

**ATTACHMENT B  
DRAFT STATEMENT OF OFFICIAL ACTION**



City of Santa Monica  
City Planning Division

**PLANNING COMMISSION  
STATEMENT OF OFFICIAL ACTION**

**PROJECT INFORMATION**

**CASE NUMBER:** 20ENT-0050 (Appeal)

**LOCATION:** 1012 ½ Euclid Street

**APPLICANT:** Corrina Knight, Incorporated

**PROPERTY OWNER:** Corinna Knight

**CASE PLANNER:** Michael Rocque, Associate Planner

**REQUEST:** The applicant requests Major Modifications to allow for a 20 percent (4') reduction of the required front setback from 20' to 16' and a 20 percent (3') reduction of the required rear setback from 15' to 12'. The applicant also requests Minor Modifications to both the maximum parcel coverage limitation and the north interior side yard setback requirement. The applicant requests an increase to the overall ground floor parcel coverage of 45% for a proposed ground floor parcel coverage of 46.3% and to allow a 10 percent (6") reduction of the required north interior side setback located in the rear half of the parcel from 4'-6" to 4'-0". The subject property is located in the Multi-Unit Residential (R2) zoning district. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.43.030(B)(1), the applicant may request a Major Modification of up to 20 percent or 5', whichever is less, of the required front and rear setback standards.

CEQA STATUS:	<p>Additionally, SMMC Section 9.43.020(B)(3) allows an applicant to request a Minor Modification of up to 5 percent of the maximum allowable parcel coverage, and SMMC Section 9.43.020(B)(1) allows a Minor Modification up to 10 percent of the required side setback.</p> <p>Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the State Implementation Guidelines, in that the project involves the new construction of a single-family residence in a residential zone.</p>
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**PLANNING COMMISSION ACTION**

October 21, 2020	Determination Date
	<u>Appeal granted.</u> 19ENT-0298 (Major Modification) and 19ENT-0299 (Minor Modification) is denied.
X	Appeal denied; based on the following findings and subject to the conditions below. 19ENT-0298 (Major Modification) and 19ENT-0299 (Minor Modification) is approved.
	Other:

<b>EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:</b>	Planning Commission Decision is Final November 6, 2020
<b>EXPIRATION DATE OF ANY PERMITS GRANTED:</b>	November 6, 2024 (2 years pursuant to SMMC Section 9.37.090 + 2 years pursuant to the Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on May 29, 2020)
<b>LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:</b>	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.

### **MAJOR MODIFICATION – FINDINGS**

- (a) The requested modifications are consistent with the General Plan and any applicable area or specific plan.

*Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"*

Specifically, Santa Monica Municipal Code (SMMC) Section 9.43.030(B)(1) allows for a modification to the front setback of up to 20 percent or five feet, whichever is less. SMMC Section 9.08.030 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the Low Density Residential (R2) zone district. The requested reduction of the front setback is consistent with LUCE Policy N9.5 (Protection of existing single-family properties) which encourages modifying development standards to protect and retain the existing single and multi-unit properties in the Wilshire-Montana neighborhood.

*Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0"*

SMMC Section 9.43.030(B)(1) allows for a modification to the rear setback of up to 20 percent or five feet, whichever is less. SMMC Section 9.08.030 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the Low Density Residential (R2) zone district. The requested reduction of the rear setback is consistent with LUCE Policy N9.5 (Protection of existing single-family properties) which encourages modifying development standards to protect and retain the existing single and multi-unit properties in the Wilshire-Montana neighborhood.

- (b) The project as modified meets the intent and purpose of the applicable zone district.

*Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"*

The project meets the intent and purpose of the front setback requirements. In the R2 District, the minimum required front yard setback is 20'-0". The applicant proposes a front yard setback of 16'-0". The subject parcel is irregularly located adjacent to an alley and without any street frontage. Therefore, the front of the subject parcel is oriented towards the alley as opposed to the other parcels in the area where the rear of the parcels are oriented towards the alley. The 20 percent

reduction to the required setback is justified by the substandard 47'-0" lot depth where the majority of parcels in the area have depths of approximately 150'-0". Since the subject parcel does not have rear alley access, the buildable area is further reduced in comparison to standard-sized properties elsewhere in the City where the rear setback is measured from the centerline of an alley. Specifically, on a typical 150'-0" long property with rear alley access, the length of the buildable area (lot length minus 20'-0" front setback and rear 15'-0" setback measured from the alley centerline) would be 115'-0". In this case, the subject property is 47'-0" in length and does not have rear alley access. Therefore, the length of the buildable area is limited to 12'-0" and results in a significantly smaller, uninhabitable buildable area. The proposed 20 percent reduction from 20'-0" to 16'-0" of the front setback respectively for the second floor and mezzanine level of the single-unit dwelling provides for a deeper buildable area and meets the intent and purpose of the Zoning Ordinance and will still provide sufficient light, air, and ventilation onto the subject and adjacent properties.

*Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0"*

The project meets the intent and purpose of the rear setback requirement. In the R2 District, the minimum required rear yard setback is 15'-0". The applicant proposes a rear yard setback of 12'-0". The subject parcel is irregularly located adjacent to an alley and without any street frontage. Therefore, the rear of the subject parcel is adjacent to another residential parcel as opposed to the other parcels in the area where the rear of the parcels are adjacent to an alley. The 20 percent reduction to the required setback is justified by the substandard 47'-0" lot depth where the majority of parcels in the area have depths of approximately 150'-0". Since the subject parcel does not have rear alley access, the buildable area is further reduced in comparison to standard-sized properties elsewhere in the City where the rear setback is measured from the centerline of an alley. Specifically, on a typical 150'-0" long property with rear alley access, the length of the buildable area (lot length minus 20'-0" front setback and rear 15'-0" setback measured from the alley centerline) would be 115'-0". In this case, the subject property is 47'-0" in length and does not have rear alley access. Therefore, the length of the buildable area is limited to 12'-0" and results in a significantly smaller, uninhabitable buildable area. The proposed 20 percent reduction from 15'-0" to 12'-0" of the rear setback respectively for the second floor and mezzanine level of the single-unit dwelling provides for a deeper buildable area and meets the intent and purpose of the Zoning Ordinance and will still provide sufficient light, air, and ventilation onto the subject and adjacent properties.

- (c) The approval of the requested modifications will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or result in a change in land use or density that would be inconsistent with the requirements of the Zoning Code.

*Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"*

The existing single-unit dwelling will remain, and the requested modification to the minimum front setback requirement will not be detrimental to the persons residing on site in that the front setback will be 16'-0" on the second floor and mezzanine level which is significantly more than the existing first story nonconforming setbacks of the existing first floor of 4'-7" at the front yard. Further, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards, between 5'-0" and 5'-3", than the minimum required 4'-6". The requested modification will allow first and second-story additions to an existing structure in a neighborhood comprised mostly of multi-story structures.

*Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0"*

The existing single-unit dwelling will remain, and the requested modification to the minimum rear setback requirement will not be detrimental to the persons residing on site in that the rear setback will be 12'-0" on the second floor and mezzanine level, and with the existing mature trees along the rear parcel line, this will provide an adequate buffer from the adjacent parcel to the east and immediate surrounding properties. Further, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards, between 5'-0" and 5'-3", than the required 4'-6". The requested modification will allow first and second-story additions to an existing structure in a neighborhood comprised mostly of multi-story structures.

- (d) The approval of the requested modification is justified by environmental features, site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees.

*Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"*

The subject parcel is required to provide a minimum 20'-0" front yard setback and a 15'-0" rear yard setback. As the parcel is only 47'-0" feet in depth, this would result in a buildable depth between the front and rear yard of only 12'-0". In comparison, other properties on the street have depths of approximately 150'-0" and have buildable depths of 115'-0" between the front and rear setbacks. The maximum allowable parcel coverage for a property in the R2 District is 45 percent on the ground floor and 90 percent of the allowable ground floor parcel coverage on the second floor. The reduced front yard setback will allow for additional parcel coverage and more livable floor area in the subject building. Moreover, the existing one-story single unit dwelling is set back 4'-7" at the front yard. The proposed

second floor and mezzanine level will have a greater front yard setback of 16'-0" at the front, respectively.

*Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0"*

The subject parcel is required to provide a minimum a 15'-0" rear yard setback. As the parcel is only 47'-0" feet in depth, this would result in a buildable depth between the front and rear yard of only 12'-0". In comparison, other properties on the street have depths of approximately 150'-0" and have buildable depths of 115'-0" between the front and rear setbacks. The maximum allowable parcel coverage for a property in the R2 District is 45 percent on the ground floor and 90 percent of the allowable ground floor parcel coverage on the second floor. The reduced rear yard setback will allow for additional parcel coverage and more livable floor area in the subject building. The proposed second floor and mezzanine level will have a rear yard setback of 12'-0" at the rear and with the existing mature trees along the rear parcel line, this will provide an adequate buffer from the adjacent parcel to the east and immediate surrounding properties, respectively.

