City
6 Municipal Code (CCMC), the following findings are hereby made:

7 **Tentative Parcel Map**

8 As outlined in CCMC Section 15.10.630, the following required findings for a Tentative Parcel
9 Map are hereby made:

10 **A. The proposed division will not be materially detrimental to the public welfare nor**
11 **injurious to the property or improvements in the immediate vicinity.**

12 Per Section 17.210.020 – Table 2-3, Residential District Development Standards (R1, R2,
13 R3), the R2 Zone permits up to 2 units to be developed on the subject property. Accordingly,
14 the subdivision component of the Project will not increase the number of units allowed on
15 the site, or cause any physical changes to surrounding lots of similar zoning and density
16 potential and, therefore, is not expected to have any detrimental impacts to the public
welfare or to property or improvements in the vicinity. The dwelling units will comply with
all applicable provisions of the Zoning Code and is permitted in the R2 Zone.

17 **B. The proposed division will not be contrary to any official plan adopted by the Council**
18 **of the City of Culver City or to any policies or standards adopted by the Commission**
19 **or the Council and on file in the office of the City Clerk at or prior to the time of filing**
20 **of the application hereunder.**

21 The proposed subdivision is in compliance with the policies and standards of the City
22 including the City's General Plan. The Public Works Department has also reviewed the
23 tentative parcel map and determined it will not be contrary to any adopted public
improvement plans. There is no overlay or Specific Plan designated for this area, and the
proposed subdivision will not conflict with other adopted plans.

24 **C. Each proposed lot conforms in area and dimension to the provisions of the Zoning**
25 **Code requirements, as set forth in Title 17 of this Code.**

26 The General Plan Land Use Element designates the site as Low Density Two-Family, which
27 corresponds to the R2 Zone, and per the Land Use Element is intended to allow up to 17.4
28 dwelling units per net acre, or one to two dwellings per lot or development parcel of not less
29 than 5,000 square feet. Per CCMC Section 17.210.020, the R2 Zone requires a minimum
lot area of 5,000 square feet or the average area of residential lots within a 500-foot radius

of proposed subdivision, whichever is greater. This section further notes condominium, townhome, or planned development projects may be subdivided with smaller parcel sizes for ownership purposes, with the minimum lot area determined through the subdivision review process, provided that the overall development site complies with the minimum lot size requirements of the Zoning Code. The subject site is consistent with the typical parcel size in the surrounding area and will not be modified as a result of the proposed map. Therefore, the proposed map is consistent with the applicable general plan, and there is no applicable specific plan.

D. Each lot in the proposed division will front on a dedicated street or have a vehicular access to a dedicated street approved by the City.

The proposed development has vehicular access by means of a 10-foot wide public alley to the south of the property. The alley will be repaved for the length of the property. The Project site provides adequate onsite circulation and parking, in compliance with the Zoning Code.

E. Each lot in the proposed division is so designed and arranged that drainage to an approved drainage facility is provided for each lot.

Following review of the tentative parcel map by the Public Works Department, it has been conditioned that the applicant submit a Site Improvement Plan which shall include detailed on-site drainage and grading of the site indicated by topographical lines and spot elevations. Said plan will be required to meet the requirements of this finding. The conditions of approval will ensure the proposed Project will be in conformance with this required finding prior to any final approval of the proposed division.

F. The proposed division will not interfere with the widening, extension, or opening of any street or Master Plan highway.

Located within an existing urbanized residential neighborhood, the proposed division is provided access by means of the existing public right-of-way, Lucerne Avenue and a public alley. Furthermore, there were no items of potential interference identified between the proposed subdivision and any street or Master Plan highway.

G. Lot lines are so designed that easements will be located in such positions as to be suitable for the proposed use.

The existing parcel is currently developed with a single family dwelling. The proposed subdivision will not encroach into or interfere with any existing easements. Further, the site layout is designed such that the proposed lots and associated dwelling units are located to allow access and open space whereby future required easements may be adequately placed.

