

Division 3: General Regulations

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Chapter 9.21 General Site Regulations

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9.21.010 Purpose and Applicability

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all Districts. These standards will be used in conjunction with the standards for each Zoning District located in Division 2, Base and Overlay Districts. In any case of conflict, the standards specific to the Zoning District will override these regulations. See also Section 9.01.050, Special Development Standards for the Protection and Preservation of Historic Resources.

9.21.020 Accessory Buildings and Structures

Accessory buildings shall conform to the same property development standards as main buildings except as required by this Section. Accessory buildings in Residential Districts, including, but not limited to, greenhouse and garden structures, storage sheds, workshops, garages, and other structures that are detached from the main building shall be erected, structurally altered, converted, enlarged, moved, and maintained, in compliance with the following regulations:

- A. **Relation to Existing Structures.** An accessory building may only be constructed on a parcel with a legally-permitted main building. An accessory building will be considered part of the principal

building if the accessory building is located less than 6 feet from the principal building or if connected to it by fully enclosed space.

B. **Dwelling Units in Accessory Structures.** An accessory building on a parcel occupied by a single-unit detached structure may only be used as a separate dwelling unit in compliance with the requirements of Section 9.31.300, Second Dwelling Units.

C. **Accessory Buildings up to 14 Feet in Residential Districts.** Accessory buildings and structures not more than 14 feet or one story in height shall conform to the following standards:

1. ***Location.***

- a. Accessory buildings shall be located on the rear half of the parcel and shall not extend into the required minimum side yard setback except as authorized pursuant to (b) and (c) below.
- b. Accessory buildings no more than 14 feet in height may be located in the rear setback but shall be located at least 5 feet from the rear parcel line. A garage or garage portion of such an accessory building may extend up to one interior side parcel line within the rear 35 feet of a parcel.
- c. A garage or garage portion of an accessory building may extend to the rear parcel line abutting an alley, provided that vehicle access is not taken from the alley. Where vehicle access is taken from an alley, garages shall be set back at least 5 feet from the rear parcel line abutting said alley.
- d. Accessory buildings may be located in a required rear setback and shall be located at least 15 feet from the centerline of a rear alley.

2. ***Dimensions.***

- a. On a reversed corner parcel, accessory buildings shall not be located nearer to the street side parcel line of such corner parcel than $\frac{1}{2}$ of the front setback depth required on the key parcel, nor be located nearer than 5 feet to the side parcel line of any key parcel.
- b. Any accessory building on a through parcel shall not project into any front setback and shall not be located in any required side setback.

3. ***Sloped Parcels.***

- a. Where the elevation of the ground at a point 50 feet from the front parcel line of a parcel and midway between the side parcel lines differs 12 feet or more from the curb level, a private garage, not exceeding one story nor 14 feet in height, may be located within the required front setback, provided that every portion of the garage building is at least 5 feet from the front parcel line and does not occupy more than 50 percent of the width of the front parcel line.
- b. In all OP Districts, a garage or garage entrance on a parcel with an existing grade differential of 10 feet or more between the midpoint of the front parcel line and the midpoint of the rear parcel line may be set back a distance equal to the average garage setback of adjacent garage(s), but not less than 5 feet, when the interior

garage width does not exceed 20 feet and the height does not exceed 11 feet for a flat roof and 14 feet for a pitched roof.

4. **Facilities.** Except for Second Dwelling Units established in compliance with Section 9.31.300 of this Ordinance, accessory buildings may not contain kitchens or full baths. An accessory building that is not an approved Second Dwelling Unit may contain a sink and toilet, but may not contain a shower or tub enclosure. A shower that is outside and unenclosed is permitted.

D. **Accessory Buildings over One Story or 14 Feet in Residential Districts.** Accessory buildings and structures that exceed 14 feet or one story in height may only be erected, structurally altered, converted, enlarged, or moved in any Residential District in conformance with the following regulations:

1. **Maximum Floor Area.** The total floor area of an accessory building that exceeds 14 feet or one story in height shall not exceed 650 square feet including any area approved for use as a garage. No accessory building shall have a second floor that exceeds 250 square feet in size.
2. **Maximum Building Height.** The accessory building shall not exceed two stories or 24 feet in height.
3. **Setbacks.** The accessory building shall conform to all setback requirements of the Residential District and the following requirements:
 - a. A one-story garage or the garage portion of an accessory building may extend into the rear setback and may extend to one interior side property line on the rear 35 feet of a parcel if the second story has a minimum separation of 20 feet from the second story of the principal building.
 - b. The accessory building shall have the same minimum side setback requirement as the principal building on the parcel, but in no case less than 5 feet.
 - c. The second story portion of an accessory building that is directly above the garage may extend into the required rear setback but shall be no closer than 15 feet from the centerline of the alley or 15 feet from the rear property line where no alley exists, and may not extend into any required side setback.
4. **Exterior Features.** In the North of Montana area, roof decks, landings, upper level walkways and balconies shall not exceed 35 square feet in area and must be set back at least 25 feet from the side property line closest to the structure, and at least 25 feet from the rear property line, or if an alley exists, 25 feet from the centerline of the alley.
5. **Design Compatibility.** The architectural design of the accessory building shall be compatible with the design of the principal dwelling and surrounding residential development in terms of building form, materials, colors, and exterior finishes.
6. **Kitchen.** The accessory building shall not contain a kitchen unless specifically permitted as a Second Dwelling Unit pursuant to Section 9.31.300, Second Dwelling Units.
7. **Full Bath.** The accessory building may contain a sink and toilet, but shall not contain a shower or tub enclosure unless specifically permitted as a Second Dwelling Unit pursuant to Section 9.31.300. A shower that is located outside and unenclosed may be permitted.

8. ***Renting.*** No accessory building shall be rented for any purpose or otherwise used as a Second Dwelling Unit unless specifically pursuant to Section 9.31.300.

