



## MINOR MODIFICATION DETERMINATION

PROJECT INFORMATION	
Permit:	21ENT-0030 (Minor Modification)
Address:	1820 Broadway
Applicant:	Jackson McNeill on behalf of 1820 Broadway, LLC
Property Owner:	1820 Broadway LLC
Case Planner:	Tiffany Lin, Associate Planner
REQUEST:	Allow for a 12-foot vertical clearance for the standard, non-dedicated loading space and zero 10-foot bicycle stalls. Sections 9.28.080 and 9.28.140 of the Santa Monica Municipal Code (SMMC) require standard loading spaces to have a height clearance of 14 feet and at least 10 percent of the total bike parking to accommodate 10-foot long bicycles respectively. 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:	MUBL (Mixed-Use Boulevard Low)
Parcel Area (SF)/Dimensions:	5,000 sf (50 x 100)
Rent Control Status:	Commercial (exempt)
Relevant Prior Permits:	19ENT-0441 (Conditional Use Permit), 19ENT-0442 (Variance)

ZONING ADMINISTRATOR ACTION	
<b>APPROVED</b> as requested based on findings and subject to conditions.	March 4, 2021

Effective Date of Action:	March 4, 2021
Expiration Date: <small>(2 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)</small>	March 4, 2025
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 approved use at the subject site is for a small-scale creative office which retains an existing commercial building located on a substandard-sized parcel. The small-scale creative office does not anticipate deliveries and to the extent the loading space will be utilized, deliveries will only be provided by passenger-size trucks and vans. The clearance height required by SMMC Section 9.28.080 is intended to provide adequate vertical clearance for commercial delivery trucks which are not necessary for the creative office use and would not fit within the space provided by the existing building on the substandard-sized parcel. Furthermore, the site is regulated by Conditional Use Permit 19ENT-0441 which requires an on-site attendant or employee to be present during hours the project is open to the public to facilitate the use of the parking and loading areas. Section 9.28.140 also requires one 10-foot long bicycle stall to be provided at the subject property. Due to size constraints of other elements within the parking area such as the trash enclosure, pedestrian path of travel, and other areas that cannot be reduced in sized, the site cannot accommodate the one 10-foot long bicycle stall required by Code. The project provides for 19 bicycle stalls which exceeds the Code-required amount of bicycle parking spaces, and the bicycle parking area meets all other Code-required standards. The proposed modifications have been reviewed and approved by the City's Mobility staff.
2. The requested modification is consistent with the General Plan and any applicable area or specific plan in that minor modifications for the reduced vertical clearance dimension for the loading space and the removal of the 10-foot long bicycle stall requirement will not affect the intended use or interface between land use and transportation systems in the Mixed-Use Boulevard Low (MUBL) land use district in which the project site 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 MUBL district allows for commercial projects, and the proposed modifications to the loading space height clearance and the required 10-foot long bicycle stall are needed in order to meet all other Municipal Code requirements and to facilitate development at the project site consistent with the plans approved by the Planning Commission through Conditional Use Permit 19ENT-0441 and Variance 19ENT-0442.
4. Adjoining parcels 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 modifications only affect the loading space height clearance dimension and the 10-foot long bicycle stall requirement

and will not adversely affect the projects ingress/egress and other Municipal Code requirements.

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 loading space height clearance and the removal of the required 10-foot long bicycle stall will continue to maintain sufficient loading and bicycle parking for the proposed use. Additionally, the modified loading space and removal of the 10-foot bicycle space will not pose any conflicts with the general welfare of persons working on the site.

## **CONDITIONS OF APPROVAL**

### **Standard Conditions**

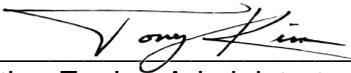
1. This determination shall not become effective for a period of fourteen (14) days from the date the decision is made and posted on the City's website or, if appealed, until a final determination has been made on the appeal.
2. This approval applies only to the request to modify the loading space height clearance from the standard 14' as established under SMMC 9.28.080 to 12' and to allow for zero 10-foot long bicycle stalls as shown on plans dated May 2020 and subject to any special conditions.
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 forty-eight (48) 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. An appointment to submit such an appeal may be made by emailing [planning@santamonica.gov](mailto:planning@santamonica.gov) and [tiffany.lin@santamonica.gov](mailto:tiffany.lin@santamonica.gov) and payment of the appropriate fees.

  
\_\_\_\_\_  
Acting Zoning Administrator

March 4, 2021  
\_\_\_\_\_  
Date

**Acknowledgement by Permit Holder (1820 Broadway / 21ENT-0030)**

**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