# Planning Commission Report

| | |
|---|---|
| Planning Commission Meeting: **March 4, 2020** | Agenda Item: **5-A** |
| To: Planning Commission<br>From: Jing Yeo, AICP, City Planning Division Manager | |
| Permit: 19ENT-0121 (Variance);19ENT-0357 (Minor Modification), 19ENT0122 (Fence Wall Hedge Modification<br>Address: 411 Ocean Park Boulevard<br>Applicant: Jean Paul Buchanan | |
| **Subject** | Variance requests to allow construction of a new single family residence with reduced front (7.5') and rear setbacks (5'), and additional parcel coverage (59.36% total); a Minor Modification for reduced garage dimensions and turning distance from center line of alley and a reduction of required parking dimensions from two standard spaces to one compact and one standard stall; and a Fence Wall Hedge Modification to preserve but modify a portion of an existing retaining wall to a maximum height of 5 feet. |

| | |
|---|---|
| Zoning District | Ocean Park Low Density Residential (OP2) |
| Land Use Element Designation | Low Density Housing |
| Parcel Area (SF)/Dimensions | 2,905 SF / irregular approximately 40.9' x 72.6' |
| Existing On-Site Improvements | Single-Unit Residential (1920) Rear carport (1997); demolition approved (February 8, 2019) |
| Rent Control Status | N/A - Single Family Exempt |
| Adjacent Zoning Districts & Land Uses | North: OP2 – Multi Unit Dwelling<br>East: OP2 – Multi Unit Dwelling<br>South: DP – Park<br>West: OP2 – Multi Unit Dwelling |
| Historic Resources Inventory | Subject property is not listed on the HRI |

Site Location Map:

| | | |
|---|---|---|
| **Recommended Action** | 1. | Approve Variance 19ENT-0121; Approve Minor Modification 19ENT-0357 and Approve Fence Wall Hedge Modification 19ENT0122 |
| | 2. | Adopt the Statement of Official Action |

## Executive Summary

Proposed is a new 2,949 sf single-family residence. If approved, the proposed project would result in a two-story dwelling with an attached garage that would be comprised of 1,090SF first story, a 1,093 SF second story, a 386 SF garage and a 380 SF basement/ equipment area. The project's proposed parcel coverage of 1,751.75 SF includes the first floor and two partially enclosed porches with 2nd floor living area above the garage. The existing improvements consisting of a 932 square foot dwelling and detached carport at the rear of the parcel are proposed to be demolished.

The applicant is requesting approval of three Variances, two Minor Modifications, and one Fence, Wall Hedge Modification in conjunction with the proposed project: The Variance requests include:

- A reduced front yard setback from 15' to 7.5';
- A reduced rear yard setback from 15' to 5'; and
- Increased total parcel coverage from 50% to 59.36%;

The Minor Modification and Fence Wall Hedge Modification requests would normally be an administrative process and a discretionary Zoning Administrator hearing, respectively, however, pursuant to SMMC Section 9.37.170, if any application is filed concurrently with an application that would normally be reviewed by the Planning Commission, all applications are reviewed by the Planning Commission. In this case, a Variance request requires Planning Commission action, and therefore, the Minor Modifications and Fence Wall Hedge Height modification will be reviewed concurrently. The Minor Modification requests include:

- A reduction of the interior garage dimensions: reducing the two standard spaces to one standard and one compact;
- A Modification of the turning radius allowing the two cars to park side by side accessed from a substandard 15' wide alley;

The Fence, Wall, Hedge Modification includes:

- A Modification to the existing front retaining wall portions of which will be rebuilt at 5' measured from the sidewalk grade

Pursuant to Santa Monica Municipal Code (SMMC) Section 9.42.020, Variances may be granted with respect to development standards upon the discretion of the Planning Commission. A Variance is intended to provide a mechanism for relief from the strict application of the Zoning Ordinance where the Ordinance would deprive the property

owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. There are several necessary elements to consider in whether to grant a variance including special circumstances applicable to the property, how strict application of the Zoning Ordinance would result in practical difficulties or unnecessary hardship, and how strict application of the Zoning Ordinance would result in unreasonable deprivation of the use or enjoyment of the property. The following issues should be considered by the Planning Commission in it is review of the proposed variance request for the proposed project:

- Whether there are special conditions that are unique to the property seeking the variance
- Whether the special conditions are different from the conditions that affect other nearby properties within the same zoning district
- Whether requiring the applicant to comply with the Zoning Ordinance prevents the applicant from utilizing the property in substantially the same way that neighboring properties are or could be utilized
- Whether the variance detrimentally impacts the public or other residents and owners within the vicinity of the property
- Whether the variance gives the applicant greater rights than would be available to surrounding neighbors

As detailed in this staff report and in the draft Statement of Official Action (Attachment B), staff believes that all of the required findings for the Variance permit can be made in the affirmative for the proposed project with the inclusion of conditions of approval as recommended.

## Background

<u>Existing Conditions</u>
The subject parcel is currently developed with a 932 SF, one-story, single-unit dwelling and a detached car port, developed in 1920. The existing front and rear setbacks are substandard with the dwelling currently 0.66 inches from the front property line and a carport that is less than 4' from the rear property line.

*Historic photo showing 4th Street ramp soon after construction.*
*Photo Credit: Emerson Gaze 4/17/69 Santa Monica History Museum*
*subject parcel indicated with arrow*

*Site Location*

The subject property is located in the Ocean Park Low Density Residential (OP2) Zone District on the north side of Ocean Park Boulevard ramp, three parcels west of 5th Street, and one parcel east of 4th Street. The irregular parcel, averaging approximately 42' x 72' (2,905 SF) in size, is surrounded by Multifamily properties to the East and North and a single-family dwelling located within the recently designated 4th Street Historic District (2525 4th) to the West and the OP Boulevard ramp to the South. It is unclear when the parcel dimensions and lot area were altered, however in 1969 the City completed the addition of on/off ramps along Ocean Park Boulevard that reduced the subject parcel in size to an irregular shaped lot of 2,905 SF. An historic photo showing the ramp soon after construction with the subject parcel to the right is shown on the previous page.

*View from South OP Boulevard ramp of proposed dwelling*

*Proposed dwelling rendering at 411 Ocean Park Boulevard*

## Project Analysis

Project Description

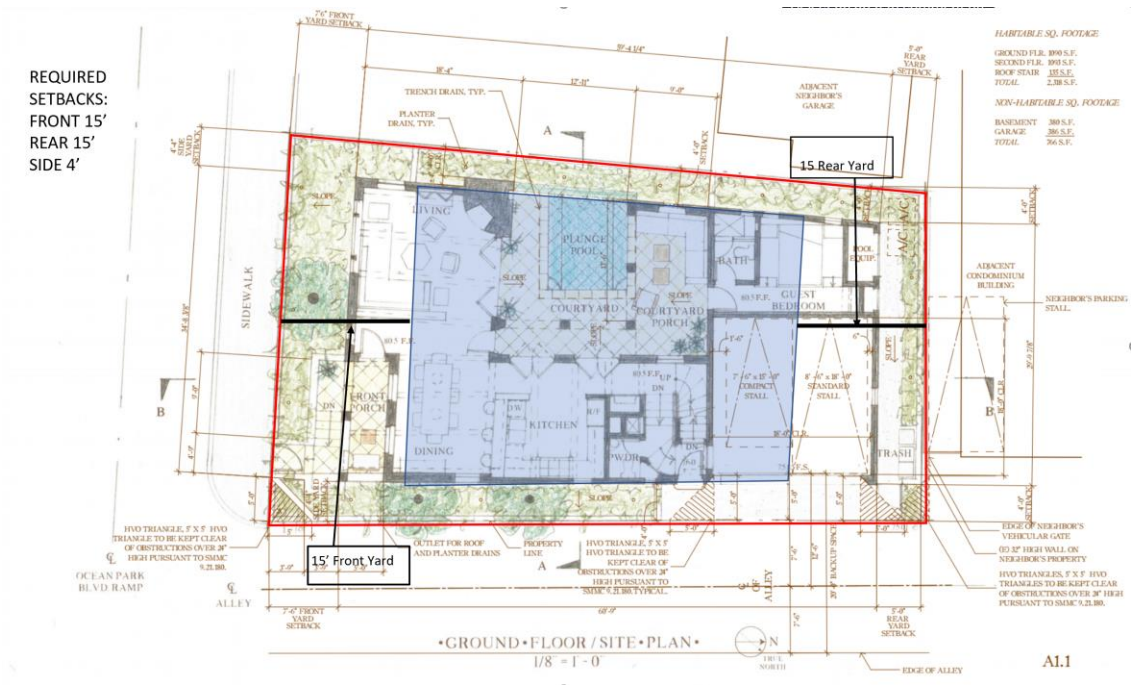
The applicant has submitted a request to build a new 2,949SF two-story dwelling including a basement and attached two-car garage.

Pursuant to SMMC Section 9.09.030 (OP2 district), redevelopment of a parcel no matter the width, depth or parcel square footage must adhere to the following requirements:

- Setbacks: 4' side yards, 15' front yard (if average adjacent parcels are 15'or less) and 15' rear yard;
- No more than 50% parcel coverage which includes porches, 2nd floor cantilever and car ports if they meet the definition per SMMC Section 9.04.100.

However, as illustrated in the diagram below, the required front, side and rear setbacks render 52% of the parcel undevelopable and strictly constrain the location of the ground floor footprint. The 9.36% additional parcel area requested with the Variance includes a 70 SF front porch, a 205.7 sf second floor above an open walkway, and a 386 sf garage. The Single Unit Dwelling (SUD) is designed in a "U" shape configuration with private open space located within a central West-facing courtyard. The proposed design complies with the required four-foot side yard setbacks and requests half of the required front yard setback (7.5') and a 10' reduction of the rear yard setback to 5'.

*Site plan diagram for proposed dwelling*



*view looking east*

*3D model*

If approved, the Variances for setbacks and parcel coverage would allow the buildable square footage to be 2,949 SF which includes 766 SF of non-habitable space in the garage and basement.

The project has been designed within the building height requirements and allowed projections permitted above the roof for the Ocean Park Low Density Residential zone. The requested Variances would allow the building to be closer to the Ocean Park Boulevard ramp and the rear property line, with an additional request to increase the overall parcel coverage. The height of the two-story proposal includes a flat roof which is 21.67 feet high as measured from Average Natural Grade (ANG) and is below the allowable 23 feet flat roof height limit. Additionally, the barrel roof designed above the master bedroom maintains a 1:3 roof pitch for roofs that may extend to a maximum height of 30' from ANG. Permitted projections above the second floor include a stair tower at 13' and a partially roofed trellis structure 8'-6" above the roof line.

In order to achieve the proposed scope of work described above, the applicant is requesting the following three Variances:

1. Variance to allow a 7.5-foot front yard
2. Variance to allow a 5-foot rear yard
3. Variance to increase the parcel coverage by 9.36%

<u>Variance Findings for Approval</u>

Approval of the proposed Variances requires that the Planning Commission make all ten of the required Variance findings pursuant to SMMC Section 9.42.040. Some findings of special note in considering approval of these Variances include:

- There are special circumstances or exceptional characteristics applicable to the property that do not apply to other properties in the vicinity under an identical zoning classification.
- The granting of such Variance will not be detrimental nor injurious to the property or improvements in the general vicinity and District in which the property is located.