9.21.030 Development on Multiple Parcels

- A. No parcel or building shall be separated in ownership, or reduced in size in any manner, so that:
 1. Any separate portion shall contain a parcel area or parcel dimension less than the minimum required for the District in which the property is located;
 2. Any setback area is reduced below the minimum required for the District in which the project is located;
 3. The parcel fails to comply with any other requirement of this Chapter; and
 4. Any portion of a parcel that is necessary to provide the required area per dwelling unit is separated from the portion of the parcel on which the building is located.
- B. Except for 100% Affordable Housing projects, no residentially zoned parcels shall be combined in ownership, or enlarged in size in any manner, so that:
 1. The combined parcels contain an area greater than 7,500 square feet or greater than 125% of the average parcel area of parcels located within a 500 foot radius of the combined parcel within the same Zoning District, whichever is less. In the Ocean Park neighborhood districts, the combined parcels contain an area greater than 5,000 square feet or greater than 125% of the average parcel area of parcels located within a 500 foot radius of the combined parcel within the same Zoning District, whichever is less. Any legally-created parcel existing prior to the effective date of this Zoning Ordinance that exceeds these consolidation limits shall be considered a legal, conforming parcel.
 2. The parcel fails to comply with any other requirement of this Chapter.
- C. Notwithstanding subsection (B), residentially zoned parcels may be combined in ownership or enlarged in size to provide courtyard housing subject to the following:
 1. The combined parcels shall not exceed 100 feet in width.
 2. The courtyard housing shall be developed in accordance with Section 9.08.030(F).
- D. No parcel of land held under common ownership which does not meet the requirements of the District in which it is located shall be separated in ownership or further reduced in size in any manner.
- E. A building or use may cross property lines only if:
 1. The building site shall be subject to all requirements of this Ordinance as though the total area comprised in the site were a single parcel; and
 2. A covenant by the owner(s) of the parcels shall be filed with the Director and recorded with the County Recorder's office before any use or combination of parcels occurs. The covenant shall state the intention of the owner(s) to develop the parcels as a single building site and shall be in the form required by the Director.

9.21.040 Development on Parcels Divided by District Boundaries

- A. **Generally.** Where a parcel is divided by a Zoning District boundary, the regulations applicable to each District shall be applied to the area within the District, and no use, other than parking serving a principal use on the site, shall be located in a District in which it is not a permitted or conditionally permitted use.
- B. **Access to Uses.** All access to parking serving a use must be from a street or alley abutting that portion of the parcel where the use is allowed. Pedestrian or vehicular access from a street or alley to a non-residential use shall not traverse a Residential District in which the non-residential use is not permitted or conditionally permitted.
- C. **Accessory Facilities.** Accessory landscaping, fences, screening or retaining walls, and outdoor living areas (usable open space) may be located on the parcel without regard for Zoning District boundaries.
- D. **Density and Floor Area.** The maximum permitted number of living units or maximum floor area, if any, shall be calculated according to the parcel area within each Zoning District and the corresponding density ratio and floor area ratio for the District.
- E. **Development Standards.** All applicable development standards, including maximum Floor Area Ratio and density limits, apply to each District.

9.21.050 Fences, Walls, and Hedges

Fences, freestanding walls, dense hedges, and similar structures shall comply with the requirements of Section 9.21.180, Hazardous Visual Obstructions and the standards of this Section. To the extent of any conflict between this Section and the visibility requirements of Section 9.21.180, Hazardous Visual Obstructions, the requirements of that Section shall control.

- A. **Height.** The maximum allowed height of fences, walls, dense hedges, and related structures is as follows.
 - 1. **Front Setbacks.** Fences, walls, and hedges shall be limited to the maximum heights stated below within front setbacks. For the purpose of regulating the height of fences, walls, and hedges, the front setback area shall be considered to be the area between the front or street side parcel line and the nearest building wall or setback line, whichever is the shorter distance.
 - a. Hedges, fences and walls: 42 inches in height.
 - b. One pergola or similar feature: 8 feet in height and width and 3 feet in depth. Gates or doors are permitted within the frame of pergolas or similar features.
 - c. Ornamental attachments atop a fence or wall: 12 inches above the maximum height limit with a maximum width of 12 inches for each attachment and a minimum distance of 5 feet between each attachment.
 - d. A guardrail may exceed the maximum height limit for a fence or wall, but only to the minimum extent required for safety by the Building Code. Safety guardrails must be at least 50 percent visually transparent above the fence or wall height limit.

2. **Side and Rear Setbacks.** Fences, walls, and hedges shall be limited to the maximum heights stated below within side and rear setbacks.
 - a. Fences and walls: 8 feet.
 - b. Hedge: 12 feet, except that there is no height limit for hedges adjacent to and located within 10 feet of an alley, measured perpendicularly from the side or rear property line that is adjacent to the alley.
 - c. A guardrail may exceed the maximum height limit for a fence, but only to the minimum extent required for safety by the Building Code. Safety guardrails must be at least 50 percent visually transparent above fence height limit.
 3. **Height Modifications.** A parcel owner may request a modification to the height limit of a proposed side or rear fence, wall, or hedge, pursuant to the provisions of Chapter 9.43, Modifications and Waivers.
- B. **Registered Existing Nonconforming Fences, Walls, and Hedges.** All existing nonconforming hedges, fences and walls that were properly registered with the City by November 15, 2007, in accordance with Interim Ordinance Number 2236 (CCS) and the Administrative Guidelines to Register Existing Nonconforming Fences, Walls, and Hedges, may maintain their height as of August 26, 2005, unless an objection was granted in accordance with the procedures established in Interim Ordinance Number 2169 (CCS) or Interim Ordinance Number 2268 (CCS). The owner of any properly registered fences, walls, and hedges, shall ensure that such fence, wall, or hedge do not exceed their registered height, unless the owner obtains a height modification pursuant to this Section. The Nonconforming Fence, Wall, or Hedge Registration Form, on file with the City, shall constitute conclusive and exclusive evidence of the grandparented height. No other evidence may be introduced or accepted in any administrative or judicial proceeding which would contradict the grandparented height established by the Nonconforming Fence, Wall, or Hedge Registration Form.
- C. **Repairs and Replacements of Registered Nonconforming Fences, Walls and Hedges.** Properly registered nonconforming fences, walls, and hedges may be repaired or replaced and still retain their right to their August 26, 2005 height, if the repair or replacement is undertaken with in-kind vegetation or building material, as appropriate, and if it is installed or planted within 5 years after the registered fence, wall or hedge has been removed. Additionally, properly registered hedges may be trimmed to any height and still retain their right to their August 26, 2005 height.
- D. **Maintenance.** All fences, walls, and hedges shall be maintained in a safe, neat and orderly condition at all times.
1. **Encroaching Hedges.** The owner of a hedge shall maintain the hedge so that it does not encroach onto the parcel of an adjoining parcel and the public right of way. If any portion of a hedge, including its roots, encroaches onto the parcel of an adjoining parcel, the owner of the adjoining parcel shall, after giving 30 days' notice and opportunity to cure, have the right to remove those portions of the hedge that encroach on their parcel back to the parcel line so long as they act reasonably and the removal does not cause unnecessary injury. The adjoining parcel owner shall have the right to file a civil action to recover all costs reasonably incurred in removing the encroaching portions of the hedge.

9.21.060 Height Exceptions

No structure shall project above the height limits established in this Ordinance except as specified in this Section.