- (e) The proposed design meets the Design Objectives of the Santa Monica Design Guidelines.

*Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"*

Per Santa Monica Municipal Code Section 9.55.170 the proposed single-family structure design is exempt from review by the Architectural Review Board; however, it will be reviewed to ensure it meets the Design Objectives of the Santa Monica Design Guidelines.

*Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0"*

Per Santa Monica Municipal Code Section 9.55.170 the proposed single-family structure design is exempt from review by the Architectural Review Board; however, it will be reviewed to ensure it meets the Design Objectives of the Santa Monica Design Guidelines

- (f) The proposed project will not significantly affect the properties in the immediate neighborhood as a result of approval or conditional approval of the major modification or be incompatible with the neighborhood character.

*Major Modification to allow a 20 percent (4'-0") reduction of the required front setback from 20'-0" to 16'-0"*

The required front setback is intended to provide light, air, and ventilation between dwelling units on adjacent properties. The subject parcel is uniquely oriented where the front of parcel is located adjacent to the alley and not a street, and the modified front setback will be greater than the prevailing rear setbacks of buildings

and garages along the alley. With the Major Modification, the subject residence will be set back 16'-0" at the front property line on the second floor and mezzanine level which is greater than the nonconforming 4'-6" front yard setback of the existing single-story single unit dwelling. Additionally, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards between 5'-0" and 5'-6" than the minimum required 4'-6". The requested modification will allow first and second-story additions to an existing one-story structure in a neighborhood comprised mostly of multi-story structures. Of the 26 properties within the subject block along Euclid and 12<sup>th</sup> Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12<sup>th</sup> Court) at the rear, 16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story. Further, the 20 properties that have structures along the alley provide an average setback of 4'-5' from the rear property line. Due to the unique condition of the subject parcel only having alley access, the prevailing rear parcel line along the alley is considered the front parcel line for the subject site in this case. The existing first floor setback from the alley will be maintained and will be consistent with prevailing setbacks along the alley while the proposed second story and mezzanine level will be set back 16' from the front property line.

Without the addition of the second-story and mezzanine levels, the existing structure is not able to expand closer to the average building size of 6,500 SF along the subject block of both Euclid and 12<sup>th</sup> Streets. Without approval of the subject modification, the subject property is also not able to provide two complete, functional stories above grade with full access to light and air similar to 16 of the 26 properties along both Euclid and 12<sup>th</sup> Streets. With the subject modification, the proposed project will total 935 SF which is well under the average 6,500 SF size of existing buildings on the subject block and will not significantly affect the properties in the immediate neighborhood or be incompatible with the neighborhood character.

*Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0"*

The required rear setback is intended to provide light, air, and ventilation between dwelling units on adjacent properties. With the Major Modification, the subject residence will be set back 12'-0" at the rear property line on the second-story and mezzanine levels and, with the existing mature trees along the rear parcel line, will still provide an adequate buffer from the adjacent parcel to the east. Further, the proposed additions on both the first, second, and mezzanine levels are located in the center of the buildable envelope and provide greater setbacks on both interior side yards, between 5'-0" and 5'-6", than the minimum required 4'-6". The requested modification will allow first and second-story additions to an existing one-story structure in a neighborhood comprised mostly of multi-story structures. Of the 26 properties within the subject block along both Euclid and 12<sup>th</sup> Streets between

Washington Avenue and California Avenue, 20 parcels directly face the alley (12<sup>th</sup> Court) at the rear, 16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story. The proposed 12'-0" setback at the rear of the site will not significantly affect the properties in the immediate neighborhood. Specifically, for the properties immediately adjacent to the subject parcel located at 1012 Euclid (east), 1008 Euclid (north) and 1018 Euclid (south), the proposed addition will provide the following approximate setbacks to existing structures:

- 1012 Euclid - 42'-0"
- 1008 Euclid - 52'-0" from building located at front of parcel and 9'-6" from building located at the rear
- 1018 Euclid - 28'-0"

These setbacks appear to provide ample distance between the neighboring structures. Without the addition of a second-story and mezzanine levels, the existing structure is not able to expand closer to the average building size of 6,500 SF along the subject block of both Euclid and 12<sup>th</sup> Streets. Without approval of the subject modification, the subject property is also not able to provide two complete, functional stories above grade with full access to light and air similar to 16 of the 26 properties along both Euclid and 12<sup>th</sup> Streets. With the subject modification, the proposed project will total 935 SF which is well under the average 6,500 SF size of existing buildings on the subject block and will not significantly affect the properties in the immediate neighborhood or be incompatible with the neighborhood character.