- The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.
- The strict application of the provisions of this Ordinance would result in unreasonable deprivation of the use or enjoyment of the property.

The following analysis is based upon a study area of 14 properties located along the Ocean Park Boulevard ramp between 5th Street and 3rd Street for a survey to compare the broad patterns of residential development that were impacted by the ramp, a major capital improvement project completed in 1969. Included in this report are three additional tables to better evaluate the differences or similarities of these lots using parcel SF, lot width and depth, number of units, and building SF per the LA County Assessor's Office.

*Study area*

*Special Circumstances or Exceptional Characteristics*

All of the findings can be made in an affirmative manner as detailed in the draft Statement of Official Action (Attachment B). The following highlights key findings for Commission consideration:

Finding 9.42.040(A) states the following:

*"There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, mature trees, location, surroundings, identification as a Historic Resource, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification."*

1. **Variance to Allow Reduced Setbacks**

The reduced front and rear setbacks are consistent with the typical building alignments along the west-bound upsloping Ocean Park Boulevard. None of the four parcels along this portion of the ramp maintain a consistent front or rear setback. Designed as a new two-story residence with reduced front and rear yard setbacks the Variance would result in a reduced front setback of 7.5 feet that would still be greater than the existing non-conforming buildings to the West and East adjacent to the ramp.

*Front yard*

The proposed scope of work would include a reduced front yard setback for a partially enclosed entry porch and second floor bedroom, a reduced rear yard setback for an enclosed one-story bedroom detached from the primary living space and a one-story garage both situated within 5' of the rear parcel line. The subject property is one of four parcels within the study area and one of two parcels along the North Ocean Park Boulevard ramp with minimal front setback from the Public Right-of-Way due to the loss of lot area with the creation of the City's Ocean Park ramp(s). The existing front setback is 0.66 inches and the proposed front setback is 7.5 feet. Additionally, a 7.5 foot setback is greater than the existing 4.1 - 5 foot front yard existing at 417 Ocean Park Boulevard (the immediate neighbor located across the 4th Court Alley to the East) or 2525 4th Street's 3.5 - 4.9 foot side setback (the neighbor to the West).

*Rear Yard*

The existing rear setback is less than 4' and the request for a 5' garage setback and one-story bedroom is similar to the setback allowed for a detached accessory building at 5'. The project includes an enclosed two car garage built at-grade and a variance request for a reduced five-foot rear yard setback to accommodate the proposed one-story garage (requested Minor Modifications to amend the standard turn ratio, garage interior dimensions are discussed later in this report.) In order to include the enclosed garage, the unique development hardships include an upsloping and side to side sloping parcel with vehicle access from a dead-end substandard alley on a nonrectilinear, substandard 2,905 square foot parcel. None of the other 14 parcels within the study area are so constrained.

*Intentionally Left Blank*

Table 1

| Address | Built SF per Assessor | Units |
|---|---|---|
| 243-51 Ocean Park Boulevard | 4,403 | 5 |
| 317 Ocean Park Boulevard | 3,389 | 4 |
| 411 Ocean Park Boulevard (subject) | 932 | SUD |
| 417 Ocean Park Boulevard | 5,401 | 7 |
| 420 Ocean Park Boulevard | 2,288 | SUD |
| 424 Ocean Park Boulevard | 1,728 | 3 |
| 2527 3rd Street | 2,922 | 3 |
| 2547 3rd Street | 3,164 | 4 |
| 2525 4th Street | 1,120 | SUD |
| 2611 4th Street | 2,976 | 4 |
| 2614 4th Street | 3,092 | 2 |
| 2536 5th Street | 3,689 | SUD |
| 2606 5th Street | 873 | SUD |
| 2608 5th Street | 1,116 | SUD |
| | | |

The amount of buildable site area directly correlates to the parcel square footage and the setbacks. The site has less than 3,000 square feet of parcel area– one of only three properties in the identified study area of this size. The parcel is nonrectilinear with four varying parcel dimensional lines; resulting in a parcel width and depth less than the 48.7' average width and 107' average depth of the 14 parcels within the study area. The site constraints including location, topography and size and setbacks.

Development of a substandard parcel fronting a one- way access ramp is an exceptional characteristic. An entirely new, code-compliant two-story residence with a subterranean basement and underground parking would typically be proposed if the lot were developed on a 50' x 100' parcel, the minimum parcel dimensions for the OP2 district. The request to modify the setbacks also allows for a relatively private outdoor courtyard space.

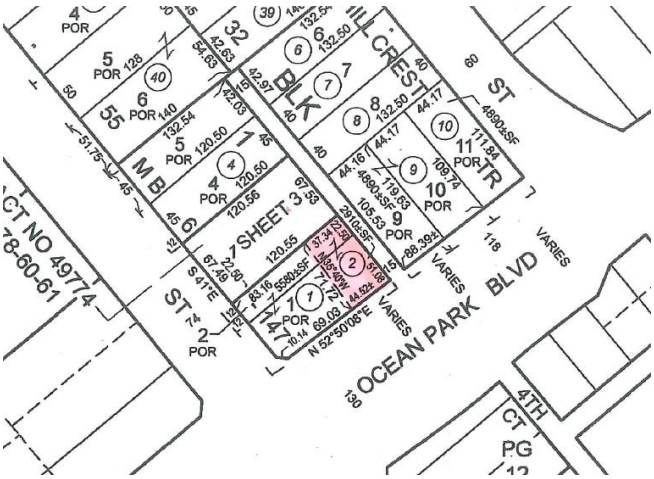
The building is designed in a "C" shape with a west facing courtyard which abuts higher elevated parcels to its East and North. This design provides the open space some protection from the west-bound Ocean Park ramp traffic and noise and some privacy from the taller three-story condominium building located adjacent to the rear yard setback. The proposed building siting and orientation is a unique solution and allows a footprint for a new single-family residence on a less than 3,000 square foot parcel.

The majority of dwellings along the subject study area contain parcel square footages that exceed the current parcel square footage. As shown in Table 1 above, 10 of the 14 dwellings within the study area exceed 3,000 sf with an average parcel size of 5,523 SF. Additionally, 4 of the 14 properties within the study area have a parcel depth of 73 feet or less (See Table 2). When comparing the subject parcel's depth to a standard parcel depth of 100 feet, a compliant design with a 15-foot front and a 15-foot rear yard would result in an average buildable parcel depth of 43 feet. A standard parcel with the required front and rear setbacks has a buildable parcel depth of 70 feet. Approval of the proposed front and rear yard setback Variances will allow the subject dwelling comparable development potential and result in the creation of a private protected open space with access to light and air and an enclosed garage similar to existing dwellings located within the study area.

## 2. Variance to Allow increased Parcel Coverage

The subject property was developed in 1920 as a 935 square foot one-story house. In 1969 the City created a system of on- and off-ramps leading from Ocean Park Boulevard to 4th Street. The creation of these ramps reduced the subject parcel depth along the ramp. The subject parcel was further reduced in square footage and its parcel dimensions altered when it was legally separated from the parcel to the west, 2525 4th Street. The subject parcel is one of two parcels along the North Ocean Park Boulevard ramp that fronts on the ramp and has its side yard parallel to a dead-end substandard 15-foot wide alley that was created with the subdivision of the Hill Crest Tract in 1904.

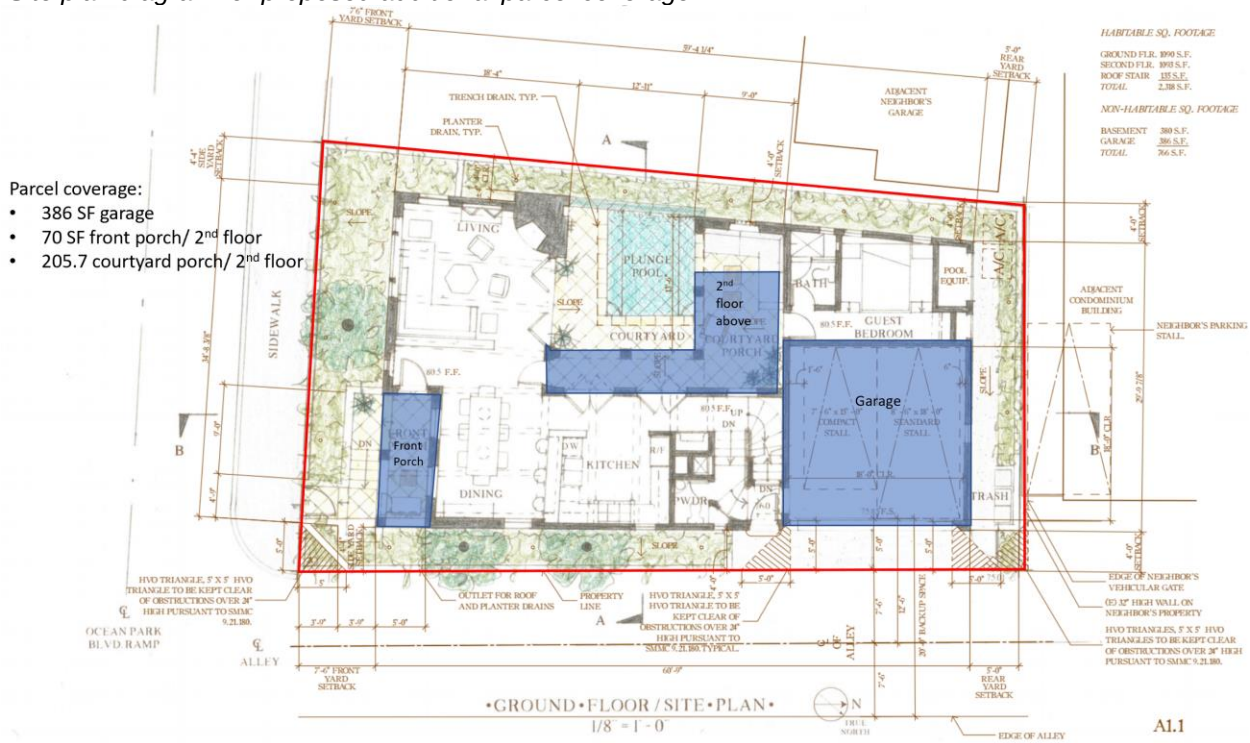
In 1969 the Ocean Park Boulevard ramps were completed reducing the parcel size and some time before or after that the two adjacent parcels of 411 Ocean Park Boulevard and 2525 4th Street were subdivided. The result is a subject parcel of 2,905 square feet with no parcel dimension of equal length. The subsequent changes to parcel, including dimension and size and impact of the Ocean Park Boulevard ramp is visible from the Assessor Parcel Map pictured below.



*Subject Parcel: Assessor Parcel Map 2016*

The proposed project would demolish the existing structure and build a new 2-story residence with an attached two-car garage, covered porch and storage utility basement. Two parking spaces currently exist on the property. The proposed project includes a garage containing a compact and standard size parking stall. The proposed residence is allowed a maximum 50% parcel coverage (1,452 sf). However, the 386 square foot garage, the covered 205.75 interior porch and the 70 front porch parcel coverage combined result in an additional 9.36% parcel coverage.

