



**MINOR MODIFICATION  
DETERMINATION**

<b>PROJECT INFORMATION</b>	
Permit:	20ENT-0121 (Minor Modification)
Address:	2410 2 <sup>nd</sup> Street
Applicant:	David Crimmins
Property Owner:	Oliver Real Estate Management LLC/Joshua Oliver, Manager
Case Planner:	Scott Albright, Senior Planner
REQUEST:	Minor modification to allow a 10% (4.5") reduction of the required side yard setbacks from 4'-0" to 3'-7.5" along each side yard for a new two-story, 2,600 square-foot single unit dwelling. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.43.020(B)(1), the applicant may request up to a 10% modification of the required side setback standards.
CEQA STATUS:	Ministerial; Exempt pursuant to Section 15268 of the State Guidelines

<b>PROPERTY INFORMATION</b>	
Zoning District:	OP2 (Ocean Park Low Density Residential)
Parcel Area (SF)/Dimensions:	2,500 square feet/ 25' x 100'
Rent Control Status:	N/A
Relevant Prior Permits:	N/A

<b>ZONING ADMINISTRATOR ACTION</b>	
<b>APPROVED</b> as requested based on findings and subject to conditions.	September 15, 2020

Effective Date Of Action:	September 30, 2020
Expiration Date: (2.5 years pursuant to SMMC 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)	March 30, 2025
Length Of Any Possible Extension:	One year for residential projects

## **FINDINGS**

1. The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees in that the site has unique conditions which justify granting the minor modifications. The subject parcel is zoned OP2 and has dimensions of 25 feet in width and 100 feet in depth for an overall parcel area of 2,500 square feet. The existing parcel width and parcel area are existing non-conforming conditions whereas the minimum required dimensions for OP2-zoned parcels are 50 feet and 5,000 square feet, respectively. These substandard site conditions significantly inhibit the ability to develop the site with a reasonably sized single-unit residence, an appropriate use within the General Plan, in a manner that is fully compliant with established development standards, particularly side yard setback requirements. Compliance with the minimum side yard setback requirements would only leave a buildable envelope with a width of 17 feet. Within the immediate vicinity of the subject property, only four other OP2 zoned parcels exhibit similar substandard parcel dimensions. These parcels, including the subject parcel, represent some of the smallest parcels located in the OP2 zone throughout the Ocean Park neighborhood. Two of these properties have sought similar modifications from the side yard setback requirements, with one of these being granted a Variance in 1999 (2404 2<sup>nd</sup> Street) and the other still pending (2408 2<sup>nd</sup> Street). Within the larger neighborhood context, there are four other parcels within the OP2 zone that have a similar parcel width dimension, but these parcels have larger lot depth dimensions (130 feet) which allows for more design flexibility and larger buildable envelopes for the siting of improvements on the properties. This Minor Modification equates to a request of a 4.5-inch setback reduction on each side.
2. The requested modification is consistent with the General Plan and any applicable area or specific plan in that the reduced side yard setbacks facilitate the construction of a two-story single-unit dwelling that is consistent with the Ocean Park Low Density Residential designation for the subject parcel and immediate neighborhood.

Specifically, the Minor Modification is consistent with Land Use and Circulation Element (LUCE) Goal N4, to “Ensure compatible design to preserve and enhance neighborhoods.” The new single-unit dwelling will be compliant with the design, height, lot coverage, and parking requirements of the Ocean Park Low Density Residential (OP2) zone except for the requested Minor Modification. Additionally, the new single-unit dwelling complies with LUCE policies N4.1 and N4.2. Policy N4.1 states “design new development to be compatible with the existing scale, mass and character of the residential neighborhood. New buildings should transition in size, height and scale toward adjacent residential structures.” Policy N4.2 encourages “...new buildings are compatible in scale and size, and are fully designed” to include architectural features facing the street.

The proposed residence will conform with the development standards in the OP2 zone with approval of the requested Minor Modification.

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 side yard setbacks will be modified by only 4.5 inches, and the project will meet all other minimum required development standards. The requested setbacks are consistent with the varied architectural styles, nonconforming footprints, and building heights found in the immediate neighborhood. Strict application of the Code would result in a maximum 17-foot wide building which would deprive the property owner of practical use of the subject property. A ten percent reduction of the side yard setbacks results in a 3.6-foot setback in lieu of a 4-foot setback.
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 proposed reduction of the side yard setback to 3.6 feet is greater than the previously existing setback of zero feet. The proposed home is a replacement of an existing single-unit dwelling which is a permitted use within the OP2 Zoning District and is consistent with adjoining residential uses. The proposed residence meets all other applicable provisions of the Zoning Ordinance.
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 approval of a ten percent setback modification to the side yards would allow the construction of a new single-unit dwelling which is compatible with adjacent residential uses and would be no more impactful than the previously existing single-unit dwelling on the subject parcel.

## **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 is only for a 10% reduction in the minimum required side yard setbacks from 4'-0" to 3'-7.5" as shown on the plans dated May 22, 2020, and subject to any special conditions. 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 four (4) years, or four and a half (4 ½) years if located within the California State Coastal Zone, 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 1 year for residential projects. 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. 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.
7. 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.
8. Applicant shall defend, indemnify, and hold harmless the City and its boards, commissions, agents, officers, and employees (collectively, "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referenced as "Claims") against the City to attack, set aside, void, or annul, the approval of this 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.



\_\_\_\_\_  
Tony Kim  
Acting Zoning Administrator

\_\_\_\_\_  
09.15.20  
Date

Acknowledgement by Permit Holder (2410 2<sup>nd</sup> Street / 20ENT-0121)

**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

\_\_\_\_\_  
9/15/2020  
Date

David Crimmins

\_\_\_\_\_  
Print name here