



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

| PROJECT INFORMATION | |
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| Zoning Administrator Meeting: March 11, 2020 | Agenda Item: 3-B |
| Permit: 19ENT-0426 (FENCE WALL HEDGE MODIFICATION) | |
| Address: 115 17 th Street | |
| Applicant: Aaron Schatzow | |
| Property Owner: Aaron and Jaclyn Schatzow | |
| Case Planner: Rathar Duong | |
| REQUEST: | The applicant requests approval of a hedge height modification to allow a 9-foot high hedge located along the side property line perpendicular to 17 th Street within the required front setback. The proposed hedge height exceeds the maximum allowable height of 42 inches in the front setback in the Single-Unit Residential (R1) zoning district, North of Montana neighborhood. 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 42 inches within the required front yard setback as measured from the lowest finished grade adjacent to either side of the fence, wall, or hedge. 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 hedge located in the front setback of a single-unit property. |

| PROPERTY INFORMATION | |
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| Zoning District: | Single-Unit Residential (R1) |
| Parcel Area (SF) / Dimensions: | 8,840 SF / 60' x 149' |
| Rent Control Status: | Exempt |
| Relevant Prior Permits: | None |

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

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| 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. 17th Street is a north-south arterial street that connects San Vicente Boulevard to Montana Avenue and other streets to the south. The subject site faces 17th Street and is the second parcel south of San Vicente Boulevard. The hedge runs adjacent to the neighboring parcel's driveway to the south perpendicular to the sidewalk and street. As conditioned, the hedge will not exceed six feet in height, and its perpendicular orientation to the sidewalk and street will minimize its visual impact to the neighborhood while providing some mitigation from vehicular traffic on 17th Street. The immediate neighborhood consists of 27 residential parcels on the block between San Vicente Boulevard and Georgina Avenue along both sides of 17th Street and extending to 16th Street between San Vicente Boulevard and Georgina Ave. Five other parcels within this neighborhood area contain previously registered nonconforming height hedges ranging between 6' – 14' in height within their front yards. The height modification will allow for the subject front yard to remain predominantly open consistent with the prevailing character of the open front yards in the immediate neighborhood. 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 or adjacent parcel.
- (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 hedge, as conditioned, the reduced overall height of the hedge will provide a buffer from the adjacent streets, particularly San Vicente Boulevard and 17th Street due to their pedestrian and vehicular traffic and associated noise impacts. The reduced hedge height will continue allow the front yard to be used as an extended outdoor space while also providing a level of privacy between properties. 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 or adjacent parcel. In addition, as conditioned, the hedge will provide the required 5'0" x 5'0" Hazardous Visual Obstruction (HVO) areas adjacent to the neighbor's driveway and front parcel line.
- (c) The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located. As conditioned, the hedge will not exceed six feet in height, and its perpendicular orientation to the sidewalk and street will minimize its visual impact to the neighborhood. The immediate neighborhood consists of 27 residential parcels on the block between San Vicente Boulevard and Georgina Avenue along both sides of 17th Street and extending to 16th Street between San Vicente Boulevard and Georgina Ave. Five other parcels within this neighborhood area contain previously registered nonconforming height

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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 only applies to the hedge within the front yard area along the south side parcel line as presented at the Zoning Administrator hearing. Specifically, as conditioned, the determination allows for a maximum 6-foot high hedge at its highest point along the entire length of the hedge along the south side parcel line in the front yard area.

Pursuant to SMMC Section 9.04.050(D), the height of any fence, wall, or hedge shall be measured from the lowest finished grade adjacent to either side of the fence, wall, or hedge. The height shall be measured in a continuum at each point along the fence, wall, or hedge. In the case of fences, walls, or hedges that are parallel to and within 5 feet of a public sidewalk or other public way, grade shall be the elevation of the closest point on the sidewalk or public way. 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 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 hedge located along the south property line adjoining the neighbor’s driveway within the front setback and perpendicular to 17th Street shall be reduced in height to achieve an overall maximum height of 6’0” high at the highest point along the entire length of the hedge.
- 9. The subject hedge shall be routinely trimmed and maintained so that the overall height of the hedge does not exceed 6 feet in height at its highest point and pursuant to SMMC Section 9.21.050(D)(1) to not extend onto adjoining parcels and the public right-of-way.
- 10. The subject hedge shall be reconfigured and maintained to comply with the 5’-0” x 5’-0” Hazardous Visual Obstruction (HVO) standards as described in SMMC Section 9.21.180.

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 – Mail Stop 28, 1685 Main Street, 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 (115 17th Street / 19ENT-0426)

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