SECTION 2. Pursuant to the foregoing recitations and findings, the Planning Commission of the City of Culver City, California, hereby (1) adopts a Categorical Exemption, in accordance with the California Environmental Quality Act (CEQA), finding the Project will not result in significant adverse environmental impacts; and (2) approves Tentative Parcel Map, P2017-0150-TPM subject to the conditions of approval set forth in Exhibit A attached hereto and incorporated herein by this reference.

APPROVED and ADOPTED this 27th day of September, 2017.

DANA AMY SAYLES, AICP - CHAIRPERSON
PLANNING COMMISSION
CITY OF CULVER CITY, CALIFORNIA

Attested by:

Susan Yun
Senior Planner

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
GENERAL				
1.	These Conditions of Approval are being imposed on the 2-unit condominium subdivision (the "Project"), for the property located at 9615 Lucerne Avenue (the "Property").	All	Standard	
2.	A copy of the Resolution approving the Project, and a copy of these Conditions of Approval, shall be printed on the plans submitted as part of any building permit application for the Project.	Planning	Standard	
3.	All building permit applications for the Project shall include sufficient information and detail to clearly reflect compliance with all applicable requirements of the Culver City Municipal Code (the "CCMC") and with these Conditions of Approval.	Planning	Standard	
4.	The land use permit to which these Conditions of Approval apply (the "Land Use Permit") shall expire one year from the date of final approval of said Land Use Permit, if the use has not been exercised. As provided in CCMC Section 17.595.030 –"Time Limits and Extensions", an applicant may request an extension of said expiration date by filing a written request with the Planning Division prior to the expiration of the land use permit.	Planning	Standard	
5.	The Project shall be developed pursuant to CCMC Chapter 17.300 – "General Property Development and Use Standards".	Planning	Standard	
6.	All planted areas on the Property shall be landscaped and irrigated pursuant to CCMC Chapter 17.310 - "Landscaping".	Planning	Standard	
7.	All parking areas on the Property shall be developed pursuant to CCMC Chapter 17.320 - "Off-Street Parking and Loading".	Planning	Standard	
8.	Install one (1) bike rack per garage or unit.	Planning	Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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9.	All permits and licenses required in connection with the development or use of the Project shall be applied for and obtained separately.	All	Standard	
10.	All work within the public right-of-way (including but not limited to curb, gutter, sidewalk, and driveways) shall be designed and completed to the satisfaction of the City Engineer.	Public Works	Standard	
11.	Drainage devices, concrete curbs and gutters, sidewalks, drive approaches, and roadway pavement shall be designed in conformity with all provisions of the latest edition of the American Public Works Association Standard Plans ("APWA Standards").	Public Works	Standard	
12.	At the sole cost and expense of the Property Owner, any broken or damaged curbs, gutters, sidewalks, and street pavement resulting from construction of the Project shall be repaired and reconstructed in conformity with APWA Standards.	Public Works	Standard	
13.	All Project related solid and recyclable waste material handling shall be in accordance with CCMC Section 5.01.010 – "Solid Waste Management", which outlines the Sanitation Division's exclusive franchise for this service.	Public Works	Standard	
14.	All buildings and structures to be constructed as part of the Project shall be designed and constructed in accordance with all applicable regulations and standards of the City's Building Code, Fire Code and any related codes as determined by the Building Official and Fire Marshal; and all other applicable provisions of the CCMC which are adopted and in effect at the time of issuance of a building permit.	Building/ Fire	Standard	
15.	Any new utilities shall be placed underground or enclosed within the building construction; no new overhead utilities shall be permitted.	Building/ Planning	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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16.	The Project shall comply with all applicable requirement of the Culver City Green Building Program as set forth in CCMC Section 15.02.1100, et.seq.	Building	Standard	
17.	The Project shall comply with the all applicable requirements relating to solar photovoltaic requirements as set forth in CCMC Section 15.02.100, et. seq.	Building	Standard	
18.	Changes to the Project or use approved as part of the Land Use Permit may only be made in accordance with the provisions of CCMC Section 17.595.035 – “Changes to an Approved Project”.	Planning	Standard	
19.	<p>The following conditions are made per City's landscape architect:</p> <p>Landscape: All landscape designs and installations must be compliant with updated AB 1881, and City standards, whichever is more stringent.</p> <p>A separate irrigation meter shall be installed.</p> <p>Irrigation controller (new and/or existing) shall be a weather station based et controller with rain shut off and rain delay, and rain sensor installed.</p> <p>Irrigation system shall be equipped with a master valve, flow sensor and pressure regulator to prevent water waste.</p> <p>Irrigation heads shall be equipped with low volume distribution type nozzles, including any existing nozzles shall be retrofitted.</p> <p>Control valves shall be equipped with a pressure regulator.</p> <p>Any median less than 10 feet wide shall use drip irrigation or bubblers. Overhead spray heads are no longer allowed.</p>	Parks	Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
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	<p>Mawa (maximum applied water allowance) and etwu (estimated total water use) calculations shall be calculated to determine the annual water usage.</p> <p>The requirements are specific for residential and commercial, based on the size of the property. Both these projects require compliance.</p> <p>All landscape drawings shall be performed by a licensed landscape architect, signed, stamped and dated.</p> <p>More information can be found at http://www.water.ca.gov/wateruseefficiency/landscape/</p>			