- A. **Building-Mounted and Attached Structures.** Table 9.21.060 establishes the maximum permitted projection(s) above the height limit of a building for structures that are typically mounted or attached to a building. These projections are by right, with no discretionary permit required. Table 9.21.060 also establishes limitations in the horizontal coverage of permitted projections. Some allowances apply in all Zoning Districts while others are limited to specified Zoning Districts. None of these projections shall permit occupiable space above the height limit. The total aggregate coverage of projections shall not exceed 30 percent of a roof's area. This limitation shall not apply to solar energy systems (see Section 9.21.150).

TABLE 9.21.060: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structure</i>	<i>Maximum Aggregate Coverage of Building's Roof Area (%); Other Locational Restrictions</i>	<i>Maximum Vertical Projection (ft.) Above the Height Limit*</i>
Projections Allowed in All Zoning Districts:		
Skylights	No limit	1 ft.
Chimneys, vent stacks	5%	5 ft.
Windscoops	5%	5 ft.
Solar energy systems located on a rooftop	See Section 9.21.150	See Section 9.21.150
Antennas		
<i>One standard television receive-only nonparabolic antenna and one vertical whip antenna</i>	10%; May not be located between the building and any street-facing parcel line.	25 ft.
Other Antennas	See Chapter 9.32, Telecommunications Facilities	
Projections Allowed in All Districts Except R1 and OP-1 Districts:		
Parapets, fire escapes, catwalks, and open guard rails required by law	As required by law	As required by law
Non-occupiable features such as steeples, spires, towers, domes, and cupolas	10%	10 ft.
Rooftop features for outdoor living areas, such as sunshade, open railings, trellises, and landscaping	25%	10 ft
Elevator shafts	15%	18 ft.* above the roofline
Stairwells	25%	14 ft.* above the roofline
Mechanical rooms and enclosures	25%	12 ft.* above the roofline

TABLE 9.21.060: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structure</i>	<i>Maximum Aggregate Coverage of Building's Roof Area (%); Other Locational Restrictions</i>	<i>Maximum Vertical Projection (ft.) Above the Height Limit*</i>
Ventilating fans, water tanks, cooling towers, or other equipment required to operate and maintain a building, along with screening of such equipment required by Section 9.21.140, Screening	Total area enclosed by all screening may not exceed 30% of roof area	12 ft.

9.21.070 Freestanding Structures

Freestanding structures, including flagpoles, antennas, and similar structures, may not extend above the height limit established for any Zoning District.

9.21.080 Lighting

A. **Applicability.** The standards of this Section shall apply to the following:

1. ***New Lighting.*** All new exterior lighting, including lighting fixtures attached to buildings, structures, poles, or self-supporting structures. Exterior lighting may be found on parking lots, walkways, building entrances, outdoor sales areas, landscaping, recreational fields, and building faces.
2. ***Replacement Lighting.*** Additions or replacements of existing exterior lighting, including upgrades and replacements of damaged or destroyed fixtures.

B. **Exemptions.** The following specific types of lighting are exempt from the requirements of this Section:

1. Lighting required by a health or life safety statute, ordinance or regulation, including emergency lighting; temporary lighting used by law enforcement or emergency services personnel.
2. Temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
3. Underwater lighting used in or for the purpose of lighting swimming pools, hot tubs, decorative fountains and other water features.
4. Sign lighting (See Chapter 9.61, Signs).
5. Security lighting for public facilities, including hospitals.

C. **General Standards.**

1. ***Residential Multiple-Unit Buildings.*** Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.

2. **Nonresidential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one foot-candle of light.
 3. **Shielding.** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjacent properties. All luminaires shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaires.
 4. **Light Trespass.** Lighting may not illuminate other properties in excess of a measurement of 0.5 foot candles of light.
 5. **Maximum Height.** The maximum height for exterior lighting shall be as follows:
 - a. Residential, Ocean Park Oceanfront Districts: 16 feet.
 - b. Non-residential Districts: 26 feet.
- D. **Spotlights and Flood Lighting.** Spotlights and flood lighting are permitted for the purpose of emphasizing architectural accents or details on buildings, sculptures, or landscaping, as long as such lighting does not create light trespass. Such lighting shall be prohibited between the hours of midnight and sunrise if projected above the horizon.
- E. **Prohibitions.** The following lighting fixtures and systems shall be prohibited:
1. Drop-down lenses;
 2. Mercury vapor lamps; and
 3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves, with the exception of amusement rides located on the Pier, which may have lights that blink, flash and oscillate.
- F. **Parking Lot and Structure Lighting.** In addition to the requirements of Section 9.28.120, Parking Design and Development Standards, the following standards apply:
1. Public parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of ½ foot-candle and a maximum of 3.0 foot candles of light over of the parking surface from ½ hour before dusk until ½ hour after dawn.
 2. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 3. All lighting used to illuminate a parking area for any number of automobiles in any District shall be arranged so that all direct rays from such lighting fall entirely within such parking lot and be consistent with this Section.
- G. **Maintenance.** Exterior lighting fixtures and lamps shall be maintained in good working order.

9.21.090 Outdoor Living Area

Required outdoor living areas to serve residential dwelling units shall be provided in accordance with this Section.

- A. **Required Area, Location.** Outdoor living area shall be provided according to the required minimum area stated for the respective District in Division 2, Base and Overlay Districts. The required minimum private outdoor living space area per dwelling unit shall be located and designed to serve each unit. The remainder of required open space per unit shall be provided as either private open space accessible to the unit or common open space accessible to all or multiple units on the site. No more than 20 percent of the total area required for outdoor living space may be provided on a roof.
- B. **Facilities.** Private outdoor living areas typically consist of balconies, decks, patios, fenced setbacks, and other similar areas outside the residence. Common outdoor living areas typically consist of landscaped areas, landscaped courts, walks, patios, swimming pools, barbeque areas, playgrounds, turf, gardens, or other such improvements as are appropriate to enhance the outdoor environment of the development.
- C. **Minimum Dimensions.**
 - 1. **Private Outdoor Living Area.** Private outdoor living area located on the ground level (e.g., yards, decks, patios) shall be no less than 10 feet long by 4 feet deep. Private outdoor living area located above ground level (e.g., balconies) shall be no less than 6 feet long by 4 feet deep.
 - 2. **Common Outdoor Living Area.** Common outdoor living area located on the ground level shall be no less than 20 by 20 feet in dimension. Common upper-story decks shall be no less than 10 by 10 feet in dimension. Roof decks shall be no less than 15 by 15 feet in dimension.
- D. **Accessibility.**
 - 1. **Private Outdoor Living Area.** Private outdoor living area shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway of the unit.
 - 2. **Common Outdoor Living Area.** Common outdoor living area shall be accessible to all the residents of the dwelling units on the parcel.
- E. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation for the use of residents. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The slope shall not exceed 2 percent.
- F. **100% Affordable Housing Projects.** 100% Affordable Housing Projects in any district may substitute common outdoor living area in lieu of minimum required private outdoor living area in an equivalent amount.

