

From: [tomi tomi](#)
To: [Planning Commission Comments](#)
Subject: Shyle ,L.P, 1665 Appian Way, Re: 16ENT-0112, 0113,0114, 21ENT-0022
Date: Monday, February 8, 2021 7:55:44 AM

EXTERNAL

Ross Fehrman
AICP
Associate Planner

Dear Mr Fehrman,

We are the owners of 1661 Appian Way, which is directly north of the subject property, and on the other side of Arcadia Terrace, the walkway that is a recorded easement to be used for walk and park purposes only.

We learned in November 2020 that the owner of 1665 filed new documents and plans with the ARB.

We also received a notice about a February 17, 2021 at 5:30 PM hearing on the applications numbered above and these are our comments and objections:

We object to the project as presented based on the following:

1. By his proposed plans the applicant ignores the Arcadia Terrace easement and the 30 foot front yard setback by going for a variance of 15 feet only front yard setback.

By doing this it will interfere with the public and neighbors right of way and enjoyment of one of the only historic walk streets.

Also, his project will necessitate the demolition of one of the two remaining gate pillars of the historic Arcadia Hotel. The other one is on our property. Both should be preserved.

2. His proposed project will unnecessarily bring his building 15 feet closer to the center of the walk street and our building, creating a looming wall along the north side of his proposed building, affecting light, air and view.

Also, as shown in his drawings, that wall which is the legal front of the building and Arcadia Terrace, conflicts with the architectural concept and overall design of the building. It looks like a barrier and a solid wall to the pedestrian.

3. The proposed stairs to the first floor unit are too close to the historic stairs and gate of Arcadia Terrace.

4. The garage access should be from the ally and not from Appian Way.

5. The height and the massing of the north facade of the building will create a very unpleasant experience for neighbors and pedestrians.

The main issue here is a recorded “walk and park” easement, that is known as Arcadia Terrace, and it is to be used for walk and park purposes only.

The easement is to be abandoned or used for any other purpose ONLY ON THE CONSENT OF ALL OWNERS OF LOTS 37 TO 43.

By his proposed construction plans Plaintiff wishes to change the use of the easement and to further build on it and above it.

Applicant tried it in court against us and all owners along Arcadia Terrace, and after a court ordered mediation session dismissed the case, probably upon realization that the lawsuit will take years and will not be successful.

All owners that were sued objected to the lawsuit and to his plans.

Arcadia Terrace is unique in nature in that it is historic, is one of the only walk streets in Santa Monica, and it leads from Ocean Avenue above to Appian Way, the Santa Monica beach and famous SM Pier below.

The easement was established and recorded as such in the books many years ago and long before applicant bought the property, which is at the bottom of Arcadia Terrace.

All the properties along the easement have kept the walk and park use.

No other neighbor along the easement has ever permanently changed its use or built on it.

In fact the subject property had and maintained park like features within the easement area for many years, since it was built in 1914 until around 1984.

Then applicant's predecessor built on part of it an illegal addition comprised of a bedroom, bathroom, a deck and covered parking.

The City issued numerous citations and Orders to Comply against him and denied his Zoning Variance application. It is still considered by the City and of course by the neighbors a violation and an illegal structure that has to be removed.

When applicant bought the property he went even further, ignored the City Orders and renovated, apparently without permits, the illegal structures which he now rents out.

His plans as presented should be denied.

Regards and wishes for healthy holidays

Tova Kitron
(323)899-2644
Miri Lerner
(310)729-6474

1661 Appian Way, L.P

From: [Kate](#)
To: [Planning Commission Comments](#)
Cc: ["Ralph Mechur"](#)
Subject: Planning Commission Meeting of February 17, 2021, item 9-A
Date: Friday, February 12, 2021 11:46:09 AM

EXTERNAL

Dear Chair Landres,

I am the property owner of 1665 Appian Way, Santa Monica, CA 90401 and the applicant for the project that will be reviewed at your February 17 meeting. I'm reaching out to you as you are known for being a fair and equitable community representative and advocate. I was very dismayed to read the staff report on my project as I strongly feel that it does not accurately represent my project, nor does it provide the full background of the many concessions I've made in the project's design in response to staff recommendations received at various steps in the extremely lengthy review process.