### **MINOR MODIFICATION – FINDINGS**

- (a) The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees.

*Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"*

Specifically, in the R2 District, the minimum required side setback is 16 percent of the 28'-0" wide property, which is 4'-6". Although the subject property is required to provide a minimum 4'-6" side yard setback, the parcel is a substandard parcel in overall size and is only 1,316 square feet in area compared to the average 7,500 square-foot lot area of standard sized parcels in the area. The requested 10 percent reduction of the north interior side yard setback from 4'-6" to 4'-0" allows for the single unit dwelling to comply with the R2 Special Design and Development Standards, SMMC Section 9.08.030(E)(5), which requires an additional 2-foot average side yard setback from the minimum requirement to be provided at each story. Respectively, the proposed second story and mezzanine levels will still

provide at the north interior side yard a 5'-3" setback and at the south interior side yard a 5'-0" setback which are greater than the minimum required 4'-6" side yard setback. The proposed 10 percent reduction for the single unit dwelling is justified by the site conditions and allows for the project to meet the additional 2-foot average side yard setback requirement.

*Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent*

The parcel is 28'-0" in width and 47'-0" in depth in comparison to other properties on the street that are typically 50'-0" feet in width and 150' in depth resulting in a buildable area of 228 square feet for the subject parcel compared to an average buildable area of 3,910 square feet on standard sized parcels in the area. The buildable area of the subject property only allows for a parcel coverage of 17 percent due to the substandard-sized parcel. The maximum allowable parcel coverage for a property in the R2 District is 45 percent on the ground floor and 90 percent of the allowable ground floor parcel coverage on the second floor. The applicant proposes an increase in the overall ground floor parcel coverage from 45 percent to 46.3 percent to allow for a modest addition of floor area on both the first and second floors which provides the applicant additional living space on a substandard size lot and also flexibility in design concept. The proposed parcel coverage is 46.3 percent (609 square feet) on the first floor and 45 percent (274 square feet) of the allowed first floor parcel coverage on the second floor and mezzanine level which is well under the allowable 90 percent second floor allowable parcel coverage.

- (b) The requested modifications are consistent with the General Plan and any applicable area or specific plan.

*Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"*

Specifically, SMMC Section 9.43.020(B)(1) allows for a modification to setbacks up to 10 percent. SMMC Section 9.08.020 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the R2 zone district. The requested modification to the north interior side yard setback dimensional standard is justified by the substandard parcel size area in comparison to other properties in the neighborhood. The requested minor modification is consistent with the Land Use and Circulation Element (LUCE) Policy LU1.5 (Design Compatibility) which requires that new infill development be compatible with the existing scale, mass, and character of the residential neighborhood. The proposed two-story residence will be two stories and 30'-0" feet in overall height which complies with the development standards in the R2 zone district and is reflective of the neighborhood with existing homes of similar size and style. Of the 26 properties within the subject block along Euclid and 12<sup>th</sup> Streets

between Washington Avenue and California Avenue, 20 parcels directly face the alley (12<sup>th</sup> Court) at the rear, 16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story with the two or more visible stories having an average building height of approximately 28'-6" feet. Respectively, the neighboring property to the north at 1008 Euclid has a two story structure that is approximately 23'-0" feet high at the rear of the site adjacent to 12<sup>th</sup> Court (alley), and the neighboring property to the south at 1018 Euclid is approximately 31'-0" feet high, while immediately west of the subject site at both 1013 and 1021 12<sup>th</sup> Street both have structures are approximately 24'-0" feet and 32'-0" feet high. Through appropriate siting, design, mass, and scale, the proposed project is also consistent with LUCE Policy LU13.2 for Neighborhoods in that the remodeled single-unit dwelling helps maintain and enhance the existing neighborhood by helping retain its distinctive character while adding diverse housing and quality design.

*Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent*

Specifically, SMMC Section 9.43.020(B)(3) allows for an increase in parcel coverage up to 5 percent of the maximum amount. SMMC Section 9.08.020 serves to implement the goals and policies of the General Plan related to the building form and location. The proposed project involves a single-unit dwelling that, except as established by the requested modifications, will comply with applicable development standards in the R2 zone district. The requested modification to an increase in parcel coverage is justified by the substandard parcel size area in comparison to other properties in the neighborhood. The requested minor modifications are consistent with the Land Use and Circulation Element (LUCE) Policy LU1.5 (Design Compatibility) which requires that new infill development be compatible with the existing scale, mass, and character of the residential neighborhood. The proposed two-story residence will be two stories and 30'-0" feet in overall height which complies with the development standards in the R2 zone district and is reflective of the neighborhood with existing homes of similar size and style. Of the 26 properties within the subject block along Euclid and 12<sup>th</sup> Streets between Washington Avenue and California Avenue, 20 parcels directly face the alley (12<sup>th</sup> Court) at the rear, 16 of which contain structures with two or more visible stories, with the remaining four parcels containing structures showing one visible story with the two or more visible stories having an average building height of approximately 28'-6" feet. Respectively, the neighboring property to the north at 1008 Euclid has a two story structure that is approximately 23'-0" feet high at the rear of the site adjacent to 12<sup>th</sup> Court (alley), and the neighboring property to the south at 1018 Euclid is approximately 31'-0" feet high, while immediately west of the subject site at both 1013 and 1021 12<sup>th</sup> Street both have structures are approximately 24'-0" feet and 32'-0" feet high. Through appropriate siting, design, mass, and scale, the proposed project is also consistent with LUCE Policy LU13.2 for Neighborhoods in that the remodeled single-unit dwelling helps maintain and

enhance the existing neighborhood by helping retain its distinctive character while adding diverse housing and quality design

- (c) The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations.

*Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"*

The R2 District is intended to provide areas for a variety of low-density housing types, which includes single-unit housing. Standard depth properties on Euclid Street are 150 feet in length and 50 feet in width (lot size: 7,500 square feet) with a maximum allowable 45 percent parcel coverage on the ground floor and 90 percent of the allowable first floor parcel coverage on the second floor. The subject property is 1,316 square feet in area with a substandard depth of 47' and width of 28'. The requested 10 percent reduction on the north interior side yard setback from 4'-6" to 4'-0" allows for the single unit dwelling to comply with the R2 Special Design and Development Standards, SMMC Section 9.08.030(E)(5), which requires an additional 2-foot average side yard setback from the minimum requirement to be provided at each story. Respectively, the proposed second story and mezzanine levels will still provide a 5'-3" setback at the north interior side yard and a 5'-0" setback at the south interior side yard which are greater than the minimum required 4'-6" side yard setback.

*Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent*

The proposed parcel coverage is 46.3 percent (609 square feet) on the first floor and 45 percent (274 square feet) of the allowable first floor parcel coverage on the second floor and mezzanine level which is well under the allowable 90 percent second floor allowable parcel coverage. This allows for a modest addition of floor area on both the first and second floors which provides the applicant additional living space on a substandard size parcel.

- (d) The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modifications, including but not limited to, impacts on privacy, sunlight, or air.

*Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"*

The overall project involves a remodel and addition to an existing single-story, single-unit dwelling. Per SMMC Section 9.08.030 the allowable by-right building height for an R2 property is 30'-0" and two stories. In order to comply with the R2 Special Design and Development Standards, SMMC Section 9.08.030(E)(5), which requires an additional 2-foot average side yard setback from the minimum requirement to be provided at each story, a 10 percent reduction in the northern

interior side yard setback is required in order to allow for the addition of the second floor and mezzanine level. This reduced dimension will still ensure that adequate light, air, and privacy will be provided between the dwelling units on the subject and adjacent properties. The proposed second story and mezzanine levels will still provide a 5'-3" setback at the north interior side yard which is greater than the minimum required 4'-6" side yard setback and also greater than the existing 3'-7" setback for the existing building. Further, for the properties immediately adjacent to the subject parcel along both interior side yards located at 1008 Euclid Street (north) and 1018 Euclid Street (south), the proposed addition will provide the following approximate setbacks to existing structures:

- 1008 Euclid - 52'-0" from building located at front of parcel and 9'-6" from building located at the rear
- 1018 Euclid - 28'-0"

An existing one-story garage is located adjacent to the south of the subject parcel. Additionally, existing mature trees and open space at the rear of the site will buffer the project from the adjacent parcel to the east at 1012 Euclid Street.

*Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent*

The modest increase in parcel coverage on the ground floor will allow additional floor area on both the first and second stories which provides the applicant additional living space on a substandard size lot and also flexibility in design concept to ensure that adequate light, air, and privacy will be provided between the dwelling units on the subject and adjacent properties. Without the requested modifications the subject parcel would not be able to build a functional addition since the allowed buildable area of the subject substandard size parcel is restricted to 228 square feet compared to an average buildable area of 3,910 square feet on standard sized parcels in the area. The buildable area of the subject property only allows for a parcel coverage of 17 percent due to its substandard size. The additional ground floor parcel coverage will not result in a reduced side yard setback between the subject building and the existing building adjacent to the north. The proposed second story and mezzanine levels will still provide a 5'-3" setback at the north interior side yard which is greater than the minimum required 4'-6" side yard setback and also greater than the existing 3'-7" setback for the existing building. An existing one-story garage is located adjacent to the south of the subject parcel. Additionally, the mature trees and open space at the rear of the site will buffer the project from the adjacent parcel to the east.

- (e) The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site.

*Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0"*

The approval of a 10 percent setback modification into the interior side yard setback will allow for the retention and addition to an existing single-unit dwelling.

*Minor Modification to allow an increase in the ground floor parcel coverage from 45 percent to 46.3 percent*

The approval of a 1.3 percent increase in the overall ground floor parcel coverage will allow for the retention and addition to an existing single-unit dwelling.

## **CONDITIONS OF APPROVAL**

### **Project Specific Conditions**

1. This approval applies only to the request to permit the following Modifications as shown on the plans dated August 8, 2019, and subject to any special conditions:
  - Major Modification to allow a 20 percent (4') reduction of the required front setback from 20'-0" to 16'-0";
  - Major Modification to allow a 20 percent (3'-0") reduction of the required rear setback from 15'-0" to 12'-0";
  - Minor Modification to allow a 10 percent reduction of the required northern interior side yard setback dimension from 4'-6" to 4'-0";
  - Minor Modification to allow a 1.3 percent increase in the ground floor parcel coverage from 45 percent to 46.3 percent.

Minor amendments to the plans shall be subject to approval by the Director

### **Administrative**

2. The Planning Commission's approval, conditions of approval, or denial of Major Modification Variance 19ENT-0298 or Minor Modification 19ENT-0299 is final and may not be appealed to the City Council. The approval of this permit shall expire if the rights granted are not exercised within two years from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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**

9. 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**

10. This approval is for those plans dated October 12, 2020, 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.
11. 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.
12. 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**

13. 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**

14. 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.
15. 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.

## **Construction Plan Requirements**

16. 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<sub>10</sub> 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.
17. 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**

18. 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.
19. 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.
20. 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.
21. 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.

22. 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**

23. 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.
24. 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.
25. 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.
26. 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.
27. The property owner shall insure any graffiti on the site is promptly removed through compliance with the City's graffiti removal program.

### **OFFICE OF SUSTAINABILITY AND THE ENVIRONMENT**

28. 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.
29. 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**

30. 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.

31. 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.
32. 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.
33. 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.

34. 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.
35. 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**

36. 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.
37. 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.
38. 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.
39. 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.

40. 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.
41. 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.
42. 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.
43. All existing sanitary sewer "house connections" to be abandoned, shall be removed and capped at the "Y" connections.
44. The fire services and domestic services 3-inches or greater must be above ground, on the applicant's site, readily accessible for testing.
45. 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.
46. 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.

### **Public Streets & Rights-of-Way**

47. 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.

48. 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.
49. Unless otherwise approved by the PWD, all sidewalks shall be kept clear and passable during the grading and construction phase of the project.
50. 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.
51. 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**

52. 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

- 53. 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.
- 54. 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.
- 55. 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.

**VOTE**

Ayes:  
Nays:  
Abstain:  
Absent:

**NOTICE**

If this is a final decision not subject to further appeal under the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, the time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which provision has been adopted by the City pursuant to Municipal Code Section 1.16.010.

**I hereby certify that this Statement of Official Action accurately reflects the final determination of the Planning Commission of the City of Santa Monica.**

\_\_\_\_\_  
Shawn Landres, Chairperson

\_\_\_\_\_  
Date

Acknowledgement by Permit Holder

I hereby agree to the above conditions of approval and acknowledge that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval.

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Print Name and Title

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Date

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Applicant's Signature