9.21.100 Outdoor Storage

All outdoor storage of vehicles, equipment, and other items is allowed in a Zoning District, such outdoor storage must conform to the standards of this Section.

- A. **Prohibited Areas.** No sales, rentals, long-term storage, repair work, dismantling, or servicing of any motor vehicle, trailer, airplane, boat, loose rubbish, garbage, junk, or their receptacles, or building materials shall be permitted in any front yard or side yard of any property. Repair or servicing of any

motor vehicle may occur provided that the work continues for a period not to exceed 48 hours. Long-term storage shall mean storage for a period of 48 or more consecutive hours. In any Residential District, no portion of any vacant or undeveloped parcel or a parcel where no main building exists shall be used for long-term storage of the items listed above. Building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.

B. Screening.

1. Outdoor storage areas shall be screened from any public street or freeway, existing or residential area, or publicly accessible open space areas, parking areas, access driveways, or similar thoroughfares.
2. The following requirements apply to all walls and fences that screen outdoor storage areas:
 - a. Screening walls and fences shall be architecturally compatible with the main structure on the site.
 - b. No barbed wire or razor wire is permitted except as authorized by Section 3.36.240.
 - c. No screening wall or fence shall be located within a required landscape planter along the street frontage.
 - d. Screening walls and fences shall not exceed maximum fence heights along parcel lines or in required setback, and in other areas shall not exceed 15 feet in height. No stored goods may exceed the height of the screening wall or fence.
3. ***Automobile Sales and Leasing Exemptions.*** The display of automobiles and vehicles for sale as part of an Automobile/Vehicle Sales and Leasing use or associated Automobile Storage use, as defined in Chapter 9.51, Use Classifications, shall be exempt from the screening requirement of this Subsection.

C. Other Requirements. All portions of outside storage areas shall have adequate grading and drainage and shall be continuously maintained.

1. Equipment shall be stored in such manner that it cannot be blown from the enclosed storage area; and
2. Equipment shall not be placed or allowed to remain outside the enclosed storage area.

9.21.110 Projections into Required Setbacks

Table 9.21.110 sets forth the requirements for permitted projections into required setbacks. Development in the R1 District is subject to the additional standards of Chapter 9.07.030(G); in the case of any conflict, the regulations of the base District shall supersede those of this Section. Projections shall not be permitted closer than 4 feet to any parcel line unless otherwise expressly authorized. Projections as listed below into existing, non-conforming setback areas shall be permitted only if the projection does not extend closer to the parcel line than would be permitted if the setback area conformed to current standards. The types of projections and the limitations on such projections into required setbacks are permitted subject to Section 9.31.180, Hazardous Visual Obstructions and compliance with the California Building Code as follows:

TABLE 9.21.110: ALLOWED PROJECTIONS INTO SETBACKS				
<i>Projections</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
Eaves, awnings, canopies, sun shades, sills, cornices, belt courses, trellises, arbors, and other similar architectural features (projections shall not be closer than 1.5 feet to any property line)	30 in.	30 in.	18 in.	4 ft.
Flues, chimneys, water heater enclosures, and similar vertical architectural projections not more than 5 ft. wide parallel to the side setback and that do not exceed 20% of the façade width	All setbacks: 18 in. for structures with conforming setbacks; 12 in. for structures with nonconforming setbacks			
Patios, porches, platforms, decks, and other unenclosed areas not covered by a roof or canopy and that may be raised above the level of the adjacent setback but do not extend more than 3 ft. above the average natural grade except for guard rails to the extent legally required	6 ft.	6 ft.	No limit (can extend to parcel line)	No limit (can extend to parcel line)
Balconies, decks, porches, and similar structures that are open, unenclosed on at least 2 sides	30 in.	30 in.	Not permitted	4 ft.
Second-floor decks, patios, or balconies, covered or uncovered, adjacent to primary living spaces in any OP Districts	30 in.	30 in.	30 in.	4 ft.
Unroofed access facilities, including stairs and wheelchair ramps, with a height, including railings, of no more than 6 ft. above average natural grade	8 ft., but may extend any distance to accommodate wheelchair ramps or similar ADA access facilities			
Exterior access facilities leading to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps	Not permitted	Not permitted	12 in. or 2 in. per foot of required side setback, whichever is greater	4 ft.
Greenhouse windows and bay windows that are not greater than 6 ft. wide parallel to the setback if all such windows are cantilevered only and do not extend to the ground level, provided the structure has a conforming setback	18 in.	18 in.	18 in.	18 in.
Porte cocheres not more than 20 ft. long, not more than 14 ft. in height, and open on 3 sides except for necessary structural supports	Not permitted in front setback Permitted in side and rear setback but may not be closer than 3 feet to the parcel line or as required by Building Code			
Mailbox canopies not more than 10 ft. long	30 in.	30 in.	30 in.	4 ft.

TABLE 9.21.110: ALLOWED PROJECTIONS INTO SETBACKS				
<i>Projections</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
Air conditioners, compressors, hot tub motors, pool filters	Not permitted	Not permitted	Not permitted	No limit (can extend to rear parcel line)
Solar energy system equipment	See Chapter 9.21.150, Solar Energy Systems			

9.21.120 Reflective Materials

No more than 25 percent of the surface area of any façade on any new building or addition to an existing building shall contain black or mirrored glass or other mirror-like material that is highly reflective. Materials for roofing shall be of a non-reflective nature. The foregoing requirements of this Section shall not apply to solar energy systems; the design of solar energy systems shall be subject to the standards set forth in Section 9.21.150, Solar Energy Systems. Glazing on the ground floor street frontage façade shall be clear glass.

9.21.130 Resource Recovery and Recycling Standards

- A. **Applicability.** All uses shall provide refuse and recycling storage and staging areas that comply with the standards of this Section. Refuse and recycling rooms meeting the standards of Subsection (C) shall be provided in conjunction with:
 - 1. New construction for which a building permit is required.
 - 2. Improvements affecting refuse and recycling areas of publicly owned facilities.
 - 3. Alterations of which the sum total of all improvements within a twelve month period either adds 30% or more to the existing floor area or the aggregate permit valuation as determined by CPI.