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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PRIOR TO BUILDING PERMIT ISSUANCE				
20.	A covenant and agreement, on a form provided by the Planning Division and in form and substance acceptable to the City Attorney, acknowledging and agreeing to comply with all terms and conditions established herein, shall be signed by the Property Owner and recorded in the County Recorder's Office. The covenant and agreement shall run with the land and shall be binding on any subsequent owners, and tenants or occupants of the Property. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Planning Division.	Planning/ City Attorney	Standard	
21.	The Applicant and Property Owner shall indemnify and agree to defend (at the Applicant's and Property Owner's sole expense, with legal counsel approved by the City) and hold harmless the City, and its elected and appointed officials, officers, employees, agents, contractors and consultants from and against any and all loss, damages, injuries, costs, expenses, liabilities, claims, demands, lawsuits, attorneys' fees and judgments, arising from or in any manner connected to any third party challenge to the City's approval of the Project. The obligations required by this Condition shall be set forth in a written instrument in form and substance acceptable to the City Attorney and signed by the Applicant and the Property Owner.	City Attorney	Standard	
22.	A minimum of three sets of final landscaping and irrigation plans (separate from the plans submitted for the building permit) shall be submitted to the Planning Division for review and approval. All irrigation system shall include a timer and rain sensor.	Planning/ Parks & Rec.	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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23.	A Construction Management Plan prepared by the construction contractor, which identifies the areas of construction staging, temporary power, portable toilet, and trash and material storage locations, shall be submitted to and approved by the Building Official. Prior to commencement of work the construction contractor shall advise the Public Works Inspector and the Building Inspector ("Inspectors") of the construction schedule and shall meet with the Inspectors.	Building/ Public Works	Standard	
24.	A Pedestrian Protection Plan shall be submitted to and approved by the Building Official. Such plan shall identify all areas of pedestrian protection and indicate the method of pedestrian protection or pedestrian diversion when required. When pedestrian diversion is required, the Pedestrian Protection Plan must also be approved by the Public Works Director.	Building/ Public Works	Standard	
25.	Plans submitted as part of the building permit application shall include a schedule of the special inspections anticipated, the firm proposed for the special inspections, and the resumes of all proposed special inspectors. The Building Official reserves the right to reject any special inspector at any time for the duration of the Project. All special inspection reports shall be made available to the Building Official and to any Culver City Building Safety inspector as required by the Building Official. No work shall be covered without a Culver City Building Safety inspection, whether or not a special inspection was performed on such work.	Building	Standard	
26.	A Construction Traffic Management Plan shall be prepared by a traffic or civil engineer registered in the State of California. The Construction Traffic Management Plan shall be	Planning/ Public Works	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
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	<p>submitted to the City Engineer and Planning Manager for review and approval prior to the issuance of any Project demolition, grading, or excavation permit. The Construction Traffic Management Plan shall also be reviewed and approved by the City's Fire and Police Departments. The City Engineer and Planning Manager reserve the right to reject any engineer at any time and to require that the Plan be prepared by a different engineer. The Construction Traffic Management Plan shall contain, but not be limited to, the following:</p> <p>A. The name and telephone number of a contact person who can be reached 24 hours a day regarding construction traffic complaints or emergency situations.</p> <p>B. An up-to-date list of local police, fire, and emergency response organizations and procedures for the continuous coordination of construction activity, potential delays, and any alerts related to unanticipated road conditions or delays, with local police, fire, and emergency response agencies. Coordination shall include the assessment of any alternative access routes that might be required through the Property, and maps showing access to and within the Property and to adjacent properties.</p> <p>C. Procedures for the training and certification of the flag persons used in implementation of the Construction Traffic Management Plan.</p> <p>D. The location, times, and estimated duration of any roadway closures, traffic detours, use of protective devices, warning signs, and staging or queuing areas.</p> <p>E. The location and travel routes of off-site staging and parking locations.</p>			