*Site plan diagram for proposed additional parcel coverage*




The subject parcel's front yard abuts the 7% upsloping Ocean Park ramp which prohibits parking. Due to the siting of the proposed structure with reduced setbacks and the unique dead-end substandard alley, parking is highly constrained and cannot feasibly be provided below grade due to the existing parcel depth and prohibition of a curb cut along the Ocean Park Ramp. A new single unit dwelling is required to provide two standard parking spaces. The request for increased parcel coverage will provide enclosed private parking stalls in an area that has no on-street parking.

Increased parcel coverage is necessary to allow an enclosed garage. The design affords the owners private interior courtyard open space and a two-car coverage garage and creates parity with the properties in the general vicinity while allocating a building footprint that is least impactful. Therefore, this finding can be met.

*Not Detrimental nor Injurious to Surroundings*

Finding 9.42.040(B) states the following:

*"The granting of such variance will not be detrimental nor injurious to the property or improvements in the general vicinity and district in which the property is located."*

1. **Variance to Allow Reduced Setbacks**
   The subject parcel is one of 14 parcels within the study area situated adjacent to or within close proximity to the Ocean Park Boulevard Ramp. The surrounding area is exclusively residential in its development, primarily with apartments and condominiums of one, two and three stories. Four of the 14 parcels are developed as Single Unit Dwellings (SUD's). All four of these parcels have less than 3,000 SF in area. There is a blend of densities, height and development pattern within the area. Common characteristics include substantially reduced front yards, rear yards and non-conforming side setbacks. This is particularly true of the parcels adjacent to the ramp where setbacks were purposefully reduced to enable the Ocean Park ramp development. Specifically, the subject property, 417 Ocean Park Boulevard ,420 and 424 Ocean Park Boulevard and 2606 5th Street have been reduced in parcel size, shortened in width or depth, and for all but one of these lots, a building remains with little to no front or side setbacks adjacent to the Public Right of Way.

   There is little homogeneity that characterizes the Ocean Park Boulevard study area parcels. As shown in the charts documenting parcel size, shape, density and through visual reference, the parcels abutting the ramp are unique. The goal of the proposed development is to achieve parity with similar properties within the study area and include design features typical of a single unit development such as a porch, covered walkway or balconies and a two-car garage. The request for reduced setbacks will not be injurious to surrounding properties in that all existing setbacks will be increased with the subject property's redevelopment including, increased front and side yards, and a slightly increased 5' rear yard setback primarily for a one-story garage and small guest bedroom. The rear property line abuts the side property line of a three-story condominium building with a height 16' above the Average Natural Grade of the subject property. The existing carport is currently less than 5' from the rear property line, the front of the building is 0.66 feet from the Ocean Park Ramp, and the setback along the East side yard varies but is less than 4' and includes an enclosed area located on the property line. The proposed 7.5' front yard setback is greater than the 4 – 5-foot existing setback of the Eastern neighbor located at 417 Ocean Park Boulevard These 2 properties, out of the 14 within the study area, are the only properties fronting the North Ocean Park Boulevard ramp that access parking via the 4th Court Alley.

   Therefore, the proposed reduction of front and rear setbacks is similar to the pattern of existing development characteristics or alterations of properties within the study area where no consistent front yard setback exists. The subject property

borders an upsloping ramp, an alley, a large multifamily residence and the rear yard of historic district parcel. The reduced setbacks have little to no-impact on the light, air, or developable potential of these properties. As such, this finding can be met as the proposed project would not be detrimental to the general vicinity and to the character of the potential district.

**2. Variance to Allow increased Parcel Coverage**

The proposed project entails building a single unit dwelling with an attached two-car garage. The subject parcel does not enjoy access to street parking as do 9 of the 14 parcels within the study area. The request to provide covered enclosed on-site parking with the redevelopment of the site benefits the adjacent parcels since public parking is prohibited in the alley and on the ramp.

As for the irregularity of the parcel lines, lot size, prohibition of street parking and inclusion of a typical garage amenity afforded a single unit development, the 9.36% increase in parcel coverage does not negatively impact the two abutting parcels nor the parcel located East of the subject parcel at 417 Ocean Park Boulevard All three parcels have on-site parking. The SUD parcel coverage overage requested is comprised of 662 SF includes a two-car garage, a front porch with a floor above and a courtyard porch with a floor above. The front porch and floor above creates a focal entry visible from the Ocean Park Boulevard ramp where none exists today, the interior courtyard porch and floor above are substantially setback from the West side property line and below the level of the adjacent property while the increase foot print of the dwelling to the rear includes a single story garage and guest bedroom which are substantially lower in mass and scale than the adjacent three-story building to the north. If lot coverage were to limited to 50%, it is unlikely covered parking and design features typically of a single unit development such as a front and courtyard porch with a second floor extending over such projections would not be incorporated into the design and as it would result in a four sided box with the open space allocated to the front and rear. These substandard conditions created by Ocean Park Boulevard ramp pose a unique challenge for the subject property. Granting the requested Variance will allow redevelopment of the existing site increasing the setbacks from what is existing, thus the finding can be made, to allow a two-story development with a 9.36% parcel increase. Granting the requested Variance would not adversely affect the properties within the general vicinity the majority of which are characterized with little to no existing front, side or rear setback due to the Ocean Park Boulevard ramp realignment of existing buildings on lots where parcel area was reduced and replaced with City Public Right-of-Way. Therefore, this finding can be met as the proposed project will not be detrimental to the general vicinity as no new impacts to the adjoining properties will be created.

*Practical Difficulties or Unnecessary Hardships*

Finding 9.42.040(C) states the following:

*"The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships."*

1. **Variance to Allow Reduced Setbacks**
   As stated above, the proposed scope of work includes a reduction of the required front and rear setbacks, that would render 30 linear feet of the average 72 feet in depth of the subject parcel unbuildable. Stated another way, 42% of the parcel depth would be excluded from design consideration when developing a new SUD. Compared with the minimum 50' x 100' parcel with similar front and rear setbacks, 30% of the parcel depth is excluded from development. The Variance request would permit a reduced front setback of 7.5 feet from the front property line located along the Ocean Park Boulevard ramp and the request to reduce the rear yard setback by 10 feet to 5 feet from rear property line

   The subject property is one of 6 parcels within the 14-parcel study area where a rear parcel line abuts a side property line of the adjoining lot. Thus, the configuration of this lot does not conform to a typical front or rear setback allowance or a prevailing consistent setback, since the parcel orientation was adjusted and the dimensions of the parcel were reduced well below the minimum standard of 50' in width x 100' in depth with the Ocean Park ramp development. It is one of four parcels in the study area having a lot depth of 73' or less, and the only parcel of such depth to front the North Ocean Park Boulevard ramp.

   The subject parcel's average buildable area of 32.6' in width by 42.57 feet depth is a substantial hardship. To require the standard setbacks on a parcel with no lot of equal length, have a buildable area with compliant setbacks of less than the allowable buildable area afforded the zone, and to have a rear yard setback abutting a three-story project which maintains a setback of 5' from the subject parcel constitutes substantial deprivation and unnecessary hardship for redevelopment of the property.

Table 2

| Address | Width (average ft.) | Depth (average ft.) | Front Yard (N-north/ S-south) |
|---|---|---|---|
| 243-51 Ocean Park Boulevard | 49 | 129 | 3rd St. |
| 317 Ocean Park Boulevard | 44 | 143 | 4th St. |
| 411 Ocean Park Boulevard (subject) | v 37-44 | 71-73 | OP Ramp N |
| 417 Ocean Park Boulevard | 88 | 107 | OP Ramp N |
| 420 Ocean Park Boulevard | 39 | 66 | OP Ramp S |
| 424 Ocean Park Boulevard | 40 | 64 | OP Ramp S |
| 2527 3rd Street | 40 | 145 | 3rd St. |
| 2547 3rd Street | 65 | 155 | 3rd Street |
| 2525 4th Street | 73 | 70 | 4th St. |
| 2611 4th Street | 40 | 138 | 4th St. |
| 2614 4th Street | 50 | 143 | 4th St. |
| 2536 5th Street | 44 | 112 | OP Ramp N |
| 2606 5th Street | 31.5 | 80 | 5th St. |
| 2608 5th Street | 38 | 80 | 5th St. |
| Average | 48.7 | 107.4 | |

As the OP2 zone district does not consider reductions of setbacks due to substandard property dimensions or lot area, the case-by-case request for a Variance must exhibit undue burden for the developer to meet reasonable expectations. The request to reduce front and rear setbacks, permits 2,183 SF residence a maximum of two stories, and affords the developer the extension of buildable area along a substandard parcel depth allocating open space and a reduced footprint within the center of the parcel. The proposed “U” shaped design with reduced front and rear setbacks is the least impact to adjacent parcels. A Variance is required for the proposed reduce front and rear yard, which allows the proposed design to swap open space from the south and north setbacks and insert private open space along a west facing courtyard.

The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships in that the City built an upsloping on-ramp to access 4th Street creating a substandard parcel with parcel lines of different dimensions and a parcel square footage of less than 3,000 SF. Additionally, only two of the 14 properties within the study area have a 15-foot front yard setback and one. of the properties have a 15-foot rear yard setback.

Given the development standards for substandard parcels do not differentiate from standard parcels, the redevelopment of the site is not afforded equal parity with other OP2 properties when considering the setbacks, lot coverage, or parking mandates. This constraint is a hardship when trying to design a residence that considers the mass and scale of the neighboring properties, as well as their orientation to the Ocean Park Boulevard ramp. In addition, the non-standard front, rear and side setbacks as a result of lost parcel area when the ramp was constructed present a further difficulty in creating a developable envelope.

**2. Variance to Allow Increased Parcel Coverage**

Until the recently, pursuant to SMMC Section 9.28.020(D)(1), if 50% or more additional square footage is added to a SUD at any one time, or the site is redeveloped, parking must be provided on site consistent with current Zoning Ordinance standards which include an enclosed two-car covered garage. With the parking design amendments that were passed with the R1 development standards update being effective on January 1, 2020, a new SUD is not required to build a garage but must have a dedicated parking area for two cars that meet the location, dimension, backup and ingress/egress standards. Upon development of a standard parcel, with little to no side to side or front to rear slope, with standard parcel dimensions and the ability to park on the street, the developer has the option to provide the required parking in an uncovered area or construct a conventional garage.

In this case, the applicant has chosen to include covered, secured two car parking and has worked to design an attached garage structure that requires approval of Minor Modifications to interior dimension and egress standards (these are supported by the Mobility Division). The proposed garage comprises 28% of the buildable first floor area. Strictly limiting the parcel coverage would result in a development without covered parking or a development where the garage comprises the majority of ground level space. These choices limit the amenities that typically are afforded most SUD's. Access to parking via a curb cut and street parking is prohibited on the Ocean Park Boulevard ramp. Parking access may only be taken from the 15' substandard dead end 4$^{th}$ Court Alley. The lack of parcel depth would generally preclude the design of a ramp leading to subterranean parking. Thus, the redevelopment of the parcel would necessitate unsecured surface parking or a reduction in the buildable first and/or second floors of the dwelling. These choices represent an undue burden. The request for 9.36% increase in parcel coverage affords the subject parcel the ability to build an enclosed two car garage, provide a covered entry and interior courtyard porch, both with floor area above, thus providing additional square footage while maintaining two, four-foot side setbacks. The proposed ground floor of 1,090 SF, not including the front porch, courtyard side porch and attached garage, is 158 SF greater than the existing 932 SF dwelling. To not exceed the 50% parcel coverage threshold the existing SUD would only be allowed a maximum 1,391 SF first level living area, (buildable area with compliant setbacks) with no two-car garage. The

allowable parcel coverage expressed as square footage is further limited by setbacks, property orientation, and side to side and front to rear slope. Therefore, the proposed redevelopment is providing two parking spaces at the ground level, within the proposed 1,751.75 SF first floor. If the Variance were not granted, the building features such as front porch and the interior courtyard side porch would have to be eliminated resulting in a four sided, two story box.