- B. **General Requirements.** Each parcel containing a building or structure shall provide and maintain one or more refuse containers and recycling containers on the premises.
 - 1. Containers shall be of sufficient capacity and number to accommodate the refuse and recyclable materials generated by the uses on the parcel, in compliance with guidelines established by the Public Works Department. An adequate number of bins or containers to allow for the collection and loading of refuse and recyclable materials shall be located within the refuse and recycling rooms or outdoor enclosures.

2. All outdoor storage of refuse, recyclable materials, and other items or material intended to be discarded or collected shall be screened from public view. On parcels where refuse and recyclable materials are both stored and collected adjacent to an alley or other public right-of-way, the refuse and recyclable materials shall be screened from public view on at least 3 sides by a solid opaque impact-resistant wall not less than 5 feet or more than 8 feet in height, and on the fourth side by a solid opaque impact-resistant gate not less than 5 feet or more than 8 feet in height, or of other such material or design approved by the Architectural Review Board. The gate shall be maintained in working order and shall remain closed except during such times as refuse, recyclable materials and other such items are being discarded, placed for collection, or collected.
3. All refuse and recyclable materials which are stored and collected from the same location out of doors shall be stored not more than 10 feet from the parcel line which is closest to the refuse collection point. If the collection area is more than 20 feet from the collection point, a staging area within 10 feet of the collection point is necessary.
4. Refuse and recycling rooms or outdoor enclosures shall be secured to prevent the theft of recyclable materials by unauthorized persons, while allowing authorized persons access for disposal of materials, and must provide protection against adverse environmental conditions which may render the collected materials unmarketable.

C. **Refuse and Recycling Rooms.** A refuse and recycling room or outdoor enclosure shall comply with all the requirements of the Zoning District in which it is located as well as the following minimum design standards:

1. **Single Unit and Duplex Residences.** Single Unit Residences and Duplexes shall include a designated area to store refuse, recycling, and organic materials screened from public view or a designated area in a garage or accessory structure.
2. **Residential Multiple-Unit Development.** Developments consisting of 3 or more dwelling units shall include a refuse and recycling room meeting the minimum dimensions stated in Table 9.21.130.A below, or shall provide an equivalent space within an outdoor enclosure that conforms to the same dimensions stated in the table.

TABLE 9.21.130.A: MINIMUM RESOURCE AND RECYCLING ROOM DIMENSIONS—RESIDENTIAL MULTI-UNIT DEVELOPMENT			
<i>Number of Residential Units</i>	<i>Minimum Room Dimensions</i>		
	<i>Width (ft.)</i>	<i>Length (ft.)</i>	<i>Height (ft.)</i>
3 - 10 units	21 ft.	7.5 ft.	10 ft. (1)
11 - 20 units	21 ft.	14 ft.	10 ft. (1)
21 - 40 units	28 ft.	20 ft.	10 ft. (1)
(1) An outdoor enclosure must have walls at least 6 ft. in height and an opening at least 8 ft. wide.			

3. **Non-Residential and Mixed-Use Development.**
 - a. Nonresidential and mixed-use developments shall include a refuse and recycling room meeting the minimum dimensions stated in Table 9.21.130.B below, or shall

provide an equivalent space available in a centralized area or an outdoor enclosure with the same width and length dimensions, and a minimum height of 6 feet, and an opening at least 8 feet wide.

- b. Refuse and recycling rooms or outdoor enclosures shall be at the same grade as and adjacent to an existing alley, if the site is adjacent to an alley.
- c. The 3 interior walls of refuse and recycling indoor and outdoor enclosures shall include a 2 inch by 16 inch wall guard covering the length of all interior walls in existing properties, or a curb 6 inches in depth by 8 inches tall for remodels and new construction.
- d. Non-residential buildings and buildings that prepare process and/or sell any and all food products must have a fully-enclosed refuse, and recycling and food waste area with lighting, ventilation, and sanitary drains. Size and dimensions shall conform to the required design standards outlined in this Chapter.

TABLE 9.21.130.B: MINIMUM RESOURCE AND RECYCLING ROOM DIMENSIONS—NON-RESIDENTIAL DEVELOPMENT AND MIXED-USE			
<i>Aggregate Floor Area</i>	<i>Minimum Room Dimensions</i>		
	<i>Width (ft.)</i>	<i>Length (ft.)</i>	<i>Height (ft.)</i>
Less than 5,000 sq. ft.	21 ft.	7.5 ft.	10 ft.
5,001 - 20,000 sq. ft.	21 ft.	14 ft.	10 ft.
20,001 40,000 sq. ft.	28 ft.	20 ft.	10 ft.

- 4. **Large Residential, Non-Residential and Mixed-Use Development.** Any development, whether residential, non-residential, or mixed-use with more than 40 residential units, or with more than 40,000 square feet of floor area shall be reviewed by the Director of Public Works, who shall require the design and placement of a refuse and recycling room or outdoor enclosure consistent with the purpose of this Section to provide adequate and accessible areas for the storage and collection of refuse and recyclable materials.
- 5. **Subterranean Storage.** Buildings or structures in which refuse and recyclable materials are stored in otherwise locked and secured subterranean garages may be permitted to designate a fenced area for the storage of refuse and recyclable materials in compliance with specifications as to location and materials established by the Director of Public Works.

D. **Modifications.** The Director of Public Works, in consultation with the Director of Planning, shall have the authority to modify the requirements, as listed below, subject to the design standards of this Section when, upon a written application for a modification, the Director of Public Works determines that the applicant has demonstrated that imposition of the design standards is technically infeasible or creates an unreasonable hardship. Such authority shall be limited to the following:

- 1. Modify the dimensions of refuse and recycling rooms or outdoor enclosures, provided that the frequency of refuse collection is modified to adequately serve the uses on the parcel and protect the public health, safety and general welfare.

2. Permit more than one recycling room or outdoor enclosure, provided the aggregate area is in substantial compliance with the design standards of this Section as determined by the Director of Public Works, and provided that each room or outdoor enclosure furnishes convenient access for disposal and collection of both refuse and recyclable materials. Refuse containers located adjacent to alleys should remain open to the alley. Refuse enclosures in subterranean parking areas should have a door of equal size with door-stops attached or a follow-up door and provide adequate lighting, ventilation and sanitary drains. If the refuse enclosure is located in a subterranean parking area or remote locations, a City-approved staging area on private property at the alley or street level must be provided. In the event that the location of the refuse and recyclable room or outdoor enclosure is not convenient for collection, the Director of Public Works shall be authorized to require payment of a fee, established by resolution of the City Council, for collection of the refuse and recyclable materials. In no event shall a fee be authorized in lieu of providing a refuse and recycling room or outdoor enclosure.