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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27.	Reasonable efforts shall be used to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment and systems. A Demolition Debris Recycling Plan that indicates where select demolition debris is to be sent shall be provided to the Building Official prior to the issuance of a demolition permit. The Plan shall list the material to be recycled and the name, address, and phone number of the facility of organization accepting the materials.	Building	Standard	
28.	A vector/pest control abatement plan prepared by a pest control specialist licensed or certified by the State of California shall be submitted for review and approval by the Planning Manager and the Building Official. Said plan shall outline all steps to be taken prior to the commencement of any demolition or construction activity in order to ensure that any and all pests (including, but not limited to, rodents, bees, ants and mosquitoes) that may populate the Property do not relocate to or impact adjoining properties.	Building/ Planning	Standard	
29.	Prior to issuance of a building permit, notice of the Project construction schedule shall be provided to all abutting property owners and occupants. Evidence of such notification shall be provided to the Building Division. The notice shall identify the commencement date and proposed timing for all construction phases (demolition, grading, excavation/shoring, foundation, rough frame, plumbing, roofing, mechanical and electrical, and exterior finish).	Building	Standard	
30.	The residential parking shall be constructed with infrastructure necessary to allow for future installation of Electrical Vehicle (EV) charging stations should residents in the future request	Planning	Standard /Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
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	or need EV charging stations at their parking stalls.			
31.	The overall building permit application shall submit 5 sets architectural, 2 sets structural drawings and calculations, 2 sets geotechnical report, 2 sets energy forms, and 3 sets landscaping/irrigation drawings, and 2 sets mechanical, electrical, and plumbing permit applications. Additional plan check fee for a contract structural review of the building may be required.	Building	Standard /Special	
32.	All garages shall be 1 hr. rated to all other areas. Each unit shall be 1 hr. rated to every other unit. Provide UL details for all floor, wall, ceiling, etc. 1 hr. ratings and all proposed rated penetration details. All paths of egress shall be min. 1 hr. rated. All doors as part of the path of egress of common areas shall swing in the direction of egress. The north wall of the building if within 5 ft. of the property line shall be 1 hr. rated.	Building	Standard /Special	
33.	Tempered or laminated glazing shall be specified at all hazardous locations	Building	Standard /Special	
34.	The construction permit application review time shall be a minimum of 20 City working days and may be extended at the option of City staff.	Building	Standard /Special	
35.	Provide a Culver City CalGreen checklist and a Culver City Green Building Program checklist on the construction permit drawings	Building	Standard /Special	
36.	All trucks driving to the job-site shall obtain Culver City haul route permits from the Engineering Division.	Building/ Engineering	Standard /Special	
37.	A project kick-off meeting must be held prior to issuance of the overall building permit, the field superintendent shall attend.	Building	Standard /Special	
38.	Remove all existing driveway approaches and construct new drive approach per the latest	Engineering	Standard /Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
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	edition of the American Public Works Association (APWA) Standard Plans or City's Standard High Speed Approach and ADA compliant. This will require a separate permit through the Engineering Division.			
39.	Construct new 5-foot wide concrete sidewalk, curb, and gutter along entire project property frontage per the latest edition of the American Public Works Association (APWA) Standard Plans. This will require a separate permit through the Engineering Division.	Engineering	Special	
40.	Applicant shall pave the full width of alley along the project frontage. Applicant shall submit an off-site improvement plan to Engineering Division for review and permitting for all off-site improvements.	Engineering	Special	
41.	Four (4) sets of Civil Plans (Site Improvement, Grading, and Horizontal Control Plans) prepared by a civil engineer registered in the State of California, shall be submitted to the Engineering Division for review, approval, and permitting.	Engineering	Standard	
42.	Four (4) sets of Off-site Improvement Plans prepared by a civil engineer registered in the State of California shall be submitted to the Engineering Division for review, approval and permitting for all proposed improvements along the public right-of-way. Off-site Improvement Plans shall include all proposed improvements off-site, detailed off—site drainage system, all existing utilities and its point of connections, and proposed sewer and storm drain lines (if any).	Engineering	Standard	
43.	Provide Geotechnical report and hydrologic study.	Engineering	Special	
44.	Pay an initial plan check fee in the amount of \$860.00 upon submittal of the Civil Plans (Site	Engineering	Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
PRIOR TO BUILDING PERMIT ISSUANCE				
	Improvement/off-site improvement plans) plan review. Additional plan check and permit fees will be determined per the Engineering Division's Schedule of fees and charges.			
45.	Due to the increased density, this project is subject to the City's Sewer Facility Charge. This charge shall be paid prior to the issuance of any permit.	Engineering	Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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DURING CONSTRUCTION				
46.	During all phases of construction, a "Construction Rules Sign" that includes contact names and telephone numbers of the Applicant, Property Owner, construction contractor(s), and the City, shall be posted on the Property in a location that is visible to the public. These names and telephone numbers shall also be made available to adjacent property owners and occupants to the satisfaction of the Planning Manager and Building Official.	Building/ Planning	Standard	
47.	The Property shall be maintained daily so that it is free of trash and litter.	Building	Standard	
48.	During construction, dust shall be controlled by regular watering or other methods as determined by the Building inspector.	Building	Standard	
49.	The Building Division may apply administrative assessments and/ or post general stop work notices for any violations of the Conditions of Approval for the Project, and any violations of the CCMC.	Building	Standard	
