



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

PROJECT INFORMATION	
Zoning Administrator Meeting: March 11, 2020	Agenda Item: 3-D
Permit: 20ENT-0003 (FENCE WALL HEDGE MODIFICATION)	
Address: 1119 20 th Street	
Applicant: Steve Shahmoradi	
Property Owner: Steve Shahmoradi	
Case Planner: Rathar Duong	
REQUEST:	The applicant requests approval of a wall, hedge, and gate height modification to allow a 4.1-foot high concrete wall, 9.7-foot high hedge. And a 6.3-foot high gate located within the required front setback. The proposed wall, hedge, and gate heights exceed the maximum allowable height of 42 inches in the front setback in the Low-Density Residential (R2) zoning district. Pursuant to Santa Monica Municipal Code (SMMC) Sections 9.21.050 and 9.04.050(D), fences, walls, or hedges cannot exceed a maximum height of 4 inches within the required front yard setback as measured from the lowest finished grade adjacent to either side of the fence, wall, or hedge. Pursuant to SMMC Section 9.04.050(D), in the cases of fences, walls, or hedges that are parallel to and within 5 feet of a public sidewalk, grade shall be the elevation of the closest point on the sidewalk. SMMC Section 9.43.080(B) allows an applicant to request a modification to this height limitation in the front yard setback.
CEQA STATUS:	Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the State Implementation Guidelines in that the project involves the approval of a retaining wall and hedges located in the front setback of a multi-unit residential property.

PROPERTY INFORMATION	
Zoning District:	Low Density Residential (R2) District
Parcel Area (SF) / Dimensions:	7,995 SF / 50' x 159.90'
Rent Control Status:	Exempt
Relevant Prior Permits:	None

ZONING ADMINISTRATOR ACTION	
PARTIALLY APPROVED based on findings and subject to conditions.	January 25, 2021

Effective Date Of Action If Not Appealed:	February 9, 2021
Expiration Date: (2.5 years pursuant to SMMC 9.54.090(A)(1) + 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)	July 25, 2025
Length Of Any Possible Extension:	One year

FENCE, WALL, HEDGE HEIGHT MODIFICATION – FINDINGS

- (a) The subject fence, wall, or hedge will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public rights-of-way, or safety concerns. 20th Street is a north-south arterial street between Wilshire Boulevard to the south and California Avenue to the north and is heavily utilized by both motorists and pedestrians. The subject site is located mid-block on the east side of 20th Street and is developed with two detached apartment buildings with a total of five residential units. The subject parcel slopes in topography with a grade change of approximately two feet between the side parcel lines thereby requiring the proposed retaining wall ranging from 2.2' – 4.1' in height along the front of the parcel. Such a retaining wall will be compatible with other similar retaining walls in the neighborhood found along this sloping stretch of 20th Street. As conditioned, a 42"-high hedge as measured from the existing front yard grade and located behind the retaining wall will provide a safety barrier between the front yard area and the sidewalk. At its highest point, there is an approximately 1.7'-high grade differential between the front yard and the sidewalk. The retaining wall and the hedge, conditioned to not exceed 42" in height, will provide a level of security and privacy for the site and will help provide a buffer from the vehicular and pedestrian traffic along 20th Street. As conditioned, the hedge will also be required to be routinely trimmed to maintain compliance with the conditions of approval for maximum height and to ensure that the hedge will not encroach onto the public right-of-way

However, a proposed 9.7'-high hedge along the front parcel line will not be compatible with the neighborhood that is composed primarily of open front yard areas. Of the 14 residential parcels within the subject block on both sides of 20th Street between Wilshire Boulevard and California Avenue, only two parcels contain legally registered nonconforming height walls and hedges in the front yard areas. In addition, a second entry gate exceeding 42" in height will not be compatible with the neighborhood. As conditioned, a second entry gate not exceeding 42" in height will provide a security barrier while remaining consistent with other similar features in the neighborhood.

- (b) The granting of such modification will not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located in that the subject wall, hedge, and gate, as conditioned, will achieve greater consistency with other properties within this block of 20th Street between Wilshire Boulevard and California Avenue and is necessary to address the approximate 1.7'-high grade differential between the front yard and the sidewalk created by the sloping topography between the side parcel lines of the subject parcel. As conditioned, the reduced overall height of the hedge will create a buffer from the sidewalk and street and provide a barrier between the raised front yard area and the sidewalk. The reduced height of the hedge along with one of the entry gates will also allow the front yard to be used as an outdoor space while

also providing a level of privacy and security and in keeping with the predominantly open front yard character of the neighborhood and providing better connectivity to the street and pedestrian realm. As conditioned, the hedge will also be required to be routinely trimmed to maintain compliance with the conditions of approval for maximum height and to ensure that the hedge will not encroach onto the public right-of-way.

- (c) The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located. The subject parcel slopes in topography with a grade change of approximately two feet between the side parcel lines thereby requiring the proposed retaining wall ranging from 2.2' – 4.1' in height along the front of the parcel. Such a retaining wall will be consistent with other similar retaining walls in the neighborhood found along this sloping stretch of 20th Street. The retaining wall and the hedge, conditioned to not exceed 42" in height as measured from the existing front yard grade, will provide a level of security and privacy for the site and enhance usability of the outdoor open space while maintaining visual consistency and connectivity to the public right-of-way complementing the openness of the existing streetscape. As conditioned, the hedge will also be required to be routinely trimmed to maintain compliance with the conditions of approval for maximum height and to ensure that the hedge will not encroach onto the public right-of-way.

However, a proposed 9.7'-high hedge along the front parcel line will not be keeping in character with the neighborhood that is composed primarily of open front yard areas. Of the 14 residential parcels within the subject block on both sides of 20th Street between Wilshire Boulevard and California Avenue, only two parcels contain legally registered nonconforming height walls and hedges in the front yard areas. In addition, a second entry gate exceeding 42" in height will not be compatible with the neighborhood. As conditioned, a second entry gate not exceeding 42" in height will provide a security barrier while keeping in character with other similar features in the neighborhood.

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 to the wall, hedge, and gates within the front yard area parallel to the front parcel line as presented at the Zoning Administrator Hearing on March 11, 2020. Specifically, as conditioned, the determination allows for the following:

- A freestanding retaining/block wall ranging from 2.2' to 4.1' in height as measured from the adjacent sidewalk grade located within the front setback along the front parcel line.
 - A 42"-high hedge as measured from the existing front yard grade located behind and parallel to the front retaining/block wall.
 - No more than one entry gate that exceeds 42" in height with maximum dimensions of 8' in height and width and 3' in depth.
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 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 twelve (12) months. 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. 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 Fence Wall Hedge 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

- 8. The subject hedge located within the front setback shall be routinely trimmed and maintained so that the overall height of the hedge shall not exceed 42 inches in height at its highest point as measured from the existing front yard grade and pursuant to SMMC Section 9.21.050(D)(1) to not extend onto adjoining parcels and the public right-of-way.

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

January 25, 2021

Jing Yeo, AICP
Zoning Administrator

Date

Acknowledgement by Permit Holder (1119 20th Street / 20ENT-0003)

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