9.21.140 Screening

- A. **Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened on all vertical sides at least to the height of the equipment it is screening and incorporated into the design of buildings to the maximum extent feasible. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials may include landscaping or other materials that shall be consistent with the exterior colors and materials of the building. Solar energy systems are exempt from this screening requirement. The Architectural Review Board or Landmarks Commission may reduce the height of the required screening based on the placement of the equipment on the roof, the existing height of the subject building and surrounding buildings, and the overall visibility of the equipment.
- B. **Screening of Nonresidential Uses.** Wherever any building or structure is erected or enlarged on any parcel that contains any Commercial, Industrial, Public or Semi-Public use (except Cemetery, Community Garden, Day Care Center, or Public Park), or a Transportation, Communication and Utilities use, and abuts a Residential District, a solid decorative wall shall be erected and maintained along the parcel line abutting the Residential District. Such screening wall shall be at least 6 feet in height. Such screening wall shall be provided at the time of new construction or expansion of buildings by more than 10 percent of floor area, or changes from one use classification to another non-residential use classification.
 1. **Location.** Screening walls shall follow the parcel line of the parcel to be screened, or shall be so arranged within the boundaries of the parcel so as to substantially hide from adjoining properties the building, facility, or activity required to be screened.
 2. **Materials.** Industrial uses must provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses may be constructed of stucco, decorative block, concrete panel, wood or other substantially equivalent material. Chain-link fencing does not fulfill the screening wall requirement.

3. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

9.21.150 Solar Energy Systems

- A. This Section establishes ministerial development standards for solar energy systems applicable to all solar energy system installations. Solar energy systems proposed on existing buildings shall be exempt from review and approval by the Architectural Review Board, provided that the installations meet the standards in this Section. Solar energy systems proposed as part of a larger construction project that requires Architectural Review Board approval shall be reviewed by the Architectural Review Board in accordance with the standards in this Section.

B. Standards.

1. **Visibility.** Excluding solar collector panels, their necessary support structure, and conduit, solar energy systems shall not be visible from the public right-of-way adjacent to the front property line.
 - a. Except on single-unit properties, solar collector panels, their necessary support structure(s), and conduit(s), shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the costs of the solar energy system as compared to a more visible location.
 - i. For energy performance, “significantly decrease” shall be defined as decreasing the expected annual energy production by more than 10 percent.
 - ii. For the cost of solar energy systems, “significantly increase” shall be defined as increasing the cost of a photovoltaic solar energy system by more than \$2,000.00 or the cost of a solar water or swimming pool heating system by more than 20 percent.
 - b. The review and determination of the cost or energy efficiency of installation alternatives shall be made by the City’s Energy and Green Building Programs staff. The review and determination of the least visible alternative shall be made by the Director.
2. **Height.** The height of solar energy systems is subject to the following standards:
 - a. *On Single-Unit Properties:* Photovoltaic solar energy systems may extend up to 5 feet above the height limit in the District in which it is located. Solar water or swimming pool heating systems may extend up to 7 feet above the height limit in the District in which it is located; and
 - b. *On all other Properties:* Photovoltaic solar energy systems may extend up to 5 feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the District in which it is located. Solar water or swimming pool heating systems may extend up to 7 feet above the roof surface on

which they are installed even if this exceeds the maximum height limit in the District in which it is located.

3. **Required Setback.** Excluding solar collector panels, solar energy system equipment may be installed within the required side and rear setback but shall not be closer than 2 feet to any property line.
4. **Historic Properties.** On a property containing a designated Landmark or contributing structure to a designated Historic District as defined in Chapter 9.56, solar energy systems that meet the criteria established in this Section shall be permitted provided that a Certificate of Appropriateness is approved by the Director.
5. **Alternative Review.** Proposed solar energy installations on all property types that do not meet the standards set forth in this Section shall not be authorized unless approved by the Architectural Review Board in accordance with Chapter 9.55, Architectural Review, prior to issuance of a building permit, except that such installations shall require a Certificate of Appropriateness by the Landmarks Commission in accordance with Chapter 9.56 when located on a property containing a designated Landmark or contributing structure to a designated Historic District. These reviewing bodies may authorize installations that exceed the height limit in the applicable District by a maximum of 14 feet.

9.21.160 Swimming Pools and Spas

Swimming pools and spas shall comply with the following standards:

- A. If located in a Residential District, the swimming pool or spa is to be solely for the use and enjoyment of residents and their guests.
- B. The swimming pool or spa, or the entire parcel on which it is located, shall be walled or fenced from the street or from adjacent properties; and where located less than 30 feet to any parcel line, shall be screened by a masonry wall or solid fence not less than 6 feet in height on the side facing such parcel line, subject to the requirements of Chapter 9.21.050, Fences, Walls, and Hedges.
- C. Swimming pool or spa filtration equipment and pumps shall not be located in the front or side setback. All equipment shall be mounted and enclosed so that its sound is not audible from any other parcel.

9.21.170 Building Additions Extending Into Required Side Yard

In all residential districts, an addition(s) to an existing structure that has a nonconforming side yard setback may also extend into the required side yard setback provided all of the following criteria are met:

- A. The addition(s) do(es) not exceed one-story and fourteen feet in height.
- B. The addition(s) continue(s) the façade setback line of the existing structure.
- C. The addition(s) do(es) not extend closer than four feet to the side property line.
- D. The addition(s) do(es) not exceed fifteen feet in length parallel to the side property line.

- E. The addition(s) is (are) limited to one side of the existing structure and does not extend into both side yard setbacks.
- F. There has been no prior addition under this Section.

9.21.180 Hazardous Visual Obstructions

- A. **Visibility.** Notwithstanding the provisions of Section 9.21.050, Fences, Walls, and Hedges, no person shall permit any obstruction, including, but not limited to, any fence, wall, hedge, tree, or landscape planting to obscure or block the visibility of vehicles entering or exiting an alley, driveway, parking lot, street intersection, or other vehicle right-of-way or to constitute an unreasonable and unnecessary hazard to persons lawfully using an adjacent pedestrian or vehicle right-of-way. In addition, no obstruction shall be located less than 5 feet from the intersection of the street-facing parcel line with a driveway or garage door, or the intersection of parcel lines adjacent to street or alley intersections unless the obstruction is either less than 24 inches above the adjacent vehicle right-of-way or is authorized pursuant to Subsection (B). In addition, unless authorized pursuant to Subsection (B), no obstruction shall be located less than 5 feet from the intersection of the alley-facing parcel line with a driveway or garage door, and this area must be paved in accordance with Section 9.28.120(I).
- B. No development shall be allowed if it would otherwise cause an existing obstruction to be in violation of this Subsection unless:
 - 1. The obstruction is less than 24 inches above the adjacent vehicle right-of-way; or
 - 2. The obstruction or development is authorized pursuant to Subsections (B) or (C) of this Section.
- C. **Allowable Encroachments.** The Director may approve encroachments into the 5 foot hazardous visual area in addition to those specified in Subsection (A) of this Section when the parcel owner submits a written request and satisfactory evidence that:
 - 1. Characteristics applicable to the parcel, including size, shape, topography, location, or surroundings, that do not apply to other properties in the vicinity which unreasonably restricts an owner's ability to comply with Subsection (A); and
 - 2. The proposed encroachment will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way;
 - 3. The strict application of the provisions of this Section would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships, or would result in unreasonable deprivation of the use or enjoyment of the parcel; and
 - 4. The granting of the encroachment will not be contrary to or in conflict with the general purposes and intent of this Section, nor to the goals, objectives, and policies of the General Plan.
- D. **Detached Garages in R1 Districts.** The Director may approve a detached garage located in a R1 District with alley access even if this garage would cause an existing obstruction to be located in the