50.	During all phases of construction, best efforts shall be used to ensure that all construction workers, contractors and others involved with the Project park on the Property or at designated offsite locations approved by the City, and not in the surrounding neighborhood.	Building	Standard	
51.	When foundation shoring and/or foundation piles will be part of the Project, the engineer of record shall use noise dampening measures such as the drilling of shoring supports and piles as determined by the Building Official and Planning Manager.	Building/ Planning	Standard	
52.	Prior to the commencement of any excavation, a temporary construction fence shall be installed around the site. The height and fence material is subject to approval by the City Engineer and the Planning Manager.	Building/ Planning/ Public Works	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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DURING CONSTRUCTION				
53.	Hours of construction shall be limited to the following: 8:00 AM to 8:00 PM Monday through Friday; 9:00 AM to 7:00 PM Saturday; and 10:00 AM to 7:00 PM Sunday and National holidays. Dirt hauling and construction material deliveries or removal are prohibited during the morning (7:00 AM to 9:00 AM) and afternoon (4:00 PM to 6:00 PM) peak traffic periods. All construction workers shall be respectful of the surrounding neighborhood and keep non-construction related noise to a minimum prior to, during, and after permissible construction hours.	Building/ Public Works	Standard	
54.	All staging and storage of construction equipment and materials, including the construction dumpster, shall be on-site only. The Property Owner must obtain written permission from adjacent property owners for any construction staging occurring on adjacent property.	Building/ Public Works	Standard	
55.	Compliance with the following noise standards shall be required with at all times: A. No construction equipment shall be operated without an exhaust muffler, and all such equipment shall have mufflers and sound control devices (i.e., intake silencers and noise shrouds) that are no less effective than those provided on the original equipment; B. All construction equipment shall be properly maintained to minimize noise emissions; C. If any construction vehicles are serviced at a location onsite, the vehicle(s) shall be setback from any street and other property lines so as to maintain the greatest distance from the public right-of-way and from Noise Sensitive Receptors; D. Noise impacts from stationary sources (i.e., mechanical equipment, ventilators, and air	Building/ Planning	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
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	conditioning units) shall be minimized by proper selection of equipment and the installation of acoustical shielding as approved by the Planning Manager and the Building Official in order to comply with the City's Noise Regulations and Standards as set forth in CCMC Chapter 9.07; and E. Stationary source equipment (i.e., compressors) shall be located so as to maintain the greatest distance from the public right-of-way and from Noise Sensitive Receptors.			
56.	In the event three citations are issued in connection with the Project for violations of these Conditions of Approval or for other violations of the CCMC, Project construction shall be stopped until such time that it is determined to the satisfaction of the Community Development Director, that causes of such violations have been eliminated or corrected and that the Project will be able to proceed in full compliance with these Conditions of Approval and the CCMC.	Building/ Planning	Standard	
57.	Flag persons with certified training shall be provided for work site traffic control to minimize impacts to traffic flow and to ensure the safe movement of vehicles into and out of the Property.	Building/ Public Works	Standard	
58.	During construction, trucks and other vehicles in loading and unloading queues must be parked with their engines off to reduce vehicle emissions. Construction deliveries shall be phased and scheduled to avoid emissions peaks as determined by the Building Official and discontinued during second-stage smog alerts.	Building	Standard	
59.	Construction vehicles shall not be permitted to stage or queue where they would interfere with vehicular and pedestrian traffic or block access	Building/ Public Works	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
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	to adjacent properties. Off-site staging shall be at locations approved by the City Engineer and shall be of sufficient length to accommodate large trucks without being unduly disruptive to traffic operations. The drivers of these trucks shall be in radio or phone communication with on-site personnel who shall advise the drivers when to proceed from the staging location to the Property. Construction-related vehicles shall not be permitted to park on public streets.			
60.	The construction contractor shall advise the Public Works inspector of the construction schedule and shall meet with the inspector prior to commencement of work.	Public Works	Standard	
61.	<p>The Project shall comply will all requirements set forth in CCMC Subchapter 9.11.200, et seq., relating to the regulation of smoking in multi-unit housing, including, but not limited to, the following:</p> <p>a. All dwelling units of a multi-unit residential property (containing two or more units) shall be designated nonsmoking units.</p> <p>b. Smoking in units, common areas and exclusive-use unenclosed areas shall be prohibited.</p> <p>c. Landlords and HOA Boards are required to provide in their leases and rules, respectively, the following terms related to nonsmoking: i) It is a material breach of the lease and a violation of the HOA rules (if applicable) to allow or engage in smoking in a unit; ii) It is a material breach of the lease, or violation of the HOA rules, as applicable, to engage in smoking in any common area, except in an outdoor designated smoking area, if one has been lawfully established and approved by the City; iii) It is a material breach of the lease, or violation of the HOA rules, as applicable, to violate any of the smoking laws while anywhere</p>	Planning	Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
DURING CONSTRUCTION				
	<p>on the property; and iv) (for leases only) Other occupants of the property are express third-party beneficiaries of the provisions of the lease concerning smoking.</p> <p>Smoking includes the smoking of tobacco, marijuana or any other weed or plant, but excludes e-cigarettes, incense and wood burning.</p> <p>The foregoing is not an exclusive list of requirements and the Project is subject to each and every provision set forth in CCMC Subchapter 9.11.200, et seq.</p>			

