



**MINOR MODIFICATION
DETERMINATION**

PROJECT INFORMATION	
Permit:	20ENT-0014 (Minor Modification)
Address:	1437 5 th Street
Applicant:	WS Communities-Scott Walter
Property Owner:	14375 NMS, LLC
Case Planner:	Michael Rocque, Associate Planner
REQUEST:	Allow for a modification to the dimensional standards of an on-site standard loading space to 12'W x 19'D x 8.2'H located at the rear of the site adjacent to the alley, instead of the required standard loading space dimensions of 12W' x 30'D x 14'H as established under SMMC 9.28.080(D)(1). Modifications to dimensional standards that do not result in a reduction of required parking and loading spaces may be permitted with a minor modification per SMMC 9.43.020.B.6, subject to specific findings.
CEQA STATUS:	Ministerial; Exempt pursuant to Section 15268 of the State Guidelines

PROPERTY INFORMATION	
Zoning District:	TA-DCP (Transit Adjacent - Downtown Community Plan)
Parcel Area (SF)/Dimensions:	7,489 sf (50 x 150)
Rent Control Status:	Commercial (exempt)
Relevant Prior Permits:	19ENT-0039 (AA), approved 1/30/2020

ZONING ADMINISTRATOR ACTION	
APPROVED as requested based on findings and subject to conditions.	January 30, 2020

Effective Date of Action:	February 14, 2020
Expiration Date:	February 14, 2021
Length of Any Possible Extension:	One year

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 modified on-site standard loading space is needed in order to provide all other Municipal Code requirements and Utility required services at the rear of the parcel on a lot of 50 feet or less in

width. The applicant explored options with the City's Mobility staff, who concluded that the optimal solution to fit an on-site loading space into the project site was to request this modification to the loading space dimensions.

2. The requested modification is consistent with the General Plan and any applicable area or specific plan in that a minor modification in the dimensional standards of an on-site standard loading space will not affect the intended activity or interface between land use and transportation systems in the TA-DCP (Transit Adjacent - Downtown Community Plan) land use district in which it is located.
3. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations in that the TA-DCP district allows for mixed-use commercial and residential projects and the proposed modification to the on-site standard loading space is needed in order to provide all other Municipal Code requirements and Utility required services at the rear of the parcel on a lot of 50 feet or less in width.
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 privacy, sunlight, or air in that the modification only affects the dimensional standards of the required on-site loading space and will not adversely affect the projects ingress/egress and other Municipal Code requirements as already approved through the Administrative Approval permit process.
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 on the site in that the Mobility Division has reviewed the plans and determined that the modified on-site loading space will provide sufficient maneuvering space for safe vehicle ingress and egress within the proposed loading space. Additionally, the modified loading space will not pose any conflicts with the general welfare of persons residing or working on the site, particularly given the low volume of commercial vehicle access anticipated for the project.

CONDITIONS OF APPROVAL

Standard Conditions

1. This determination shall not become effective for a period of fourteen (14) days from the date the decision is made and posted on the City's website or, if appealed, until a final determination has been made on the appeal.
2. This approval applies only to a modification to the on-site standard loading space dimensions resulting in a 12'W x 19'D x 8.2'H space located at the rear of the site adjacent to the alley, as shown on the plans dated 1/28/2020 and subject to any

special conditions. The project shall otherwise comply with the plans and conditions contained in the Administrative Approval Permit (19ENT-0039). Minor amendments to the plans shall be subject to approval by the Director.

3. Within ten (10) days of transmittal of this determination, the project applicant shall sign a copy of the determination and return the document to the City Planning Division. The applicant's signature constitutes acceptance of the conditions of approval and understanding that failure to comply with such conditions shall constitute grounds for potential revocation
4. This approval shall expire twenty-four (24) months from the effective date, unless, in the case of a new development, a building permit has been obtained, or in the case of a change of use, a business license has been issued and the use is in operation prior to the expiration date. This approval shall also expire if the building permit expires or if the rights granted under this approval are not exercised within one year of the earliest to occur of the following: issuance of a Certificate of Occupancy or, if no Certificate of Occupancy is required, the last required final inspection for new construction. Upon the written request from the applicant, prior to expiration, the Zoning Administrator may extend this period up to an additional one year. Applicant is on notice that extensions may not be granted if development standards, the development process, or other requirements relevant to the project have changed since project approval.
5. Except for allowances granted by this entitlement, the applicant shall comply with all other applicable provisions of Article 9 of the Santa Monica Municipal Code and all other pertinent ordinances and General Plan policies of the City of Santa Monica.
6. 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.
7. 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 Minor Modification 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.

APPLICANT NOTICE

This decision of the Director may be appealed to the Zoning Administrator during a 14 calendar-day appeal period following the decision date. Such an appeal may be made by filing an official appeal form with the City Planning Division, 1685 Main Street, Room 212, Santa Monica, CA 90401, accompanied by the required filing fee.



Roxanne Tanemori, AICP
Acting Zoning Administrator

1-30-20

Date

Acknowledgement by Permit Holder (1437 5th Street, 19ENT-0039)

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

Signature

Date

Print name here