I would greatly appreciate the opportunity to meet with you at my property prior to Wednesday (wearing masks and observing social distancing protocols) so that I could provide additional information on my project and explain why the variances being requested are necessary. I would also appreciate the opportunity to briefly chat with you about challenges I've encountered during the review process. I am not a big corporate developer - I am a longtime Santa Monica resident and small business owner who has continuously reinvested in our city by buying and renovating aging properties and by building small scale, high-quality housing for our community. As a landlord, I have faced numerous seemingly insurmountable challenges in the past year as a result of the pandemic and, after reading the staff report on my project, I now feel like I am facing another major challenge without any support from the City.

Thank you for your time and consideration.

Sincerely,
Michael Rahimi
(310) 428-8238

From: [Barbara](#)
To: [Planning Commission Comments](#)
Subject: Planning Commission Meeting of February 17, 2021, item 9-A
Date: Friday, February 12, 2021 11:58:17 AM
Attachments: [Planning Commission Clarification Letter.pdf](#)

EXTERNAL

Dear Planning Commission,
Please confirm inclusion of the attached letter on the above noted Agenda.
Thank you.

Sincerely,

Barbara Ertefai

1551 15th Street
Santa Monica, CA 90404
310.458.2002 bus
310.458.2010 fax
barbara@rahimiinc.com

February 11, 2021

From: Shyle, LP

To: Planning Commission

CC: Ross Fehrman (Associate Planner)

Re: **1665 Appian Way – Planning Commission Comments
Hearing Notice February 17, 2021 Item 9. A.**

To All Concerned;

In a letter provided by a neighboring owner February 8, 2021 the owner has incorrectly correlated a city building setback code with an easement. We therefore want to immediately clarify and reiterate that the hearing is to discuss a variance to the City setback code, not a variance to any easement.

The ***easement*** referred to by the neighbor specifies 15 feet along the northerly portion of lot 43 (the front yard) to be used for walk and park purposes – and the project absolutely adheres to this:

Easement(s) for the purposes(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: A joint easement of all owners of lots 30 to 43, inclusive, of Carl F. Schader Seaside Terrace, to said owners as a whole of the Southerly 15 feet of Lots 30 to 36, inclusive, (the Southerly 5 feet to be used for walk purposes and the Northerly 10 feet to be used for park purposes) and the Northerly 15 feet of Lots 37 to 43, inclusive, (the Northerly 5 feet to be used for walk purposes and the Southerly 10 feet to be used for park purposes) Said easement to be known as Arcadia Terrace and to be used for walk and park purposes only.

Affects: said land

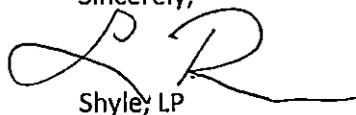
Recording No. Map Book 17, Pages 10 and 11

Once again, the Northerly (front yard) 15 ft easement for the enjoyment of all owners as a walk/park area is NOT being interfered with, nor being requested to be altered, whatsoever by our proposed project. We are requesting a variance to the City front yard setback code only.

We trust this letter will immediately be included as a direct rebuttal/correction document on the current Agenda list of documents available for review.

Thank you.

Sincerely,


Shyle, LP

From: [Gene Alger](#)
To: [Planning Commission Comments](#); [Ross Fehrman](#)
Cc: [Eugene Alger](#)
Subject: 1665 Appian Way Wednesday 2/17 Planning commission hearing.
Date: Monday, February 15, 2021 8:55:24 AM

EXTERNAL

Dear Ross,

I am the owner of 24 Arcadia Terrace, the home directly behind 1665 Appian Way. I am writing because I have serious concerns with 1665 Appian Way's project, due to their request for a Variance, Major Modification and their non-compliance with various zoning regulations, which I have attempted to outline below:

1) 1665 Appian Way's Proposed Variance of a 15-Foot Setback Should be Denied as 1665 Appian Way Had Notice of the 30-Foot Setback Requirement Prior to Purchase, and the Granting of This Variance Would Dramatically and Negatively Affect the Pedestrian Experience & Home views on Arcadia Terrace

- a) When developing my plans for 24 Arcadia Terrace, I followed all guidelines set forth by the City of Santa Monica, which included the required 30-foot setback. I understood this to be a requirement. By doing this, it ensures the experience of the walk street for pedestrians, and also, most importantly, it allows me and my neighbors to continue to have a view. I followed these requirements with the expectation that others who developed in the neighborhood in the future would also have the requirement of the front yard setback.

