



**STATEMENT OF OFFICIAL ACTION
FINDINGS AND DETERMINATION OF THE
ZONING ADMINISTRATOR**

PROJECT INFORMATION	
Zoning Administrator Meeting: August 11, 2020	Agenda Item: 3-A
Permit: 19ENT-0438 (Major Modification)	
Address: 9 Vicente Terrace	
Applicant: Robert Crockett, AIA	
Property Owner: Vincent DeFilippo	
Case Planner: Gina Szilak, Associate Planner	
REQUEST:	Major Modification to the Medium Density Residential (R3) parcel coverage and setback development standards for a proposed rehabilitation and addition to a designated Landmark structure-an existing two-story, single-unit dwelling. The rebuilt garage and side balcony above would provide a 4' side setback in lieu of the 5.76' minimum required side setback. The applicant also requests a 2.9% increase to the maximum allowable parcel coverage of 50% for a total proposed parcel coverage of 52.9%. Santa Monica Municipal Code (SMMC) Section 9.43.030 (C) allows an applicant to request a Major Modification from required setbacks and maximum parcel coverage for a project that includes the retention and preservation of a structure that is a City-Designated Historic Resource.
CEQA STATUS:	The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1 Existing Facilities, as a single-family residence in an urbanized area. Additionally, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, Class 31 of the State Implementation Guidelines in that the retention and rehabilitation of the historic resource, in conjunction with a basement and a rear two-story addition will be done in a manner consistent with the Secretary of the interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (2017), revised by Anne E. Gimmer, and would not cause a substantial adverse change in the significance of the historic resource, as provided in Attachment A.

PROPERTY INFORMATION	
Zoning District:	R3 (Medium Density Residential) District
Parcel Area (SF)/Dimensions:	36' x 100' = 3,593 sq. ft.
Rent Control Status:	N/A; Single Unit Dwelling
Relevant Prior Permits:	Landmark Designation (18ENT-0337) 9/9/19

ZONING ADMINISTRATOR ACTION	
APPROVED as requested based on findings and subject to conditions.	September 23, 2020

Effective Date Of Action If Not Appealed:	October 8, 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)	April 8, 2025
Length Of Any Possible Extension:	One year for residential projects

MAJOR MODIFICATION – FINDINGS

- (a) The requested modification is consistent with the General Plan and any applicable area or specific plan in that the general plan designation of the subject parcel is Single Unit Dwelling, and the proposed modification will not alter the existing Single Unit Dwelling use.
- (b) The project as modified meets the intent and purpose of the applicable zone districts in that non-original additions to the Landmark designated resource including an attached rear garage and second floor above will be lifted, modified, and rebuilt at the rear while rehabilitating the original character defining building features in accordance with the preservation of a designated Santa Monica Landmark and consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. The existing structure is legal nonconforming as it exceeds parcel coverage and setback requirements for the R3 District. The proposed project will reduce the existing legal nonconformities. The modification will also allow for the enlargement of the interior of the garage to create a conforming interior clear dimension of 20 feet in width. The conforming interior garage dimensions are not possible on a 36-foot wide parcel that must provide two, conforming 5.76-foot side yards. In order to preserve the existing Landmark structure, the proposed scope of work includes modifications and additions to non-original portions of the building. A portion of the building at the rear will be demolished, and the approved modifications allow for conforming interior garage and rear yard setback dimensions where the existing garage does not comply with either interior dimensions or rear yard setback requirements. The proposed modifications allow for the continued use of a Single Unit Dwelling in a landmarked structure on a substandard-sized parcel.
- (c) The approval or conditional approval of the requested modification 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 this Ordinance in that the proposed alterations to the existing structure including the side yard setback and parcel coverage modifications ensure the use remains viable as a landmarked Single Unit Dwelling and will not impact the persons residing or working on the site.