Accordingly, the maximum allowable 50% parcel coverage is a practical difficulty and unnecessary hardship for the subject property given its 2,905 SF parcel size and inability to meet the minimum buildable parcel area coverage (47% maximum) given the constraints of required setbacks. By granting the parcel coverage increase, the irregularly shaped parcel would be afforded parity with surrounding properties, replacing a carport with an enclosed garage thereby accommodating the project's parking demand on-site.

*Unreasonable Deprivation of the Use or Enjoyment of the Property*

Finding 9.42.040(J) states the following:

*"The strict application of the provisions of this Ordinance would result in unreasonable deprivation of the use or enjoyment of the property."*

1. **Variance to Allow Reduced Setback**
   Similar to the subject dwelling, a number of properties along the subject study area West of 5th Street and East of 3rd Street have a front yard adjacent to the Ocean Park Boulevard ramps and are setback less than 15' from the front property line. As shown in Table 2, three of the fourteen dwellings have a front yard, i.e. the narrowest lot dimension, fronting the Ocean Park Boulevard ramp North. Of these three, both 417 Ocean Park Boulevard and 2536 5th Street have parcel depths of at least 100' feet. The subject property depth is 73 feet. As shown in the chart below, of the 4 properties within the study have a parcel square footage of less than 3,000 SF. Without approval of the proposed variance for reduced setbacks, the subject property is penalized, and required to provide private open space at the front and rear yards that affords little privacy, adjacent to the Ocean Park Boulevard access ramp, and adjacent to the only three story apartment building within the vicinity. The reduced front and rear yard setbacks, would allow the same amenities as neighboring properties in the vicinity having greater development potential under today's code based upon the criteria of lot area, site orientation, irregular/ regular lot lines and limitations due to the site's proximity to the Ocean Park Boulevard ramps.

   Without approval of reduced setbacks, the subject property is not able to achieve comparable square footage nor private open space and access to light and air like 10 of the 14 properties along the Ocean Park Boulevard ramps. If approved, the proposed project will total 2,949 SF, which is still within the size range of existing dwellings on the subject study area.

Table 3

| Address | Parcel SF |
|---|---|
| 243-51 Ocean Park Boulevard | 6,554 |
| 317 Ocean Park Boulevard | 7,095 |
| 411 Ocean Park Boulevard (subject) | 2,906 |
| 417 Ocean Park Boulevard | 9,508 |
| 420 Ocean Park Boulevard | 2,648 |
| 424 Ocean Park Boulevard | 2,587 |
| 2527 3rd Street | 6,959 |
| 2547 3rd Street | 10,092 |
| 2525 4th Street | 5,583 |
| 2611 4th Street | 5,505 |
| 2614 4th Street | 7,162 |
| 2536 5th Street | 4,905 |
| 2606 5th Street | 2,713 |
| 2608 5th Street | 3,080 |
| Average Parcel SF | 5,523 |

Therefore, without the reduced setback variance, the subject property is deprived of the same enjoyment as neighboring properties even though the proposed project is of similar size, height, and configuration.

**2. Variance to Allow Increased Parcel Coverage**

Pursuant to SMMC Section 9.28.070, Location of Parking, the development standards have been changed to differentiate parking standards based upon the site's district location. In this project, the OP2 district, the zone is defined as a Low Density Multifamily Residential District. If the site is redeveloped, parking must be provided on site, allowed within the front ½ of the lot, but must not encroach into the 15' front yard setback. For the subject SUD, two new parking spaces would be required.

As the existing 932 SF SUD was constructed in 1920, no parking was required or provided on site, but later a covered car port was added to the rear of the parcel. To require open, uncovered parking, deprives the owners the option afforded other SUD to choose covered or enclosed parking in an area where no street or alley parking is permitted. The 386 SF square foot garage represents 28% of the ground floor buildable (excluding setbacks) parcel coverage and accounts for the bulk of the request to exceed the 50% maximum parcel coverage. The redeveloped parcels located at 420 Ocean Park Boulevard and 2536 5th Street, both have been designed with a two-car enclosed garage.

Therefore, in order for the subject dwelling to be redeveloped to a comparable size, with comparable amenities to other dwellings within the study area, a variance to

alleviate the requirement limiting parcel coverage to 50% of lot area is necessary to be approved.

**Neighborhood Compatibility**

The project site is located within the OP2 zoning district with a Low-Density Housing land use designation. Both designations allow the maintenance and development of a SUD.

The neighborhood study area referenced earlier in this report is exclusively residential in its development, primarily with one- and two-story multi-unit buildings and six single-unit dwellings. The blend of architectural styles in the area includes Modern, Craftsman, Mediterranean Revival, and the non-descript buildings fronting or sited along the side of the ramp that resulted in the reduction in parcel square footage. There is little visual cohesion of structures within the study area since the ramp creation severely reduced existing setbacks, parcel square footages and typically amenities such as porches or projections. Adjacent to Fourth Street, two parcels have been included in the recently designated 4th Street Corner Historic District: 2525 4th Street and 317-319 Ocean Park Boulevard. The 2525 4th Street parcel abuts the subject parcel, however, its parcel orientation is perpendicular to the subject site as it fronts 4th Street and its rear parcel line abuts the side parcel line of the subject parcel.

The overall 22.6-foot height of the proposed dwelling would not exceed the maximum allowable 23-foot flat roof height of the district. The request for additional parcel coverage is largely to accommodate the two-car garage, which is a condition found on other properties in the neighborhood. Additionally, the request for reduced front and rear yard setbacks for the two stories would also not be unusual within the context of the neighborhood, since there is no prevailing consistent front or rear setback for the lots along the North side of Ocean Park Boulevard ramp between 3rd – 5th Streets.

**Zoning Ordinance Compliance**

The project is located in the OP2 zone district which establishes property development standards that govern the height, parcel coverage, and setbacks of the proposed building. Furthermore, the OP2 zone district was intended to faciliate areas for a variety of low-density housing types. These include SUDs, duplexes and triplexes, low-scale multi-unit housing, townhouses, and courtyard housing.

The Zoning Ordinance contains specific development standards that apply to this particular area of the OP2 zoning district as identified in SMMC Section 9.09.020 which prohibits more than one dwelling on a parcel 4,000 square feet or less in area. The subject parcel is 2,906 SF. As proposed, except for the three Variance requests, the Minor Modification and the Fence, Wall, Hedge Modification the project complies with all remaining development standards applicable to the site. Attachment A to this staff report contains a detailed comparison of these development standards and the proposed project.

**Minor Modification**

The project has been designed to provide an attached two-car garage. The Minor Modification request amends the interior garage parking stalls dimensions to reduce the typical clear interior dimension of 20'W x 18'D to 18'W x 18'D. This would provide parking for one compact and one standard sized vehicle. The 4th Court Alley located East of the subject parcel is a substandard 15' wide (dead-end) alley. When calculating adequate ingress, egress and backup, the standard alley provides a 15' distance from the center line of the alley to the parking stall(s). In this case, the turning radius for vehicles entering/exiting the garage is shortened. The design provides a 5' backup from property line to the garage however, the request reduces the distance from the garage to the alley centerline to 12.5', where 15' is typically required. With the reduced back-up distance, the garage door width has been increased by 8 ¾" creating enough clearance to fit a compact and standard size vehicle. The Mobility team has worked with the applicant to refine the initial design and supports the modification request.

Additionally, this property is located within the Coastal Zone and providing on-site parking as a means to ensure that new development does not impact coastal access is typically required. The project would provide two parking stalls if the Minor Modification is approved. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.43.020(B)(6), modifications to dimensional standards and egress/ingress standards may be granted that do not result in a reduction of required parking spaces.

**Fence, Wall Hedge Modification**

The applicant requests approval of a hedge and fence height modification to maintain a 2.75' -5' foot high retaining wall at the front yard along the front property line parallel to the Ocean Park Boulevard ramp. The lot slopes approximately 3 feet from an elevation of 81.56' on the western side to 78.61' on the eastern side. The applicant will modify the existing wall within the hazardous visual obstruction area at the intersection of the Ocean Park Boulevard ramp and 4th Court alley to provide a 5' x 5' visibility triangle as required for vehicle safety. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.21.050, fences, walls, and hedges cannot exceed a maximum height of 42 inches within the required front yard setback as measured from the lowest finished grade adjacent to either side of the fence, wall, or hedge. SMMC Section 9.43.080(B) allows an applicant to request a modification to this height limitation in the front yard setback.

The City built the existing retaining walls along the ramps leading to and from 4th Street to account for the grade differential of the private properties and the ramp street level elevation. All the properties along the North ramp that lead to or descend from 4th Street have varying height retaining walls. The hedge and fence located at 2636 5th Street as shown in the foreground, was granted a modification in 2017, for 8' high hedges and 5.5' high fence along the front property line and 6' hedge in front of a 7.5' fence along the east side property line within the front yard setback. The approved modification included a finding to lessen impacts due to the property's location at the southwest corner of Ocean Park and 5th Street.

The request to maintain the existing retaining wall and modify a portion for better vehicle visibility is consistent with the required findings. Specifically, the subject wall will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from the adjacent public right-of-way. Additionally, the project will be designed to add soil for landscape and surface run-off behind the existing retaining wall where currently concrete front and side yards exist. Therefore, the fence/wall/hedge modification request can be approved to allow the proposed project to maintain an existing retaining wall consistent with the neighborhood character, including enhancements to the wall for vehicle safety.

*Subject Parcel: View looking West*

*Subject Parcel: View looking North*

**<u>Land Use and Circulation Element (LUCE) Consistency</u>**

The subject property is designated as Low Density Residential in the LUCE. The designation is designed to preserve and protect the existing character of the residential

neighborhood through conservation, maintenance, and rehabilitation of existing housing structures and redevelopment of parcels consistent with Ocean Park zoning standards. In conformance with LUCE Goal N4.2, Design Compatibility, the granting of these three Variances would be consistent with the implementation of LUCE Policy N1.7, Protection, Preservation and Enhancement of residential neighborhoods, by allowing development of a SUD to be compatible in scale and character with the existing neighborhood. Additionally, the proposed redevelopment would be consistent with other structures within the neighborhood and therefore complies with LUCE Policy LU1.5, Design Compatibility, as it is in keeping with the existing scale, mass, and character of the area. In conformance with LUCE Goal LU13.2, Preserve Community Identity, the granting of the three Variances would afford the proposed structure amenities and features, which would create parity with similar properties enhancing the unique character and identity of the Ocean Park District. The new SUD would also comply with LUCE Policy LU13.2 by maintaining, the existing neighborhood's distinctive character, design, and pattern of development that provide for a diversity of households.