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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PRIOR TO CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION				
62.	All provisions, and requirements set forth in these Conditions of Approval, in the Resolution approving the project, in the CCMC, or in any applicable written comments as provided by City representatives on August 10, 2017 at the Project Review Committee meeting on the Land Use Permit application, shall be fulfilled and satisfied to the satisfaction of all City departments before the use may be established or the Project occupied.	All	Standard	
63.	All requirements of the City's Residential Development Park Dedication and In Lieu Parkland Fees, as set forth in CCMC Section 15.06.300, et. seq., shall be fully satisfied prior to the issuance of a certificate of occupancy; provided, that if such requirements will be satisfied by the payment of the in-lieu parkland fee, the same shall be paid prior to the issuance of a building permit.	Planning/ Parks	Standard	
64.	All requirements of the City's Art in Public Places Program, as set forth in CCMC Section 15.06.100, et. seq., shall be fully satisfied prior to the issuance of a certificate of occupancy; provided, that if such requirements will be satisfied by the payment of the public art in-lieu fee, the same shall be paid prior to the issuance of a building permit.	Cultural Affairs	Standard	
65.	All onsite and offsite improvements and all conditions of approval except those which are deferred pursuant to a bond or letter of credit as determined and approved by the Building Official, Fire Marshal, Planning Manager, and/or City Engineer shall be completed prior to issuance of any certificate of occupancy. Prior to issuance of any certificate of occupancy the following shall be provided to and approved by the City: A. Five full sets of as-built plans that shall include at a minimum the site plan, grading	All	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

