

**ATTACHMENT B
DRAFT STATEMENT OF OFFICIAL ACTION**



City of Santa Monica
City Planning Division

**PLANNING COMMISSION
STATEMENT OF OFFICIAL ACTION**

PROJECT INFORMATION

CASE NUMBER:	16ENT-0112 (Development Review Permit) 16ENT-0113 (Variance) 16ENT-0114 (Vesting Tentative Parcel Map) 21ENT-0022 (Major Modification)
LOCATION:	1665 Appian Way
APPLICANT:	Shyle, LP
PROPERTY OWNER:	Shyle, LP
CASE PLANNER:	Ross Fehrman, AICP, Associate Planner
REQUEST:	Development Review Permit, Variance, Major Modification, and Vesting Tentative Parcel Map to allow a new Tier 2, three-story, 40' tall, two-unit condominium development consisting of 5,774 square feet, with one level of semi-subterranean parking located in the Medium Density Residential (R3) Zoning – Beach Overlay (BCH) Districts. The proposed Variance and Major Modification requests are to allow the reduction of the front setback from 30' to 15' and a 4.17% reduction of the required 25% minimum planting area, respectively.
CEQA STATUS:	The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(4) in that CEQA does not apply to projects that will be rejected or disapproved by a public agency.

PLANNING COMMISSION ACTION

February 17, 2021	Determination Date
	Approved based on the following findings and subject to the conditions below.
X	Denied
	Other:

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

FINDINGS

DEVELOPMENT REVIEW PERMIT FINDINGS

- A. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are *not* consistent with applicable standards and are both *not* compatible nor relate harmoniously to surrounding sites and neighborhoods in that without approval of the requested Variance to reduce the front setback, the proposed project as currently designed does not comply with the required 30' front setback.

- D. The project is *not* consistent with the Municipal Code, General Plan, and any applicable Specific Plan in that without approval of the requested Variance to reduce the front setback, the proposed project as currently designed does not comply with the required 30' front setback.

VARIANCE FINDINGS

- A. There are *no* special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings, 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 in that within the context of the Arcadia Terrace walk-street, the subject parcel does not exhibit any special circumstances or exceptional characteristics. According to County Assessor data, compared to the other nine single parcels that front Arcadia Terrace, the subject parcel is the second largest parcel with 4,430 SF of lot area. The average size amongst the 10 single parcels is 3,732.6 SF, which is 697 SF smaller than the subject parcel. While the shape of the subject parcel is slightly irregular with the front parcel line being 46.82' and the rear parcel line being 51.74', this 4.92' difference is minimal and does not preclude reasonable development of the site. In terms of topography, Arcadia Terrace has a significant east-to-west grade change between Ocean Avenue and Appian Way. With the exception of the two properties on Appian Way, all other residences east of the subject property are situated considerably higher in elevation. The subject parcel sits approximately 13' lower in elevation than the adjacent parcel immediately to the east; however, the parcel itself is relatively flat as currently developed and therefore the topography of the parcel does impact the site's development. Arcadia Terrace has a 30' front setback instead of the standard 20' front setback required for the

majority of the R3 District; however, this requirement applies to all 12 parcels that front Arcadia Terrace. Lastly, the subject parcel is not an historic resource, nor are there any mature trees on the parcel. Therefore, for these reasons, no special circumstances or exceptional characteristics in regards to size, shape, topography, location, surroundings, mature trees, or historic resource considerations exist for the subject parcel compared to other parcels in the immediate vicinity along Arcadia Terrace to warrant the Variance reduction of the front setback from 30' to 15'.

- C. The strict application of the provisions of this Chapter would *not* result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships in that a 30' front setback would not impose a difficulty or unnecessary hardship and does not preclude reasonable development of the subject parcel. Without factoring in setbacks, the development potential for the subject parcel is 6,179 SF of parcel coverage. However, parcel coverage establishes a maximum limitation, not a minimum guarantee. With code compliant setbacks, the development potential for the site is 4,980 SF of parcel coverage, which is more than sufficient to achieve allowable density including the two-unit project that the applicant is proposing. Furthermore, the parcel itself is relatively flat as currently developed and therefore the topography of the parcel does not present any practical difficulties or unnecessary hardships. Therefore, project conformance with the required 30' front setback would not result in any practical difficulties or unnecessary hardships for the subject parcel to be developed.

- J. The strict application of the provisions of this Chapter would *not* result in unreasonable deprivation of the use or enjoyment of the property in that conformance with the 30' front setback would allow reasonable development potential on the subject parcel. With code compliant setbacks, a 4,980 SF structure can be built, which can sufficiently accommodate a two-unit development. All 12 parcels with frontage along Arcadia Terrace are subject to the same 30' front setback requirement. While many existing developments along Arcadia Terrace do not currently meet this front setback requirement, they were developed prior to the establishment of this standard. Therefore, they are considered legal non-conforming and would be subject to the 30' front setback upon the redevelopment of each property. For example, in 2017, the parcel immediately to the east of the subject parcel (24 Arcadia Terrace) obtained a building permit and is currently under construction with a code compliant structure in accordance with the 30' front setback. For these reasons, the required 30' front setback would not deprive the applicant the use or enjoyment of the property in comparison to the surrounding parcels along Arcadia Terrace.

VESTING TENTATIVE PARCEL MAP FINDINGS

8. The proposed subdivision is *inconsistent* with any ordinance or law of the City of Santa Monica. Specifically, without the Variance approval for the reduction of the front setback from 30' to 15', the proposed subdivision map is not in compliance with the development standards set forth in the Zoning Ordinance.

MAJOR MODIFICATION FINDINGS

- D. The approval of the requested modification is *not* justified by environmental features, site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees in that without approval of the requested Variance to reduce the front setback from 30' to 15', no environmental features, site conditions, existing improvements, architecture or sustainability considerations, historic features, or mature trees exist that would prevent the proposed project from complying with the required 25% minimum planting area.

VOTE

16ENT-0113 (Variance)

Ayes:

Nays:

Abstain:

Absent:

21ENT-0022 (Major Modification)

Ayes:

Nays:

Abstain:

Absent:

16ENT-0112 (Development Review Permit)

Ayes:

Nays:

Abstain:

Absent:

16ENT-0114 (Vesting Tentative Parcel Map)

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