hazardous visual obstruction area if the garage will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors, and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way.

9.21.190 Unexcavated Yard Areas

- A. On any parcel having a width of fifty feet or greater in a residential district, excluding R1, or OF Districts, when its side yard abuts a residential district, there shall be provided and maintained an unexcavated area equal in area to at least fifty percent of the required front yard and equal to four feet in width along the entire length of at least one of the side property lines, except to the extent necessary to provide parking access.
- B. On any commercial or industrial parcel which directly abuts a residentially zoned parcel not used for commercial parking purposes, there shall be provided and maintained an unexcavated area within the abutting yard equal to fifty percent of the area of the required yard which abuts the residential parcel.
- C. For parcels in excess of seventy feet in width, in residential districts, excluding R1, or OF Districts, when its side yard abuts a residential district, an unexcavated area four feet in width along the required side yards shall be provided and maintained along the entire length of both side property lines.
- D. At least fifty percent of the surface areas of the required unexcavated areas shall be landscaped pursuant to the provisions of Chapter 9.26, Landscaping.
- E. Except to the extent necessary to provide parking access, subterranean, semi-subterranean parking structures, basements, and other subterranean facilities may not project into any portion of the required unexcavated areas.

9.21.200 Residential Uses on Commercial Parcels Adjacent to Residential Districts

- A. If a commercial parcel immediately adjacent to a Residential District has only been residentially used since July 6, 2010, any new commercial development adjacent to this parcel shall be undertaken in accordance with the development standards that govern commercial development located adjacent to residential districts (e.g., minimum interior side and rear setbacks and daylight plane requirements adjacent to residential districts).
- B. Any commercial parcel immediately adjacent to a parcel being treated as part of the residential district under subsection (A), which has also been only residentially used since July 6, 2010, any new commercial development adjacent to this parcel shall be undertaken in accordance with the development standards that govern commercial development located adjacent to residential districts (e.g., minimum interior side and rear setbacks and daylight plane requirements adjacent to residential districts).
- C. Any newly constructed residential buildings on these parcels should provide setbacks large enough to accommodate the landscape buffering requirement pursuant to Section 9.26.050, screening pursuant to 9.21.140(B), and screening of any parking or driveways pursuant to Section 9.28.070 in anticipation of future conversion to commercial use.

- D. Notwithstanding subsections (A) and (B), if the residential use becomes a commercial use, the standards of this Section shall no longer apply.

Chapter 9.22 Affordable Housing and Incentives

Sections:

9.22.010	Purpose
9.22.020	State Incentives in Residential Districts—Density Bonuses
9.22.030	Additional Density Bonus Increase in Residential Districts
9.22.040	State Incentives for Affordable Housing in Residential Districts
9.22.050	Waiver/Modification of Development Standards in Residential Districts
9.22.060	Procedures

9.22.010 Purpose

This Chapter is intended to promote the increase in the production of deed-restricted affordable housing, to provide incentives for the production of such housing, to implement goals, objectives, policies, and programs of the City's Land Use and Circulation Element and Housing Element related to affordable housing production, and to establish procedures for implementing State Density Bonus requirements set forth in California Government Code Sections 65915-65918.

9.22.020 State Incentives in Residential Districts—Density Bonuses

- A. This Section describes the minimum density bonuses which shall be provided, at the request of an applicant when that applicant provides affordable units, pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code, in addition to the affordable units, if any, required by Santa Monica Municipal Code Chapter 9.64, City's Affordable Housing Production Program. Notwithstanding any provision of this Section to the contrary, development projects must satisfy all applicable requirements of Chapter 9.64, City's Affordable Housing Production Program, including, but not limited to, Sections 9.64.050, 9.64.100, 9.64.110 and 9.64.130. However, development projects of 2 or more residential units that provide on-site affordable units pursuant to Section 9.64.050, Tier 2 development projects that provide on-site affordable housing units pursuant to 9.23.030(A), and 100% Affordable Housing Projects shall be entitled to the additional density bonuses and the incentives provided by Section 9.22.030 and 9.22.040, and to the waiver/modification of development standards provided by Section 9.22.050.
- B. The City shall grant a density bonus to a developer of a housing development who seeks a density bonus under the State Density Bonus law and agrees to construct at least one of the following in accordance with the requirements of this Section and Government Code Section 65915:
 1. 10 percent of the total units of the housing development as restricted affordable units affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code; or

2. 5 percent of the total units of the housing development as restricted affordable units affordable to very low income households, as defined in Section 50105 of the Health and Safety Code; or
 3. A senior citizen housing development as defined in Sections 51.3 of the Civil Code; or
 4. A qualifying mobile home park that limits residency based on age requirements for older persons pursuant to Section 798.76 or 799.5 of the Civil Code; or
 5. 10 percent of the total units of a common interest development as restricted affordable units affordable to moderate income households, provided that all units in the development are offered to the public for purchase subject to the equity sharing and restrictions specified in Government Code Section 65915(c)(2).
- C. This Subsection establishes the minimum density bonuses that shall be awarded to a housing development in a Residential District under the State Density Bonus Law. In determining the number of density bonus units to be granted pursuant to this Subsection, the maximum residential density for the site shall be multiplied by 0.20 for Subdivision (B)(1), (B)(2), (B)(3), and (B)(4) and by 0.05 for Subdivision (B)(5), unless a lesser number is selected by the developer. The number of density bonus units may also be increased in accordance with the Density Bonus Calculation Table and Density Bonus Summary Table located in Section 9.22.030. However, except as provided in Section 9.22.040.B.8, in no event shall the total density bonus for affordable housing under local provisions and under state density bonus provisions exceed 35 percent.
1. In calculating the minimum density bonus established by this Section or the additional density bonus established by Section 9.22.030, the density bonus units shall not be included when determining the number of restricted affordable units required to qualify for a density bonus and any calculations resulting in a fractional number shall be rounded upwards to the next whole number. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low restricted affordable units, lower income restricted affordable units or moderate income restricted affordable units, or the development's status as a senior citizen housing development or qualifying mobile home park. Density bonuses from more than one category may not be combined.
 2. A developer may request a lesser density bonus than that which is available for a housing development under this Section and Section 9.22.030; however, the City shall not be required to similarly reduce the number of units required to be dedicated pursuant to this Section and Government Code Section 65915(b).
- D. Certain other types of development activities are specifically eligible for a density bonus:
1. A residential project may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code Section 65915(g).
 2. A residential project that contains a child care facility as defined by Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in that section.
- E. An applicant shall agree to continued affordability of restricted affordable units in accordance with Section 9.64.130 and the Administrative Guidelines adopted thereto.

