



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

PROJECT INFORMATION	
Zoning Administrator Meeting: June 8, 2021	Agenda Item: 3-A
Permit: 21ENT-0074 (FENCE WALL HEDGE MODIFICATION)	
Address: 710 Marguerita Avenue	
Applicant: Jack Kobe Oved and Janina Malicka-Oved	
Property Owner: Jack Kobe Oved and Janina Malicka-Oved	
Case Planner: Rathar Duong	
REQUEST:	The applicant requests approval of a height modification to increase the height of existing 3'6"-high block walls by 2'6" in height for a combined height of 6'0" located along the south, west, and north parcel lines and to relocate an existing registered nonconforming height hedge that is approximately 7.33' (88") high, currently located about 9'11" from the front parcel line along 7 th Street, to the front parcel line. New 7.33' (88') high hedges are proposed along the south and north side parcel lines to connect the existing hedges with the relocated hedge along the front parcel line. The walls and hedges are located within the required 30-foot front yard setback. The proposed wall and hedge heights exceed the maximum allowable height of 42 inches in the front setback in the Single-Unit Residential (R1) 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 hedges and site walls located in the front setback of a single-unit property.

PROPERTY INFORMATION	
Zoning District:	Single-Unit Residential (R1)
Parcel Area (SF) / Dimensions:	7,500 SF / 50' x 150'
Rent Control Status:	Exempt
Relevant Prior Permits:	None

ZONING ADMINISTRATOR ACTION	
DENIED based on findings.	August 20, 2021
Effective Date Of Action If Not Appealed:	September 3, 2021

FENCE, WALL, HEDGE HEIGHT MODIFICATION – FINDINGS

- (a) The subject fence, wall, or hedge will be compatible with other similar structures in the neighborhood but is not required to mitigate impacts from adjacent land uses, the subject property’s proximity to public rights-of-way, or safety concerns. The corner property is currently enclosed with either a block wall and/or a hedge on all sides. Specifically, the required 30-foot front setback is enclosed by a combination of 3’6” high block walls and 7.33’ high registered nonconforming height hedges (07FWHR0253) that are located along/next to the block walls. The mature hedges create a solid, impassable barrier and conceal the block walls and front yard when viewed from the public right-of-way. The existing condition created by the existing walls and hedges already mitigates impacts, if any, from the adjacent land uses and safety concerns and already serves to enclose the front yard. The applicant has not adequately justified the necessity of the height modification in addition to this existing condition. The proposal to increase the height of the existing 3’6” high block walls to 6’0” high by installing new 2’6” high wrought iron fences on top, relocating the existing 7.33’ high hedge about 9’11” to the front property line along 7th Street, and filling in the gaps on the sides between the existing 3’6” wall and relocated hedge would be substantially similar to the existing condition and would not provide additional mitigation measures that are not already provided by the existing condition. Additionally, the proposal, if approved would expand the existing legal nonconforming condition that currently exists as a result of the property’s registered hedges within the front setback which runs contrary to the goals and objectives of the Zoning Code which contains provisions to, in certain instances, maintain or terminate legal, non-conforming features of a property but places limitations on expanding or increasing such legal non-conforming conditions.

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

August 20, 2021

Jing Yeo, AICP
Zoning Administrator

Date