**Environmental Status**

The request is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3), New Construction, of the State Implementation Guidelines in that the project involves one-single family residence built in an urbanized area consistent with permissible development within the General Plan and the area in which the project is located.

In addition, the Landmarks Commission held a preliminary hearing on the demolition permit (18BLD-9000) on January 14, 2019 and determined that there is not credible evidence in the record to proceed with a further public hearing to determine whether the buildings or structures meet the criteria for a City Landmark or Structure of Merit. Therefore, no further environmental review is required.

**Alternative Actions**

In addition to the recommended action, the Planning Commission could consider the following with respect to the project if supported by the evidentiary record and consistent with applicable legal requirements:

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 applications

## Conclusion

The applicant requests Variances to allow reduced front and rear setbacks and an increase to the allowed parcel coverage for a project for a new Single-Unit Dwelling (SUD).

The proposed reduction of front and rear setbacks is due to the existing parcel depth of 73 linear feet, which is below the 107 feet of depth for study area parcels. There would be little to no impact to the adjacent parcels with this request since no prevailing front or rear setback exists for the parcels adjacent to the North Ocean Park Boulevard ramp. The two abutting properties, 2525 4th Street hand 2519 4th Street have frontages along 4th Street, are located at a higher elevation and in both cases have side or rear parcel lines perpendicular to the subject site front or rear parcel lines. The construction of the new two-story SUD is consistent with the size of development within the general vicinity.

The additional parcel coverage allowance is warranted. Specifically, the compliant 50% parcel coverage is a practical difficulty and unnecessary hardship for the subject property given its 2,905 SF parcel size.

The Minor Modification and Wall Modification requests are supported by staff and allow the new development to retain an existing retaining wall and provide a consistent wall height for properties fronting the Ocean Park Boulevard ramp. The Minor Modification will allow reduced garage interior dimensions, and modified ingress/ egress radius thereby permitting an enclosed garage, a typical amenity of a new single-family dwelling.

As analyzed in this report, the required findings as set forth in SMMC Section 9.42.040 can be made in the affirmative to approve the requested Variances based on criteria such as the existing site and structure's unique design characteristics as detailed in the draft Statement of Official Action (Attachment B). As conditioned, approval of the requests affords the property owner the ability to build a new single unit dwelling comparable to similar dwellings in the area and maintaining the integrity of the neighborhood.

Prepared by: Regina Szilak, Associate Planner

## Attachments

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

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

**Project Location and Permit Processing Time Limits**

| | |
|---|---|
| Project Address: | 411 Ocean Park Boulevard |
| Application Filing Date: | April 2, 2019 19ENT 0121/ 19ENT-0122 and September 24, 2019 19ENT0357 |
| CEQA Deadline: | N/A |
| PSA Deadline: | December 23, 2019 |
| Total Process Review Time (Days): | 337 Days |

### General Plan and Municipal Code Compliance Worksheet

| CATEGORY | LAND USE ELEMENT | MUNICIPAL CODE | PROJECT |
|---|---|---|---|
| Permitted Use | Low Density Residential | One Single Unit Dwelling per parcel [SMMC 9.09.020] | 2,949 habitable SF development of a substandard lot to allow a new single unit dwelling |
| Maximum Building Height | N/A | 2 stories, not to exceed 23 feet for a flat or 30 feet for a pitched roof [SMMC 9.09.030] | 2 stories; 22.5 feet |
| Maximum Parcel Coverage | N/A | 50% [SMMC 9.09.030] | First Story – 59.36% (Variance request) |
| Front Yard Setback | N/A | 15 feet [SMMC 9.09.030] | 7.5 feet (Variance request) |
| Rear Yard Setback | N/A | 15 feet [SMMC 9.09.030] | 5 feet (Variance request) |
| Side Yard Setback | N/A | For lots less than 50 feet – 10% of parcel width, but not less than 4 feet [SMMC 9.09.030] | 4 feet from side property lines |
| Parking | N/A | Single Unit Dwelling – 2 spaces [SMMC 9.28.060] | 1 compact, 1 standard stall; reduced turning radius, reduced garage dimensions (Minor Modification request) |

**ATTACHMENT B**
**DRAFT STATEMENT OF OFFICIAL ACTION**

**City of Santa Monica**
**City Planning Division**

# PLANNING COMMISSION STATEMENT OF OFFICIAL ACTION

**PROJECT INFORMATION**

| | |
|---|---|
| CASE NUMBER: | 19ENT-0121 (Variance); 19ENT-0122 (Fence Wall Hedge Modification); 19ENT0357 (Minor Modification) |
| LOCATION: | 411 Ocean Park Boulevard |
| APPLICANT: | Jean-Paul Buchanan |
| PROPERTY OWNER: | Jean-Paul Buchanan |
| CASE PLANNER: | Gina Szilak, Associate Planner |
| REQUEST: | Variance request to allow construction of a new single family residence with reduced front (7.5') and rear setbacks (5'), and additional parcel coverage (59.36%); a Minor Modification for reduced garage dimensions and turning distance from center line of alley and a reduction of required parking dimensions from two standard spaces to one compact and one standard stall; and a Fence Wall Hedge Modification to preserve but modify a portion of an existing retaining wall to a maximum height of 5 feet. The subject property is located in the Ocean Park Low Density Residential (OP2) zoning district. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.42.020, Variances may be granted with respect to development standards upon the discretion of the Planning Commission. Additionally, pursuant to Santa Monica Municipal Code Sections 9.43.090 and 9.43.080(B), Minor Modifications and a Fence, Wall, Hedge Modification may be granted in conjunction with the Variance request upon the discretion of the Planning Commission. |
| CEQA STATUS: | The request is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3), New Construction, of the State Implementation Guidelines in that the project involves one single-family residence built in an urbanized area consistent |

| | |
|---|---|
| | with permissible development within the General Plan and the area in which the project is located. |

## PLANNING COMMISSION ACTION

| | |
|---|---|
| March 4, 2020 | Determination Date |
| _____ | Approved based on the following findings and subject to the conditions below. |
| _____ | Denied. |
| _____ | Other: |

| | |
|---|---|
| **EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:** | March 19, 2020 |
| **EXPIRATION DATE OF ANY PERMITS GRANTED:** | September 19, 2022 |
| **LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:** | 12 months |

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

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

## FINDINGS

### VARIANCE FINDINGS

1. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, mature trees, location, or surroundings, identification as a Historic Resource, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification.

   *Variance to Allow Reduced Setbacks*
   The reduced front and rear setbacks are consistent with the typical building alignments along the west-bound upsloping Ocean Park Boulevard. None of the four parcels along this portion of the ramp maintain a consistent front or rear setback. Designed as a new two-story residence with reduced front and rear yard setbacks the Variance would result in a reduced front setback of 7.5 feet that would still be greater than the existing non-conforming buildings to the West and East adjacent to the ramp.

*Front yard*
The proposed scope of work would include a reduced front yard setback for a partially enclosed entry porch and second floor bedroom, a reduced rear yard setback for an enclosed one-story bedroom detached from the primary living space and a one-story garage both situated within 5' of the rear parcel line. The subject property is one of four parcels within the study area and one of two parcels along the North Ocean Park Boulevard ramp with minimal front setback from the Public Right-of-Way due to the loss of lot area with the creation of the City's Ocean Park ramp(s). The existing front setback is 0.66 inches and the proposed front setback is 7.5 feet. Additionally, a 7.5 foot setback is greater than the existing 4.1 - 5 foot front yard existing at 417 Ocean Park Boulevard (the immediate neighbor located across the 4th Court Alley to the East) or 2525 4th Street's 3.5 - 4.9 foot side setback (the neighbor to the West).

*Rear Yard*
The existing rear setback is less than 4' and the request for a 5' garage setback and one-story bedroom is similar to the setback allowed for a detached accessory building at 5'. The project includes an enclosed two car garage built at-grade and a variance request for a reduced five-foot rear yard setback to accommodate the proposed one-story garage (requested Minor Modifications to amend the standard turn ratio, garage interior dimensions are discussed later in this report.) In order to include the enclosed garage, the unique development hardships include an upsloping and side to side sloping parcel with vehicle access from a dead-end substandard alley on a nonrectilinear, substandard 2,905 square foot parcel. None of the other 14 parcels within the study area are so constrained.

The amount of buildable site area directly correlates to the parcel square footage and the setbacks. The site has less than 3,000 square feet of parcel area– one of only three properties in the identified study area of this size. The parcel is nonrectilinear with four varying parcel dimensional lines; resulting in a parcel width and depth less than the 48.7' average width and 107' average depth of the 14 parcels within the study area. The site constraints including location, topography and size and setbacks.

Development of a substandard parcel fronting a one- way access ramp is an exceptional characteristic. An entirely new, code-compliant two-story residence with a subterranean basement and underground parking would typically be proposed if the lot were developed on a 50' x 100' parcel, the minimum parcel dimensions for the OP2 district. The request to modify the setbacks also allows for a relatively private outdoor courtyard space.

The building is designed in a "C" shape with a west facing courtyard which abuts higher elevated parcels to its East and North. This design provides the open space some protection from the west-bound Ocean Park ramp traffic and noise and some privacy from the taller three-story condominium building located adjacent to the

rear yard setback. The proposed building siting and orientation is a unique solution and allows a footprint for a new single-family residence on a less than 3,000 square foot parcel.

The majority of dwellings along the subject study area of contain parcel square footages that exceed to subject SF. As shown in the above chart, 10 of the 14 dwellings within the study area exceed 3,000 sf with an average parcel size of 5,523 SF. Additionally, 4 of the 14 properties within the study area have a parcel depth of 73 feet or less. When comparing the subject parcel's depth to a standard parcel depth of 100 feet, a compliant design with a 15-foot front and a 15-foot rear yard result in an average buildable parcel depth of 43 feet. A standard parcel with the required front and rear setbacks has a buildable parcel depth of 70 feet. Approval of the proposed front and rear yard setback Variances will allow the subject dwelling comparable development potential and result in the creation of a private protected open space with access to light and air and an enclosed garage similar to existing dwellings located within the study area.

*Variance to Allow Increased Parcel Coverage*

The subject property was developed in 1920 as a 935 square foot one-story house. In 1969 the City created a system of on- and off-ramps leading from Ocean Park Boulevard to 4th Street. The creation of these ramps reduced the subject parcel depth along the ramp. The subject parcel was further reduced in square footage and its parcel dimensions altered when it was legally separated from the parcel to the west, 2525 4th Street. The subject parcel is one of two parcels along the North Ocean Park Boulevard ramp that fronts on the ramp and has its side yard parallel to a dead-end substandard 15-foot wide alley that was created with the subdivision of the Hill Crest Tract in 1904.

In 1969 the Ocean Park Boulevard ramps were completed reducing the parcel size and some time before or after that the two adjacent parcels of 411 Ocean Park Boulevard and 2525 4th Street were subdivided. The result is a subject parcel of 2,905 square feet with no parcel dimension of equal length.

The proposed project would demolish the existing structure and build a new 2-story residence with an attached two-car garage, covered porch and storage utility basement. Two parking spaces currently exist on the property. The proposed project includes a garage containing a compact and standard size parking stall. The proposed residence is allowed a maximum 50% parcel coverage (1,452 sf). However, the 386 square foot garage, the covered 205.75 interior porch and the 70 front porch parcel coverage combined result in an additional 9.36% parcel coverage.