- b) As I mentioned above, I knew when purchasing my property and planning for the development of my home that the 30-foot setback was a requirement. It seems safe to say that Shyle, LP – the developer who purchased 1665 Appian Way – was also made aware of these requirements prior to purchase. And in that sense, it is really that simple. He had notice of this and other requirements regarding any variance, etc., prior to purchase, and should not now be allowed to ask for exceptions that negatively affect his neighbors and the walk street simply for his own financial gain. He had notice of the city of Santa Monica's planning requirements prior to his purchase, and should be held to conform with those requirements after his purchase.

- c) If Shyle, LP was allowed to reduce the required front yard setback by 50% (i.e., only required to have a 15-foot setback), it would create a vastly different experience on the walk street by decreasing the panorama view towards the ocean and by compressing the space of the walk path. In fact, the 1655 Appian Way architect alluded to this in his ARB filing when he stated that his west facade presents a stronger streetscape, indicating the degree to which 1665 Appian Way's desired plan is at complete odds with the legislative intent behind Santa Monica's required 30-foot setback for this particular part of the city. It's important to note that Arcadia Terrace is

a historical street that represents a unique part of the neighborhood, being one of only two private walk streets in Santa Monica. In addition, most of Santa Monica's streets are at least 60 feet wide. Thus, if 1665 Appian Way's 15-foot setback is accepted, it would reduce the street to only being only 30-feet wide (which is more akin to an alley), thereby deteriorating the experience for pedestrians on one of only two streets of its kind in Santa Monica.

d) There are not any site-specific characteristics that keep 1665 Appian Way from being developed for its intended use as a multi-family dwelling unit. It simply requires the architect and developer to reduce the buildable area.

e) If this variance was granted, it would negatively alter the overall experience of the historical walk street that the City of Santa Monica has worked to preserve through the required 30-foot setback. Allowing this variance would reduce the line of sight to the Pacific Ocean and would make the path along the walk street and along Appian Way less pedestrian friendly.

f) There is nothing about the site that makes it suitable for consideration of this variance. The 30-foot setback is required for Arcadia Terrace, and it is required for 1665 Appian Way. Further, this requirement of the 30-foot setback does not create any particular or unique harm to 1665 Appian Way. This request by 1665 Appian way for a 15-foot variance is simply a frivolous claim made only to financially benefit the Owner developer of that site.

2) 1665 Appian Way's Request to Reduce the 25% Planting Area is a Major Modification That Should be Denied

a) There is nothing specific to the site of 1665 Appian Way that warrants a reduction in the 25% planting requirements.

b) There is a required 15-foot easement for all properties on Arcadia Terrace that requires the first 5 feet from the center line of the walk street to be for access. This has been reduced to 4 feet. The remaining 10 feet is required to be a "park like setting." However instead, an entry and parallel stair is proposed that leads to a walk along the rear for the main entry into the units. If the main entry was taken directly from the walk street, it seems more area would be available for landscaping and neither this major modification nor the easement would even be considered.

3) Beyond the 15-Foot Variance and the Major Modification, 1665 Appian Way is Requesting Other Serious Modifications that Will Affect the Overall Environment and Experience of Arcadia Terrace and Appian Way

a) 1st Floor Level: The first floor level at public sidewalk along Appian Way is too high. It is + 6 feet above finished grade. The result is the garage does not meet code requirements for a basement, as too much of the wall is exposed. Since this is rightfully being used as the sidewalk, the setback is, at a minimum, creating a negative pedestrian experience by having a house looming over the pedestrian walking along the sidewalk. With the added pool sitting above this level, you have a 9-foot vertical wall 7 ½ feet away from the sidewalk. It is my understanding, based upon the current design, that the basement would be considered a story.

b) Garage Access: By having the access to the garage on Appian Way, you are cutting up the little sidewalk available on this frontage leading to the walk street, and are amplifying the drive access instead of diminishing it as intended. Garage access is only allowed on the streets when access from the alley is not available. In this location, the entire walk street accesses their garage space from the alley of Pacific Terrace, as should 1665 Appian Way.

c) Unit Access: Unit access should be from the walk street and should be represented in the north facade. Currently, the designs of 1665 Appian Way have one entering through hidden stairs that allow access from the east side, at the back of the building. The upper unit is accessed from the alley. This does not promote a pedestrian-friendly facade. Even the property on the north side has clear access from the walk street.