- (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, in that the proposed project retains a designated Landmark parcel and structure consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties on a 3,593 square-foot, 36-foot wide, substandard-sized parcel in a district where the minimum parcel size is 5,000 square feet and minimum parcel width is 50 feet.
- (e) The proposed design meets the Design Objectives of the Santa Monica Design Guidelines. Specifically, the subject parcel is not subject to Santa Monica Design Guidelines; however, as a designated Santa Monica City Landmark, the proposed project and scope of work shall be reviewed for consistency with Secretary of the Interior's Standards for the Treatment of Historic Properties and through a Certificate of Appropriateness.
- (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, in that a twelve-parcel study area shows the average floor area and building square footage of surrounding properties is larger than the proposed project. Specifically, the subject parcel has a floor area ratio (FAR) of .77 compared with the average FAR of .85 for the study area. Additionally, the 3,559 square-foot proposed project, 1,117 square feet of which is below grade, is smaller than the 3,942 square foot average size of buildings within the study area. The proposed two-story dwelling with roof deck is similar in height and amenities with other neighboring dwellings. The proposed project shall be reviewed for consistency with Secretary of the Interior's Standards for the Treatment of Historic Properties. The side yard setback and parcel coverage modifications allow the building to be lifted, restored, and portions of the rear structure to be rebuilt while preserving the character defining features and integrity of a designated Historic Resource.
- (g) If the modification of maximum building height; maximum number of stories; required setbacks; maximum parcel coverage and building envelope requirements; permitted building height projections; permitted projections in required yard areas; access to private open space; landscaping; or provision of unexcavated yard areas is requested as part of a project that preserves a City-Designated Historic Resource, the review authority must make the following findings in addition to any other findings that this Section requires:
 - 1. The proposed project conforms to the Secretary of the Interior's Standards for the Treatment of Historic Properties, as amended from time to time. The Landmarks Commission reviewed a conceptual scope of work on February 10, 2020, and, as conditioned, a final Certificate of Appropriateness will be required prior to the issuance of a building permit to

ensure the project conforms to the Secretary of the Interior Standards for the Treatment of Historic Properties.

2. The proposed project conforms to the allowable land uses permitted in the applicable Zoning District or is a legal nonconforming use authorized in accordance with Section 9.27.050. A residential use is permitted in the R3 District.
3. The proposed project does not exceed the maximum unit density permitted in the applicable Land Use District of the LUCE or the existing unit density of the City-Designated Historic Resource, whichever is greater. The District allows a single-unit dwelling, and the proposed project maintains a Landmarked single-unit dwelling.
4. The proposed project's requested height modification, if any, is only sought for a project that preserves a City-Designated Landmark or Structure of Merit, and the proposed height does not exceed the following:
 - a. Six feet above the height otherwise authorized in the LUCE in the portions of the R2 District generally bound by 4th Court to the west, 14th Court to the east, Montana Avenue to the north, and Wilshire Boulevard to the south, if developed in that area; or
 - b. The height permitted in the LUCE for the highest tier for the applicable land use classification so long as the FAR does not exceed the limitations established for Tier 2 projects in the same land use classification.

This finding is not applicable as the proposed scope of work does not include a height modification.

5. The proposed project does not exceed the maximum number of stories permitted in the LUCE for the applicable land use classification if any. The proposed project is two stories in a district that permits three stories.
6. Covered front porches and stairs, if any, of a City-Designated Historic Resource may project a maximum of 12 feet into the required front setback area or maintain their current projection if greater than 12 feet provided that the building façade complies with the front setback requirement in the applicable Zoning District. The proposed project will reconstruct and rehabilitate porch piers and restore the porch back to an original condition before partial enclosure. The location of the porch will be maintained with the current setback projection.
7. The provision of private open space has not been modified other than the requirement that private open space be adjacent to and accessible from,

and at the same approximate elevation, as the primary space of the dwelling unit. The proposed project is a single-unit dwelling, and there is no requirement for private open space.

8. Modification of the requirements for the provision of unexcavated area in setback areas, if any, is required because the strict application of such requirements would not allow for the preservation of the City-Designated Historic Resource. The project's scope of work does not include unexcavated setback areas.
9. The applicant agrees to record a deed-restriction prior to issuance of building permit for the project establishing that the City-Designated Historic Resource will be maintained for the life of the project.
10. The proposed design has been reviewed and approved by the Landmarks Commission pursuant to Chapter 9.56, Landmarks and Historic Districts. The Landmark Commission preliminarily reviewed the project on February 10, 2020, and a final Certificate of Appropriateness by the Commission shall be required prior to the issuance of a building permit.

CONDITIONS OF APPROVAL

Standard Conditions

1. This determination shall not become effective for a period of fourteen days from the determination date or, if appealed, until a final determination has been made on the appeal.
2. This approval applies only to the request to allow parcel coverage of 52.9 percent and a four-foot west side yard for a rear garage and deck above as shown on the plans dated June 30, 2020 and subject to any special conditions. Minor amendments to the plans shall be subject to approval by the Zoning Administrator.
3. 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.
4. This approval shall expire fifty-four (54) months 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. Within ten (10) days of transmittal of this Statement of Official Action, 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.
6. Applicant is advised that the project is in the California Coastal Zone and needs 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 Major 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.

Special Conditions

- 9. The applicant shall obtain a Certificate of Appropriateness from the Landmarks Commission or their designee prior to the issuance of a building permit.

APPLICANT NOTICE

This decision of the Zoning Administrator may be appealed to the Planning Commission 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.