The subject parcel's front yard abuts the 7% upsloping Ocean Park ramp which prohibits parking. Due to the siting of the proposed structure with reduced setbacks and the unique dead-end substandard alley, parking is highly constrained and cannot feasibly be provided below grade due to the existing parcel depth and

prohibition of a curb cut along the Ocean Park Ramp. A new single unit dwelling is required to provide two standard parking spaces. The request for increased parcel coverage will provide enclosed private parking stalls in an area that has no on-street parking.

Increased parcel coverage is necessary to allow an enclosed garage. The design affords the owners private interior courtyard open space and a two-car coverage garage and creates parity with the properties in the general vicinity while allocating a building footprint that is least impactful. Therefore, this finding can be met.

2. The granting of such variance will not be detrimental nor injurious to the property or improvements in the general vicinity and district in which the property is located.

*Variance to Allow Reduced Setbacks*

The subject parcel is one of 14 parcels within the study area situated adjacent to or within close proximity to the Ocean Park Boulevard Ramp. The surrounding area is exclusively residential in its development, primarily with apartments and condominiums of one, two and three stories. Four of the 14 parcels are developed as Single Unit Dwellings (SUD's). All four of these parcels have less than 3,000 SF in area. There is a blend of densities, height and development pattern within the area. Common characteristics include substantially reduced front yards, rear yards and non-conforming side setbacks. This is particularly true of the parcels adjacent to the ramp where setbacks were purposefully reduced to enable the Ocean Park ramp development. Specifically, the subject property, 417 Ocean Park Boulevard ,420 and 424 Ocean Park Boulevard and 2606 5th Street have been reduced in parcel size, shortened in width or depth, and for all but one of these lots, a building remains with little to no front or side setbacks adjacent to the Public Right of Way.

There is little homogeneity that characterizes the Ocean Park Boulevard study area parcels. As shown in the charts documenting parcel size, shape, density and through visual reference, the parcels abutting the ramp are unique. The goal of the proposed development is to achieve parity with similar properties within the study area and include design features typical of a single unit development such as a porch, covered walkway or balconies and a two-car garage. The request for reduced setbacks will not be injurious to surrounding properties in that all existing setbacks will be increased with the subject property's redevelopment including, increased front and side yards, and a slightly increased 5' rear yard setback primarily for a one-story garage and small guest bedroom. The rear property line abuts the side property line of a three-story condominium building with a height 16' above the Average Natural Grade of the subject property. The existing carport is currently less than 5' from the rear property line, the front of the building is 0.66 feet from the Ocean Park Ramp, and the setback along the East side yard varies but is less than 4' and includes an enclosed area located on the property line. The

proposed 7.5' front yard setback is greater than the 4 – 5-foot existing setback of the Eastern neighbor located at 417 Ocean Park Boulevard These 2 properties, out of the 14 within the study area, are the only properties fronting the North Ocean Park Boulevard ramp that access parking via the 4th Court Alley.

Therefore, the proposed reduction of front and rear setbacks is similar to the pattern of existing development characteristics or alterations of properties within the study area where no consistent front yard setback exists. The subject property borders an upsloping ramp, an alley, a large multifamily residence and the rear yard of historic district parcel. The reduced setbacks have little to no-impact on the light, air, or developable potential of these properties. As such, this finding can be met as the proposed project would not be detrimental to the general vicinity and to the character of the potential district.

*Variance to Allow Increased Parcel Coverage*

The proposed project entails building a single unit dwelling with an attached two-car garage. The subject parcel does not enjoy access to street parking as do 9 of the 14 parcels within the study area. The request to provide covered enclosed on-site parking with the redevelopment of the site benefits the adjacent parcels since public parking is prohibited in the alley and on the ramp.

As for the irregularity of the parcel lines, lot size, prohibition of street parking and inclusion of a typical garage amenity afforded a single unit development, the 9.36% increase in parcel coverage does not negatively impact the two abutting parcels nor the parcel located East of the subject parcel at 417 Ocean Park Boulevard All three parcels have on-site parking. The SUD parcel coverage overage requested is comprised of 662 SF includes a two-car garage, a front porch with a floor above and a courtyard porch with a floor above. The front porch and floor above creates a focal entry visible from the Ocean Park Boulevard ramp where none exists today, the interior courtyard porch and floor above are substantially setback from the West side property line and below the level of the adjacent property while the increase foot print of the dwelling to the rear includes a single story garage and guest bedroom which are substantially lower in mass and scale than the adjacent three-story building to the north. If lot coverage were to limited to 50%, it is unlikely covered parking and design features typically of a single unit development such as a front and courtyard porch with a second floor extending over such projections would not be incorporated into the design and as it would result in a four sided box with the open space allocated to the front and rear. These substandard conditions created by Ocean Park Boulevard ramp pose a unique challenge for the subject property. Granting the requested Variance will allow redevelopment of the existing site increasing the setbacks from what is existing, thus the finding can be made, to allow a two-story development with a 9.36% parcel increase. Granting the requested Variance would not adversely affect the properties within the general vicinity the majority of which are characterized with little to no existing front, side or rear setback due to the Ocean Park Boulevard ramp realignment of existing buildings on lots where parcel area was reduced and replaced with City Public

Right-of-Way. Therefore, this finding can be met as the proposed project will not be detrimental to the general vicinity as no new impacts to the adjoining properties will be created.

3. The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.

*Variance to Allow Reduced Setbacks*
As stated above, the proposed scope of work includes a reduction of the required front and rear setbacks, that would render 30 linear feet of the average 72 feet in depth of the subject parcel unbuildable. Stated another way, 42% of the parcel depth would be excluded from design consideration when developing a new SUD. Compared with the minimum 50' x 100' parcel with similar front and rear setbacks, 30% of the parcel depth is excluded from development. The Variance request would permit a reduced front setback of 7.5 feet from the front property line located along the Ocean Park Boulevard ramp and the request to reduce the rear yard setback by 10 feet to 5 feet from rear property line

The subject property is one of 6 parcels within the 14-parcel study area where a rear parcel line abuts a side property line of the adjoining lot. Thus, the configuration of this lot does not conform to a typical front or rear setback allowance or a prevailing consistent setback, since the parcel orientation was adjusted and the dimensions of the parcel were reduced well below the minimum standard of 50' in width x 100' in depth with the Ocean Park ramp development. It is one of four parcels in the study area having a lot depth of 73' or less, and the only parcel of such depth to front the North Ocean Park Boulevard ramp.

The subject parcel's average buildable area of 32.6' in width by 42.57 feet depth is a substantial hardship. To require the standard setbacks on a parcel with no lot of equal length, have a buildable area with compliant setbacks of less than the allowable buildable area afforded the zone, and to have a rear yard setback abutting a three-story project which maintains a setback of 5' from the subject parcel constitutes substantial deprivation and unnecessary hardship for redevelopment of the property.

As the OP2 zone district does not consider reductions of setbacks due to substandard property dimensions or lot area, the case-by-case request for a Variance must exhibit undue burden for the developer to meet reasonable expectations. The request to reduce front and rear setbacks, permits 2,183 SF residence a maximum of two stories, and affords the developer the extension of buildable area along a substandard parcel depth allocating open space and a reduced footprint within the center of the parcel. The proposed "U" shaped design with reduced front and rear setbacks is the least impact to adjacent parcels. A Variance is required for the proposed reduce front and rear yard, which allows the

proposed design to swap open space from the south and north setbacks and insert private open space along a west facing courtyard.

The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships in that the City built an upsloping on-ramp to access 4th Street creating a substandard parcel with parcel lines of different dimensions and a parcel square footage of less than 3,000 SF. Additionally, only two of the 14 properties within the study area have a 15-foot front yard setback and one. of the properties have a 15-foot rear yard setback.

Given the development standards for substandard parcels do not differentiate from standard parcels, the redevelopment of the site is not afforded equal parity with other OP2 properties when considering the setbacks, lot coverage, or parking mandates. This constraint is a hardship when trying to design a residence that considers the mass and scale of the neighboring properties, as well as their orientation to the Ocean Park Boulevard ramp. In addition, the non-standard front, rear and side setbacks as a result of lost parcel area when the ramp was constructed present a further difficulty in creating a developable envelope.

*Variance to Allow Increased Parcel Coverage*

Until the recently, pursuant to SMMC Section 9.28.020(D)(1), if 50% or more additional square footage is added to a SUD at any one time, or the site is redeveloped, parking must be provided on site consistent with current Zoning Ordinance standards which include an enclosed two-car covered garage. With the parking design amendments that were passed with the R1 development standards update being effective on January 1, 2020, a new SUD is not required to build a garage but must have a dedicated parking area for two cars that meet the location, dimension, backup and ingress/egress standards. Upon development of a standard parcel, with little to no side to side or front to rear slope, with standard parcel dimensions and the ability to park on the street, the developer has the option to provide the required parking in an uncovered area or construct a conventional garage.

In this case, the applicant has chosen to include covered, secured two car parking and has worked to design an attached garage structure that requires approval of Minor Modifications to interior dimension and egress standards (these are supported by the Mobility Division). The proposed garage comprises 28% of the buildable first floor area. Strictly limiting the parcel coverage would result in a development without covered parking or a development where the garage comprises the majority of ground level space. These choices limit the amenities that typically are afforded most SUD's. Access to parking via a curb cut and street parking is prohibited on the Ocean Park Boulevard ramp. Parking access may only be taken from the 15' substandard dead end 4th Court Alley. The lack of parcel depth would generally preclude the design of a ramp leading to subterranean parking. Thus, the redevelopment of the parcel would necessitate unsecured

surface parking or a reduction in the buildable first and/or second floors of the dwelling. These choices represent an undue burden. The request for 9.36% increase in parcel coverage affords the subject parcel the ability to build an enclosed two car garage, provide a covered entry and interior courtyard porch, both with floor area above, thus providing additional square footage while maintaining two, four-foot side setbacks. The proposed ground floor of 1,090 SF, not including the front porch, courtyard side porch and attached garage, is 158 SF greater than the existing 932 SF dwelling. To not exceed the 50% parcel coverage threshold the existing SUD would only be allowed a maximum 1,391 SF first level living area, (buildable area with compliant setbacks) with no two-car garage. The allowable parcel coverage expressed as square footage is further limited by setbacks, property orientation, and side to side and front to rear slope. Therefore, the proposed redevelopment is providing two parking spaces at the ground level, within the proposed 1,751.75 SF first floor. If the Variance were not granted, the building features such as front porch and the interior courtyard side porch would have to be eliminated resulting in a four sided, two story box.

Accordingly, the maximum allowable 50% parcel coverage is a practical difficulty and unnecessary hardship for the subject property given its 2,905 SF parcel size and inability to meet the minimum buildable parcel area coverage (47% maximum) given the constraints of required setbacks. By granting the parcel coverage increase, the irregularly shaped parcel would be afforded parity with surrounding properties, replacing a carport with an enclosed garage thereby accommodating the project's parking demand on-site.

4. The granting of a variance will not be contrary to or in conflict with the general purposes and intent of this Ordinance, nor to the goals, objectives, and policies of the General Plan.

