



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

<b>PROJECT INFORMATION</b>	
Zoning Administrator Meeting: June 8, 2021	Agenda Item: 3-B
Permit: 21ENT-0077 (FENCE WALL HEDGE MODIFICATION)	
Address: 878 Woodacres Road	
Applicant: Brii Herzog	
Property Owner: Elia Akhavan	
Case Planner: Michael Rocque	
<b>REQUEST:</b>	The applicant requests approval of a height modification for a 7.5' high block wall along the east (Woodacres Road) side parcel line and a block wall measuring between 6.5' to 7.5' high along the south (San Vicente Boulevard) front parcel line all within the front yard setback. The proposed block wall height exceeds 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.
<b>CEQA STATUS:</b>	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 block wall located in the front setback of a single-unit residential property.

<b>PROPERTY INFORMATION</b>	
Zoning District:	Single-Unit Residential (R1) District
Parcel Area (SF) / Dimensions:	9,575 SF / Irregular shaped lot
Rent Control Status:	Exempt
Relevant Prior Permits:	None

<b>ZONING ADMINISTRATOR ACTION</b>	
<b>APPROVED</b> based on findings and subject to conditions.	July 19, 2021

Effective Date Of Action If Not Appealed:	August 3, 2021
Expiration Date: (2 years pursuant to SMMC 9.54.090(A)(1) + 2 years pursuant to the Thirty-Seventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on June 14, 2021)	August 3, 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. San Vicente Boulevard is an east-west arterial street that is heavily utilized by both motorists and pedestrians. The subject site is a corner parcel located on the northwest corner of 14<sup>th</sup> Street and San Vicente Boulevard and is developed with a single-unit dwelling. Both the block wall measuring between 6.5 to 7.5' high along San Vicente Boulevard and the 7.5' high block wall along Woodacres Road as measured from the lowest finished adjacent grade within the front yard setback will help to buffer the visual impact and noise generated from vehicular and pedestrian traffic on San Vicente Boulevard which is an active east-west thoroughfare and will be similar to other such structures located along San Vicente Boulevard. The walls will also provide a safety barrier between the front yard area along both San Vicente Boulevard and 14<sup>th</sup> Street. Of the 4 residential parcels along San Vicente Boulevard within the subject block, three parcels contain legally registered nonconforming height walls and hedges in the front yard areas, and the subject block wall will be compatible with other similar walls in the neighborhood found along this stretch of San Vicente Boulevard.
- (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 block wall in the front yard setback, as conditioned, will be consistent with other properties within this block of San Vicente Boulevard and 14<sup>th</sup> Street, will not negatively impact the subject property or the adjacent properties, and will serve as a preventive safety measure. The subject property is a corner lot located on the northwest corner of San Vicente Boulevard and 14<sup>th</sup> Street. The block wall measuring between 6.5 to 7.5' high along San Vicente Boulevard and the 7.5' high block wall along Woodacres Road will create a buffer from the adjacent thoroughfare of San Vicente Boulevard and the noise and visual impact generated from the vehicular and pedestrian traffic. The subject block wall will also allow the front yard to be used as an outdoor space while also providing a level of privacy and security as the subject property does not contain an open rear yard area.
- (c) The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located as nonconforming height walls and hedges in the front yard setback are a common feature on this block of San Vicente Boulevard and 14<sup>th</sup> Street including three existing, legal conforming hedges, walls, and fences along San Vicente Boulevard within the subject block. The subject fence, wall, and hedge, as conditioned, will minimize the impact of pedestrian and vehicular traffic to the front yard from San Vicente Boulevard and enhance usability of the front yard open space.

## **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 block wall within the front yard setback area that extends along both Woodacres Road and San Vicente Boulevard as presented at the Zoning Administrator Hearing on June 8, 2021. Specifically, as conditioned, the determination allows for the following:
  - A 7.5' high block wall along the east (Woodacres Road) side parcel line.
  - A block wall measuring between 6.5' to 7.5' high along the south (San Vicente Boulevard) front parcel line.
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 7.5' high block wall along the east (Woodacres Road) side parcel line within the front yard setback shall be 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*

July 19, 2021

\_\_\_\_\_  
Jing Yeo, AICP  
Zoning Administrator

\_\_\_\_\_  
Date

**Acknowledgement by Permit Holder (878 Woodacres Road / 21ENT-0077)**

**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