NO.	CONDITIONS OF APPROVAL	Agency	Source	Compliance Verification
PRIOR TO CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION				
	<p>and utility plan, landscape and irrigation plan, floor plan for each level of the Project, parking structure plan, roof plan with all mechanical equipment identified as to purpose and source and all offsite improvements; and</p> <p>B. One set of as-built plans as described above in a digital format compatible with the City's computer system.</p>			
66.	<p>Prior to issuance of Certificate of Occupancy, the applicant shall submit a plan to the City Engineer regarding the repair or replacement of any damage to the public right-of-way that results from the construction of the proposed project. Such repair or replacement is to be completed to the satisfaction of the City Engineer. The applicant shall be responsible for all expenses.</p>	Public Works	Special	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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ON-GOING				
67.	The use and development of the Property shall be in substantial conformance with the plans and materials submitted with the application for the Land Use Permit as reviewed by the Planning Commission at its meeting on September 27, 2017 , excepted as modified by these Conditions of Approval.	Planning	Standard	
68.	Pursuant to CCMC Section 17.650.020 - "Inspection", the Property Owner and Applicant shall allow authorized City officials, or their designees, access to the Property where there is reasonable cause to believe the Property is not in compliance with these Conditions of Approval or other requirements of the CCMC.	All	Standard	
69.	The use and development of the Property shall comply with these Conditions of Approval and all applicable local, special district or authority, county, state and federal statutes, codes, standards, and regulations including, but not limited to, Building Division, Fire Department, Planning Division and Public Works Department requirements, and shall comply with all applicable CCMC requirements and all comments made during the City's building permit plan check review process. Failure to comply with said Conditions, statutes, codes, standards, and regulations may result in reconstruction work, demolition, stop work orders, withholding of certificate of occupancy, revocation of land use permit approval and/or any other lawful action the City might deem reasonable and appropriate to bring about compliance.	All	Standard	
70.	All graffiti shall be removed from the Property within 48 hours of its application.	Building/ Planning/ Public Works	Standard	

EXHIBIT A
RESOLUTION NO. 2017-P017
P2017-0150--TPM
9615 Lucerne Avenue

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ON-GOING				
71.	The Property Owner shall maintain all street trees along the property frontage at his/her sole cost and expense.	Public Works	Standard	