*Variance to Allow Reduced Setbacks*

The subject property is designated as Low Density Residential in the LUCE. The designation is designed to preserve and protect the existing character of the residential neighborhood through conservation, maintenance, and rehabilitation of existing housing structures and redevelopment of parcels consistent with Ocean Park zoning standards. Without reducing the required setbacks, the proposed development has a 43 foot buildable lot depth. In conformance with LUCE Goal N4.2, Design Compatibility, the granting of these three Variances would be consistent with the implementation of LUCE Policy N1.7, Protection, Preservation and Enhancement of residential neighborhoods, by allowing development of a SUD to be compatible in scale and character with the existing neighborhood. Additionally, the proposed redevelopment would be consistent with other structures within the neighborhood and therefore complies with LUCE Policy LU1.5, Design Compatibility, as it is in keeping with the existing scale, mass, and character of the area. In conformance with LUCE Goal LU13.2, Preserve Community Identity, the granting of the three Variances would afford the proposed structure amenities and features, which would create parity with similar properties

enhancing the unique character and identity of the Ocean Park District. The new SUD would also comply with LUCE Policy LU13.2 by maintaining, the existing neighborhood's distinctive character, design, and pattern of development that provide for a diversity of households.

*Variance to Allow Increased Parcel Coverage*
The subject property is designated as Low Density Residential in the LUCE. The designation is designed to preserve and protect the existing character of the residential neighborhood through conservation, maintenance, and rehabilitation of existing housing structures and redevelopment of parcels consistent with Ocean Park zoning standards. Without an increase in the allowable parcel coverage the subject site is permitted less than 50% parcel coverage, i.e. 1,391 SF, given the constraints of required setbacks. Additionally, the proposed redevelopment is providing two garage parking spaces at the ground level which is typical of a single family dwelling. In conformance with LUCE Goal N4.2, Design Compatibility, the granting of these three Variances would be consistent with the implementation of LUCE Policy N1.7, Protection, Preservation and Enhancement of residential neighborhoods, by allowing development of a SUD to be compatible in scale and character with the existing neighborhood. Additionally, the proposed redevelopment would be consistent with other structures within the neighborhood and therefore complies with LUCE Policy LU1.5, Design Compatibility, as it is in keeping with the existing scale, mass, and character of the area. In conformance with LUCE Goal LU13.2, Preserve Community Identity, the granting of the three Variances would afford the proposed structure amenities and features, which would create parity with similar properties enhancing the unique character and identity of the Ocean Park District. The new SUD would also comply with LUCE Policy LU13.2 by maintaining, the existing neighborhood's distinctive character, design, and pattern of development that provide for a diversity of households.

5. The variance would not impair the integrity and character of the district in which it is to be located.

*Variance to Allow Reduced Setbacks*
The granting of the requested Variance would not impair the integrity and character of the district in which is located in that the majority of properties within the study area are characterized with little to no existing front, side or rear setback due to the Ocean Park Boulevard ramp. This finding can be met as the proposed project will have greater setbacks than the two lots to the East and West of the subject site, and allow for a typical rear yard setback of 5' for a one-story garage and attached room.

*Variance to Allow Increased Parcel Coverage*
The existing development is a 932 SF, on-story dwelling and a detached car port, developed in 1920. The redevelopment of the parcel would not impair the integrity and character of the district in that the request for 9.36% additional parcel coverage includes a single unit dwelling designed with a front porch, interior porch and garage parking on a substandard 2,905 SF lot. A new single unit dwelling is required to provide two standard parking spaces. The request for increased parcel coverage will provide enclosed private parking stalls in an area that has no on-street parking. Additionally, the front and interior porch are typical features included in most new single unit dwellings.

6. The subject site is physically suitable for the proposed Variance

*Variance to Reduced Setbacks*
The subject site is already developed with residential development and is of adequate size to construct the proposed addition. With the approved Variance, Minor and Fence Wall Hedge Modification, the new single-unit dwelling will comply with all other development standards, such as number of stories, height, and side setbacks, of the district.

*Variance to Allow Increased Parcel Coverage*
The existing site has covered on-site parking which is included in the overall parcel coverage calculations. The proposed project will maintain the number of on-site parking stalls which will alleviate parking impacts.

7. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety

*Variance to Allow Reduced Setbacks*
The subject property is a legally created residential lot and developed with a single residential unit. The site is located within a neighborhood that is fully developed with other single- and multi-unit dwellings that is adequately served by existing infrastructure, public utilities, and services. The proposed project replaces an existing unit. Therefore, it is not anticipated that approval of the subject application will create a need for additional utilities or services.

*Variance to Allow Increased Parcel Coverage*
The subject property is a legally created residential lot and developed with a single residential unit. The site is located within a neighborhood that is fully developed with other single- and multi-unit dwellings that is adequately served by existing infrastructure, public utilities, and services. The proposed project replaces an existing unit. Therefore, it is not anticipated that approval of the subject application will create a need for additional utilities or services.

8. There will be adequate provisions for public access to serve the subject Variance proposal.

*Variance to Allow Reduced Setbacks*
4th Court Alley is a City Public Right-of-Way that has served the existing residence and would continue to serve the proposed project. There are no anticipated changes to the street or traffic volumes that would result from approval of the proposed request. The proposed project will maintain the existing number of parking spaces on the subject project; therefore, impacts from the subject property will not increase.

*Variance to Allow Increased Parcel Coverage*
4th Court Alley is a City Public Right-of-Way that has served the existing residence and would continue to serve the proposed project. There are no anticipated changes to the street or traffic volumes that would result from approval of the proposed request. The proposed project will maintain the existing number of parking spaces on the subject project; therefore, impacts from the subject property will not increase.

9. The strict application of the provisions of this Ordinance would result in unreasonable deprivation of the use or enjoyment of the property

*Variance to Allow Reduced Setbacks*
Similar to the subject dwelling, a number of properties along the subject study area West of 5th Street and East of 3rd Street have a front yard adjacent to the Ocean Park Boulevard ramps and are setback less than 15' from the front property line. As shown in Table 2, 3 of the 14 of these dwellings have a front yard, i.e. the narrowest lot dimension, fronting the Ocean Park Boulevard ramp North. Of these three, both 417 Ocean Park Boulevard and 2536 5th Street have parcel depths of at least 100' feet. The subject property depth is 73 feet. As shown in Table 3 of the staff report, of the 4 properties within the study have a parcel square footage of less than 3,000 SF. Without approval of the proposed variance for reduced setbacks, the subject property is penalized, and required to provide private open space at the front and rear yards that affords little privacy, adjacent to the Ocean Park Boulevard access ramp, and adjacent to the only three story apartment building within the vicinity. The reduced front and rear yard setbacks, would allow the same amenities as neighboring properties in the vicinity having greater development potential under today's code based upon the criteria of lot area, site orientation, irregular/ regular lot lines and limitations due to the site's proximity to the Ocean Park Boulevard ramps.

Without approval of reduced setbacks, the subject property is not able to achieve comparable square footage nor private open space and access to light and air like 10 of the 14 properties along the Ocean Park Boulevard ramps. If approved, the proposed project will total 2,949 SF, which is still within the size range of existing dwellings on the subject study area.

Therefore, without the reduced setback variance, the subject property is deprived of the same enjoyment as neighboring properties even though the proposed project is of similar size, height, and configuration.

*Variance to Allow Increased Parcel Coverage*
Pursuant to SMMC Section 9.28.070, Location of Parking, the development standards have been changed to differentiate parking standards based upon the site's district location. In this project, the OP2 district, the zone is defined as a Low Density Multifamily Residential District. If the site is redeveloped, parking must be provided on site, allowed within the front ½ of the lot, but must not encroach into the 15' front yard setback. For the subject SUD, two new parking spaces would be required.

As the existing 932 SF SUD was constructed in 1920, no parking was required or provided on site, but later a covered car port was added to the rear of the parcel. To require open, uncovered parking, deprives the owners the option afforded other SUD to choose covered or enclosed parking in an area where no street or alley parking is permitted. The 386 SF square foot garage represents 28% of the ground floor buildable (excluding setbacks) parcel coverage and accounts for the bulk of the request to exceed the 50% maximum parcel coverage. The redeveloped parcels located at 420 Ocean Park Boulevard and 2536 5th Street, both have been designed with a two-car enclosed garage.

Therefore, in order for the subject dwelling to be redeveloped to a comparable size, with comparable amenities to other dwellings within the study area, a variance to alleviate the requirement limiting parcel coverage to 50% of lot area is necessary to be approved.

## MINOR MODIFICATION FINDINGS

1. The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees in that the site has unique conditions which justify granting the minor modification. The site abuts an atypical dead-end alley and the Ocean Park Boulevard ramp, both of which prohibit on-site parking. The parking garage has been designed to accommodate one compact and one full size vehicle with reduced interior dimensions and modified turning radius for parking ingress/egress due to the alley's substandard fifteen feet in width. This condition requires more on-site back-up space than would typically be required on an alley abutting parcel. Granting a minor modification to the parking space dimensional requirements and turn radius mitigate this unique site condition and will allow the applicant to create usable parking spaces with sufficient backup for alley ingress and egress and will allow two on-site parking stalls as required by the California Coastal Commission.

2. The requested modification is consistent with the General Plan and any applicable area or specific plans. The requested modification is consistent with the provisions, purpose and goals of the General Plan in that the requested parking space dimensional modification creates garage parking spaces measuring 18'W x 18'D. While smaller than the standard interior parking space of 20' x 18', it provides adequate space for one compact and one full size vehicle. To accommodate the reduced turning radius the garage door has been widened by 8-inches...The requested dimensions are therefore adequate in size. The applicant has demonstrated a citywide tested alternative to the standard parking space dimensions and has the support of the Mobility Division for the requested Minor Modification. The proposed parking spaces are accessible and will provide two useable parking spaces on-site. Consistent with the Land Use and Circulation Element (LUCE) the requested modification will ensure adequate parking availability for development by addressing the unique space constrained site conditions.

3. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations. Granting the proposed minor modification will not adversely affect orderly development in this district. The number of parking spaces will be maintained, and the dimensional modification requested will not adversely affect usability of the parking stalls.

4. The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modification, including but not limited to, impacts on the privacy, sunlight, or air. The adjacent parcels will not be adversely impacted by the requested parking space dimensional modification. The site will maintain the required number of parking spaces and changes to the parking space dimensions will not affect site parking ingress/egress. Approval of the proposed modifications will not have any impacts on the privacy, sunlight or air of the adjacent parcels.

5. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working at the site. Granting the minor modification will not be detrimental to the health, safety, or general welfare of a person residing or working on the site. The requested parking space dimensional modification will maintain usable parking spaces that will not create unsafe conditions. The modified parking spaces will meet or exceed the City's compact and standard stall space dimensional standards, a tested alternative to the larger standard parking spaces for space constrained locations.

## FENCE, WALL, HEDGE HEIGHT MODIFICATION – FINDINGS

(a) The subject fence, wall, or hedge will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public rights-of-way, or safety concerns. The subject property currently maintains a retaining wall along the front and alley side setback that was constructed in 1969 with the creation of the Ocean Park Boulevard ramp. The existing front retaining wall extends to a height of 5' measured from the lower sidewalk grade. Between 5th Street and 3rd Street adjacent to the Ocean Park Boulevard ramp, all neighboring properties maintain a retaining wall of various heights. Maintaining the retaining wall's existing height, will provide separation between the subject site's front yard and the Ocean Park Boulevard ramp..