Jing Yeo
Jing Yeo, AICP
Zoning Administrator

09.23.2020
Date

Acknowledgement by Permit Holder (9 Vicente Terrace / 19ENT-0438)

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

Attachment A

Secretary of the Interior's Standards

Consistency with Secretary of the Interior's Standards

The project preserves the historic character of the property and the scope of work will be performed in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation. Based on the scope of work, the property will continue to convey its Craftsman architecture, will not cause a substantial adverse change in the significance of the potential historic resource, and is therefore categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, Class 31 of the State Implementation Guidelines.

The scope of work includes rehabilitation as the primary treatment associated with the proposed project. The Secretary of the Interior's Standards define rehabilitation as "[t]he act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values".

The Secretary of the Interior's Standards for Rehabilitation consist of the following:

- ***Standard 1.*** *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The existing residence will continue to be utilized as a single-unit residence and therefore would be consistent with Standard 1.

- ***Standard 2.*** *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Distinctive materials, features, and overall character will be retained and preserved. The new foundation and basement addition would be constructed below the existing structure and would be returned to its original at-grade location. The front porch rehabilitation includes the retention of the porch roof and existing asphalt shingles, in-kind reconstruction of the porch deck, stoop, lower portion of the piers, and restoration of the porch back to its original condition prior to its partial enclosure. The removal of the non-original enclosure will restore and retain the historic spatial relationships at the front porch. Similarly, a new centered front entry door with sidelights will replace the existing non-original entry and door, further restoring the front porch. Exterior walls will be

finished to match the existing historic shingle siding with minimal loss of original material. The restoration of the original fenestration pattern of wood sash double-hung windows at the southern portion of secondary elevations using historic documentation would further retain and preserve building's the historic features. Therefore, the project is consistent with Standard 2.

- **Standard 3.** *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The historic character of a property will be retained and preserved. As designed, the proposed addition is visually modern yet compatible with the craftsman-style residence in terms of its overall size, scale, and massing. The addition is inset from the existing residence, clearly defining the transition between the historic residence and new addition. Additionally, the scope of work will not add any conjectural architectural features or elements to the Craftsman-style residence that would create a false sense of history, and therefore the project is consistent with Standard 3.

- **Standard 4.** *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The project would retain its Craftsman features and maintain its overall character and would not remove or alter any features that have acquired significance in their own right. Accordingly, the project is consistent with Standard 4.

- **Standard 5.** *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Distinctive materials, features, and overall character will be retained and preserved. The historic residence would retain its overall scale and horizontal massing. Exterior walls will be finished to match the existing historic shingle siding with minimal loss of original material. The restoration of the original fenestration pattern of wood sash double-hung windows at the southern portion of secondary elevations using historic documentation would further retain and preserve building's the historic features. Therefore, the project is consistent with Standard 5.

- **Standard 6.** *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The distinctive materials, features, textures, finishes, and that characterize the

Craftsman residence including the exterior siding material and windows would be preserved, repaired, or replaced in-kind if the severity of their condition warrants replacement. Chimney work includes removal of the existing non-original stucco-clad chimney and the reconstruction of original brick chimney based on photo and archival documentation.

The existing shingle roof material would be replaced in-kind. Any replacement of these materials would be consistent with the existing in terms of design, size and shape, color, texture, material. Accordingly, the project is consistent with Standard 6.

- **Standard 7.** *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

The project does not propose to utilize chemical or physical treatments that may cause damage to potential historic materials. Therefore, the project is consistent with Standard 7.

- **Standard 8.** *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

The project proposes excavation below the residence to allow the construction of a new habitable basement level below the existing finished first floor. Although not likely, if unexpected archaeological resources are uncovered at the site and are identified, protected, preserved, and/or documented in consultation with a qualified archaeologist, the project would be consistent with Standard 8.

- **Standard 9.** *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

As designed, the proposed addition is visually modern yet compatible with the craftsman-style residence in terms of its overall size, scale, and massing. The addition is inset from the existing residence, clearly defining the transition between the historic residence and new addition. The addition is clad in vertical wood siding with a wider profile that is clearly differentiated from the existing horizontal siding, further delineating the new construction from the existing residence. The external staircase with steel and glass railings along the east elevation and sunken roof deck are modern features appropriately scaled within the overall building envelope, will be minimally visible from the street, and will not detract from the historic residence. The addition does not physically overwhelm and is respectful of the existing residence, thereby protecting the building's front elevation, historic character, and overall integrity of the property. Additionally, the

low picket fence and solid gate at the front yard is appropriately designed and will enhance the overall street-facing elevation. Therefore, the project is consistent with Standard 9.

- **Standard 10.** *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed addition would result in the removal and alteration of the roof and rear building elevation including portions of its exterior walls and roofline. However, if the offset additions were removed in the future, the essential form and integrity of the rear portions of the original residence would remain generally unimpaired. As such, the project is consistent with Standard 10.