There are a number of other issues and details related to this 1665 Appian Way project that I could get into, well beyond the requested 15-foot variance and the major modification. These range from the many ARB review comments still not addressed, the historical elements of this unique walk street, and the developer suing and then taking all neighbors to arbitration and costing us all time and money to defend our rightful position, and I could go on. All this, and the fact that I expect this is not the end.

In closing, I want to thank the City Planning Department for their clear denial of this variance request and major modification, and ask that the Planning Commission support this denial in the interest of all property owners of Arcadia Terrace and the City of Santa Monica.

Sincerely,
Eugene Alger
24 Arcadia Terrace
Santa Monica, CA
Cell: (310) 503-3707

From: [John Edwards](#)
To: [Ross Fehrman](#); [Planning Commission Comments](#)
Subject: 1665 Appian Way/ Re:16ENT-0112 16ENT-0113, 16ENT-0114 and 21ENT-0022
Date: Monday, February 15, 2021 2:20:51 PM

EXTERNAL

Hello, I live at 25 Arcadia terrace about 40 feet away from 1665 Appian Way. I oppose any and all variance's as they pertain to 1665 Appian Way. The proposed construction will negatively effect Arcadia terrace and all of us that live here on this charming walk street with an ocean view. Please do not allow this one building to sit up higher than all its neighbors and block our views of the ocean and sunsets. I love sitting in my front yard with its appropriate set back and looking out on the ocean. Many times I visit my neighbors to the east and to the west for a view of the ocean, we are all going to have our views taken away.

Everyone on Arcadia terrace will be impacted in a bad way! Walking up the stairs from the beach will not be the same with an out of place tower looming above. The idea of removing area that can be landscaped is not appropriate . Please do not let 5,770 square feet go up on such a small lot. Reducing the front setback will make this property look like a giant glass box with no landscaping and it will stick out like a sore thumb! John Edwards 25 Arcadia Terrace Santa Monica

To: Planning Commission

Subject: Shyle, L.P, 1665 Appian Way, Re: 16ENT-0112, 21ENT-0022

Ross Fehrman AICP, Associate Planner

Date: Wednesday, February 16, 2021

Dear Mr. Fehrman,

We are the owners of 23 Arcadia Terrace which is just north-east of the subject property. We have a recorded easement to be used for walk and park purposes only. We are long term residence of Arcadia Terrace and we enjoy our home here.

We object to the project as presented based on the following:

1. Last year the applicant mailed all the Arcadia Terrace property owners papers to sign. These papers asked us to relinquish our easement rights. When we wouldn't sign he served us a summons and forced the property owners to hire legal counsel. We gathered in downtown Los Angeles for mediation. The jurist in charge of mediation ruled in our favor. He apparently was trying to intimidate us to his demands. We still do not agree to his application for a variance.
2. By his proposed plans the applicant ignores the Arcadia Terrace easement and the 30 foot front yard setback by going for a variance of 15 feet only front yard setback. Unacceptable. This would interfere with the public and neighbors' right of way and enjoyment of one of the only historic walk streets.
Also, his project will necessitate the demolition of one of the two remaining gate pillars of the historic Arcadia Hotel.
3. His proposed project will unnecessarily bring his building 15 feet closer to the center of the walk street and creates a looming wall along the north side of his proposed building, affecting, light, air, view and enjoyment. No other neighbor along the easement has ever permanently changed its use or built on it.
4. His plans as presented should be denied.

Joel & Diane Simpson

23 Arcadia Terrace

310-395-9469

To: Planning Commission

Subject: Shyle, LP, 1665 Appian Way Re:16ENT-0112, 21ENT-0022

February 16 ,2021

Dear Mr. Fehrman,

I am the owner of 27 Arcadia Terrace and have had a home here for some time.

I want to express my opposition to the variance of a reduced setback for 1655 Appian Way.

Last year the applicant mailed all the Arcadia Terrace property owners papers to sign to relinquish our easement rights. When we wouldn't sign he served us a summons and forced the property owners to hire legal counsel and spend a day downtown in mediation. He was trying to intimidate us to agree to his demands. The judge ruled in our favor.

This is no way for a developer to behave and we still do not agree to his demand for a variance. This is large lot and should conform to the municipal code.

Regards,

Lynn Baror