The 5' high fence parallel to the front property line and the 6' high hedge in front of a 7.5' foot high fence along the east side property line within the front yard setback will be compatible with other similar structures in the neighborhood and are required to mitigate impacts from the subject property's proximity to Ocean Park Boulevard. The property is located adjacent to the North Ocean Park Boulevard ramp and 4th Court Alley. The ramp is not a typical street and provides access from Ocean Park Boulevard to 4th Street. It carries higher volumes of traffic compared to other nearby residential streets because it functions as an access ramp. The retaining wall will provide a buffer from the Ocean Park Boulevard access ramp up to 4th street, and nearby adjacent uses for the subject single-unit dwelling. The retaining wall will also be compatible with other fences, walls, and hedges of varying heights in front yard setbacks in the immediate vicinity including properties located along the ramp which have existing retaining walls of various heights that were constructed by the City when the ramp was created. These properties contain walls, fences, or hedges that exceed the maximum permitted height of 42 inches within the required front yard setback created with the Ocean Park Boulevard access ramps. A portion of the retaining wall will be modified along the property's southeast corner adjacent to the 4th Court Alley to comply with the hazardous visual obstruction requirement.

(b) The granting of such modification will not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located. Maintaining the existing 5' retaining wall while modifying the southeast corner of the wall to mitigate visual obstructions will not result in any adverse impacts to the subject property or to the adjacent properties in the general vicinity. All 14 properties in the study area have existing retaining walls of various heights due to the creation of the Ocean Park Boulevard access ramps. Additionally, the subject parcel has a 3-foot side to side slope. The proposed project will maintain the existing retaining wall along front yard, modify the corner to comply with visual obstruction and safety concerns, while increasing the setback of the new house to 7.5 to provide some open space. Maintaining the existing retaining wall will provide separation between the subject site's front yard and Ocean Park Boulevard, consistent with other properties in the general vicinity.

(c) The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located. The subject site is one of 14 parcels adjacent to the Ocean Park Boulevard access ramps. All study area parcels have a retaining wall of varying heights, created in 1969 with the completion of the ramps. The access ramps act as connection thoroughfare between the East/West Ocean Park Boulevard corridor and the North/South 4th Street corridor. Due to their design which includes ample width, prohibition for on-site parking and limited obstacles such as alley intersections, the amount and speed of traffic is greater than a typical residential street.

Maintaining the existing 5' high retaining wall and modifying the wall in the southeast corner to alleviate visibility concerns, within the front yard setback are appropriate to help alleviate the impacts due to the subject site's location. At this height and the proposed 7.5' building setback, the front retaining wall will maintain a level of privacy and provide a landscaped area between the house and the public right-of-way. Further the retaining wall is similar to other fences, walls, and hedges in the front yard areas located in the immediate vicinity of the neighborhood included in the Ocean Park Boulevard study area.

## CONDITIONS OF APPROVAL

### Project Specific Conditions

**1.** The requested Variances are granted and include:

- A reduced front yard setback of 7.5';
- A reduced rear yard setback of 5'; and
- Increased parcel coverage of 59.36 %.

2. The requested Minor Modifications are granted and include:

- A reduction of the interior garage dimensions: reducing the two standard spaces to one standard and one compact; and
- A modification of the turning radius allowing the two cars to park side by side accessed from a substandard 15' wide alley.

3. The requested Fence, Wall Hedge Modifications are granted and include:
A modification to the existing front retaining wall portions of which will be rebuilt at 5' measured from the sidewalk grade; the retaining wall shall be modified at the southeast corner of the property to comply with the hazardous visual obstruction provision.

This approval applies only to modify the following development standards as shown on the plans dated December 12, 2018, and subject to any special conditions. Minor amendments to the plans shall be subject to approval by the Director.

**Administrative**

1. The Planning Commission's approval, conditions of approval, or denial of Variance 19ENT-0121, Fence Wall Hedge Modification 19ENT-0122 or Minor Modification 19ENT-0357 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 and a half years from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.

2. Pursuant to SMMC Section 9.37.110(D), if the Building Official determines that another building permit has been issued less than fifteen months prior to the date on which the building permit for this project has received all plan check approvals and none of the relevant exceptions specified in Sections 9.37.110(C) and (E) apply, the Building Official shall place the project on a waiting list in order of the date and time of day that the permit application received all plan check approvals, and the term of this approval and other City approvals or permits necessary to commence the project shall be automatically extended by the amount of time that a project remains on the waiting list. However, the permit shall also expire if the building permit expires, if final inspection is not completed or a Certificate of Occupancy is not issued within the time periods specified in SMMC Section 8.08.060. One 1-year extension may be permitted if approved by the Director of Planning. Applicant is on notice that time extensions shall not be granted if development standards or the development process relevant to the project have changed since project approval. Extension requests to a subdivision map must be approved by the Planning Commission.

3. 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.

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. 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.

6. 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.

7. 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**

8. Applicant shall defend, indemnify, and hold harmless the City and its boards, commissions, agents, officers, and employees (collectively, "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referenced as "Claims") against the City to attack, set aside, void, or annul, the approval of this Variance concerning the Applicant's proposed project, or any Claims brought against the City due to the acts or omissions in any connected to the Applicant's project. City shall promptly notify the applicant of any Claim and shall cooperate fully in the defense. Nothing contained in this paragraph prohibits the City from participating in the defense of any Claims, if both of the following occur:

   (1) The City bears its own attorney's fees and costs.
   (2) The City defends the action in good faith.

   Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

   In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of any approvals granted for the Project, or is commenced for any other reason against the City for the act or omissions relating to the Applicant's project, within fourteen (14) days following notice of such action from the City, the Applicant shall file with the City a performance bond or irrevocable letter of credit, or other form of security satisfactory to the City ("the Security") in a form satisfactory to the City, and in the amount of $100,000 to ensure applicant's performance of its defense, indemnity and hold harmless obligations to City. The Security amount shall not limit the Applicant's obligations to the City hereunder. The failure of the Applicant to provide the Security shall be deemed an express acknowledgment and agreement by the Applicant that the City shall have the

authority and right, without consent of the Applicant, to revoke the approvals granted hereunder.

**Conformance with Approved Plans**

9. This approval is for those plans dated October 16, 2019, 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.

10. 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.

11. 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**

12. As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city fee schedule.

**Cultural Resources**

13. 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.

14. If any archaeological remains are uncovered during excavation or construction, work in the affected area shall be suspended and a recognized specialist shall be contacted to conduct a survey of the affected area at project's owner's expense.

A determination shall then be made by the Director of Planning to determine the significance of the survey findings and appropriate actions and requirements, if any, to address such findings.

**Final Design**

15. Plans for final design, landscaping, screening, trash enclosures, and signage shall be subject to review and approval by the Architectural Review Board.

16. 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.

17. 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.

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. As appropriate, the Architectural Review Board shall require the use of anti-graffiti materials on surfaces likely to attract graffiti.

**Construction Plan Requirements**

20. During demolition, excavation, and construction, this project shall comply with SCAQMD Rule 403 to minimize fugitive dust and associated particulate emission, including but not limited to the following:

    - All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least three times daily with complete coverage, preferably at the start of the day, in the late morning, and after work is done for the day.
    - All grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph measured as instantaneous wind gusts) so as to prevent excessive amounts of dust.

- All material transported on and off-site shall be securely covered to prevent excessive amounts of dust.
- Soils stockpiles shall be covered.
- Onsite vehicle speeds shall be limited to 15 mph.
- Wheel washers shall be installed where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
- An appointed construction relations officer shall act as a community liaison concerning onsite construction activity including resolution of issues related to $PM_{10}$ 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.

21. 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.

**Construction Period**

22. 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.

23. 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.

24. 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.

25. 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.

26. 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**

27. 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.

28. No fence, gate, or wall within the required front yard setback, inclusive of any subterranean garage slab and fencing, gate, or railing on top thereof, shall exceed a height of 42" above actual grade of the property unless authorized through a Fence, Hedge and Wall Modification.

29. 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.

30. 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.

31. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

**PUBLIC LANDSCAPE**

32. 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.

33. 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.

34. 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**

35. 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.

36. 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**

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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**

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. All existing sanitary sewer "house connections" to be abandoned, shall be removed and capped at the "Y" connections.

51. The fire services and domestic services 3-inches or greater must be above ground, on the applicant's site, readily accessible for testing.

52. 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.

53. 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**

54. 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.

55. 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**

56. 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.

57. 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.

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

59. 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.

60. 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**

61. 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

62. 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.

63. 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.

64. 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**

65. 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.

66. Contact Resource Recovery and Recycling RRR division to obtain dimensions of the refuse recycling enclosure.

67. 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.

68. 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**

69. 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.

**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.**

_____ _____
Leslie Lambert, 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 9.37.030(E) 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 9.37.050, notice of the public hearing was mailed to all owners and residential and commercial tenants of property located within a 750-foot radius of the project and published in the *Santa Monica Daily Press* at least ten consecutive calendar days prior to the hearing.

On January 6, 2020, the applicant was notified by phone and in writing of the subject hearing date.

**The applicant provided the following information regarding attempts to contact area property owners, residents, and recognized neighborhood associations:**

| | |
|---|---|
| Adjacent Neighbors | No contact information provided |
| Community Meetings | No contact information provided |
| Other: | No contact information provided |

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

**SUBJECT:** 19ENT-0121, 19ENT-0122, 19ENT-0357 (Variance, Minor Mod. Fence Wall Hedge Mod.)
**411 Ocean Park Boulevard**
APPLICANT: Jean-Paul Buchanan
PROPERTY OWNER: Jean-Paul Buchanan

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

Approval of Variances to allow for construction of a new Single Unit Dwelling with reduced front and rear setbacks and increased parcel coverage. The request also includes a Minor Modification to reduce the interior parking requirement to 18' x18' with a modified turning radius and a Fence Wall Hedge Modification to retain an existing 5' front retaining wall. The subject property is located in the Ocean Park Low Density Residential (OP2) zoning district. Pursuant to Santa Monica Municipal Code Section 9.42.020, Variances may be granted with respect to development standards upon the discretion of the Planning Commission. Additionally, pursuant to Santa Monica Municipal Code Sections 9.43.090 and 9.43.080(B), Minor Modifications and a Fence, Wall, Hedge Modification may be granted in conjunction with the Variance request upon the discretion of the Planning Commission.

**DATE/TIME:** **WEDNESDAY, MARCH 4, 2020 AT 7:00 P.M.**

LOCATION: Ken Edwards Center
1527 4th 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: Regina Szilak, Associate Planner
Re: 19ENT-0121, 19ENT-0122 & 19ENT-0357
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 and plans, please contact Gina Szilak at (310) 458-8341, or by e-mail at regina.szilak@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. All written materials are available in alternate format upon request. Santa Monica "Big Blue" Bus Lines #1, #2, #3, Rapid 3, #7, #8, #9, #10R, and #18 service City Hall and the Civic Center area. The Expo Line terminus is at Colorado Avenue and Fourth Street, a short walk to City Hall. Public parking is available in front of City Hall, on Olympic Drive and in the Civic Center Parking Structure (validation free).

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 applicaciónes 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:

_____
Jing Yeo, AICP
Planning Manager

# ATTACHMENT D

## Project Plans

*411 Ocean Park Boulevard*