



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

PROJECT INFORMATION	
Zoning Administrator Meeting: April 13, 2021	Agenda Item: 3-A
Permit: 21ENT-0042 (FENCE WALL HEDGE MODIFICATION)	
Address: 2606 Highland Avenue	
Applicant: Anthony Agriam	
Property Owner: Robert Angel	
Case Planner: Ivan Lai	
REQUEST:	The applicant requests approval of a height modification for an overall 8'-0" high fence, wall, and hedge along the front (east) parcel line, an up to 8'-0" high fence and wall along the driveway, and up to an 8'-0" high fence, wall, and hedge on the street side (north) parcel line within the front yard setback. The proposed hedge height exceeds the maximum allowable height of 42 inches in the front setback in the Ocean Park Low Density Residential (OP2) 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 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. 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:	Ocean Park Low Density Residential (OP2) District
Parcel Area (SF) / Dimensions:	3,981 SF / 40' x 99.53'
Rent Control Status:	Exempt
Relevant Prior Permits:	None

ZONING ADMINISTRATOR ACTION	
PARTIALLY APPROVED based on findings and subject to conditions.	June 28, 2021

Effective Date of Action If Not Appealed:	July 13, 2021
Expiration Date: (2 years pursuant to SMMC 9.37.090(A)(2) + 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 13, 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. The 8'-0" high fence, wall, and hedge, as measured from sidewalk grade, on the street side (north) parcel line within the front yard setback will help to buffer the visual impact and noise generated from vehicular and pedestrian traffic on Ocean Park Boulevard which is an active east-west thoroughfare and will be similar to other such structures located along Ocean Park Boulevard.

However, an overall 8'-0" high fence, wall, and hedge along the front parcel line and along the walkway adjacent to the driveway will detract from the overall character of the street and create inconsistency among other legally nonconforming registered walls/hedges in the vicinity. As there is a grade difference within the front yard setback area higher than sidewalk grade, as conditioned, a 5'-0" high fence, wall, and hedge along the front (east) parcel line as measured from sidewalk grade and a 5'-0" high fence and wall along the walkway adjacent to the driveway as measured from lowest adjacent grade on either side of the fence along the driveway will provide a safety barrier due to the drop in grade. As conditioned, the streetscape will remain visually open and connected to the public right-of-way while being pedestrian friendly as well as being compatible with other similar structures in the neighborhood. An 8'-0" high fence, wall, and hedge would significantly conceal the single-unit dwelling from the street and negatively impact the mostly open streetscape design and pedestrian experience.

- (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, fence, and hedge, as conditioned, will achieve greater consistency with other residential properties within the subject block of Highland Avenue between Ocean Park Boulevard and Hill Street. The subject property is a corner lot located on the southwest corner of Ocean Park Boulevard and Highland Avenue. The overall 8'-0" high fence, wall, and hedge along the street side (north) parcel line will create a buffer from the adjacent thoroughfare of Ocean Park Boulevard and the noise and visual impact generated from the vehicular and pedestrian traffic.

As conditioned, the reduced fence, wall, and hedge height along the front (east) parcel line and the walkway adjacent to the driveway will help create a safety barrier from the raised front yard grade while being compatible with other fences, walls, and hedges within the neighborhood. The reduced fence, wall, and hedge height will create an open appearance in the front setback that will improve pedestrian connection to the street, public realm, and streetscape. The hedge will be required to be routinely trimmed and maintained to comply with the conditions of approval for height and encroachment onto the public right-of-way. Further, as

conditioned, the fence and wall will not impact or impede the required 5' x 5' Hazardous Visual Obstruction (HVO) area at the 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 retaining and block walls within the front setback are a common feature due to the sloping topography of the residential properties on the west side of Highland Avenue. The subject fence, wall, and hedge, as conditioned, will allow visibility of the single-unit dwelling while also providing a level of safety for use of the outdoor space in the front setback.

The subject fence, wall, and hedge, as conditioned, will minimize the impact of pedestrian and vehicular traffic to the front yard from Ocean Park Boulevard and enhance usability of the front yard open space. In addition, as conditioned, the subject hedge shall be required to be routinely maintained and trimmed so that they will not impede the public right-of-way and achieve continued compliance with the approved height limit.

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 proposed fence, wall, and hedge within the front yard setback as presented at the Zoning Administrator Hearing on April 13, 2021. Specifically, as conditioned, the determination allows for the following:
 - A maximum 8'-0" high fence, wall, and hedge on the street side (north) parcel line within the front yard setback as measured from sidewalk grade and proceeding horizontally to the west.
 - A maximum 5'-0" high fence, wall, and hedge along the front (east) parcel line within the front yard setback as measured from sidewalk grade.
 - A maximum 5'-0" high fence and wall along the walkway/steps adjacent to the driveway within the front yard setback as measured from the lowest adjacent grade on either side of the fence and wall.
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 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 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 along the front (east) parcel line shall not exceed 5'-0" in height at its highest point as measured from the existing sidewalk grade, and the overall height of the hedge along the side (north) parcel line shall not exceed 8'-0" in height as measured from sidewalk grade. Pursuant to SMMC Section 9.21.050(D)(1), the hedge shall also be routinely trimmed and maintained as to not extend onto adjoining parcels and the public right-of-way.
- 9. The fence and wall along the driveway within the front yard setback shall be reconfigured or 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, 1685 Main Street, Room 212, Santa Monica, CA 90401, accompanied by the required filing fee.

Jing Yeo

June 28, 2021

Jing Yeo, AICP
Zoning Administrator

Date

Acknowledgement by Permit Holder (2606 Highland Avenue / 21ENT-0042)

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