- F. An applicant for any proposed housing development submitted after January 1, 2015 shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:
1. The proposed housing development, inclusive of the units replaced pursuant to this subsection (F), contains affordable units at the percentages set forth in this Section and Section 9.22.030.
 2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
 3. For the purposes of this subsection (F), "replace" shall mean either of the following:
 - a. If any dwelling units described in this subsection (F) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in this subsection (F) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. The replacement units shall be subject to a recorded affordability restriction for at least 55 years in accordance with subsection (E) of this Section.
 - b. If all dwelling units described in this subsection (F) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. The replacement units shall be subject to a recorded affordability restriction for at least 55 years in accordance with subsection (E) of this Section.

9.22.030 Additional Density Bonus Increase in Residential Districts

As set forth in the Density Bonus Calculation Table and Density Bonus Summary Table at the end of this Section, a housing development shall be granted an increase in the density bonus up to a maximum of 35 percent by increasing the number of restricted affordable units, as follows:

- A. For each one percent increase in the percentage of restricted very low income affordable units, a housing development will receive an additional 2.5 percent density bonus up to a maximum of 35 percent.
- B. For each one percent increase in the percentage of restricted lower income affordable units, a housing development will receive an additional 1.5 percent density bonus up to a maximum of 35 percent.
- C. For each one percent increase in the percentage of moderate income affordable units, a for sale housing development will receive an additional one percent density bonus up to a maximum of 35 percent.
- D. For each one percent increase above the minimum ten percent land donation described in Government Code Section 65915(g)(2), the density bonus shall be increased by one percent to a maximum of 35 percent. This increase shall be in addition to any increase in density mandated by Subsection (C), up to a maximum combined by right density increase of 35 percent.
- E. No additional density bonus increases shall be authorized for senior citizen housing developments or qualifying mobile home parks beyond the bonus authorized by Section 9.22.040(B).
- F. Affordable housing units provided pursuant to Section 9.22.020 shall conform to the affordability requirements set forth in Subsections (b) and (c) of Government Code Section 65915, as applicable.

TABLE 9.22.030.A: DENSITY BONUS SUMMARY				
<i>Target Group</i>	<i>Minimum % Restricted Affordable Units</i>	<i>Bonus Granted</i>	<i>Additional Bonus For Each 1% Increase In Restricted Affordable Units</i>	<i>% Restricted Affordable Units Required For Maximum 35% Bonus</i>
Very Low Income	5%	20%	2.5%	11%
Lower Income	10%	20%	1.5%	20%
Moderate Income (Common Interest Development)	10%	5%	1%	40%
Senior Citizen Housing Development/Qualifying Mobile Home Park	100%	20%	—	—

TABLE 9.22.030.B: DENSITY BONUS CALCULATIONS-VERY LOW INCOME UNITS	
<i>Percentage of Very-Low Income Units</i>	<i>Density Bonus Percentage</i>
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

TABLE 9.22.030.C: DENSITY BONUS CALCULATIONS-LOWER INCOME UNITS	
<i>Percentage of Lower-Income Units</i>	<i>Density Bonus Percentage</i>
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29.0%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

TABLE 9.22.030.D: DENSITY BONUS CALCULATIONS-MODERATE INCOME UNITS	
<i>Percentage of Moderate-Income Units</i>	<i>Density Bonus Percentage</i>
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%

TABLE 9.22.030.D: DENSITY BONUS CALCULATIONS-MODERATE INCOME UNITS	
<i>Percentage of Moderate-Income Units</i>	<i>Density Bonus Percentage</i>
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

9.22.040 State Incentives for Affordable Housing in Residential Districts

This Section includes provisions for providing incentives pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. An applicant may request incentives pursuant to this Section only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to Section 9.64.050(I) or pursuant to Section 9.22.020.

A. By Right Parking Incentives.

1. As an alternative to Section 9.28.060, density bonus housing developments shall be granted the following maximum parking standards, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted affordable units, when requested by a developer:
 - a. Zero to one bedroom dwelling unit: one on-site parking space.
 - b. Two to 3 bedrooms dwelling unit: 2 on-site parking spaces.
 - c. Four or more bedrooms: 2 and one-half parking spaces.
2. If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of this Subsection, this parking may be provided through tandem parking or uncovered parking, but not through on-street parking.

B. Additional Incentives or Concessions. As set forth in the Incentives/Concessions Summary Table at the end of this Subsection, in addition to by right parking incentives identified in Subsection (A), density bonus housing developments shall be granted 1, 2, or 3 incentives or concessions as follows:

1. For housing developments with Very Low Income Restricted Units:
 - a. One incentive or concession if 5 percent of the units (not including the bonus units) are set aside for Very Low Income households;
 - b. Two incentives or concessions if 10 percent of the units (not including the bonus units) are set aside for Very Low Income households; or
 - c. Three incentives or concessions if 15 percent of the units (not including the bonus units) are set aside for Very Low Income households.
2. For housing developments with Lower Income or Moderate Income Restricted Units:
 - a. One incentive or concession if 10 percent of the units are set aside for Lower Income households or if 10 percent of the units are set aside for Moderate Income households in a common interest development;
 - b. Two incentives or concessions if 20 percent of the units are set aside for Lower Income households or if 20 percent of the units are set aside for Moderate Income households in a common interest development; or
 - c. Three incentives or concessions if 30 percent of the units are set aside for Lower Income households or if 30 percent of the units are set aside for Moderate Income households in a common interest development.

TABLE 9.22.040: INCENTIVES/CONCESSIONS SUMMARY			
<i>Target Group</i>	<i>Restricted Affordable Units</i>		
Very Low Income	5%	10%	15%
Lower Income	10%	20%	30%

Moderate Income (Common Interest Dev.)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

3. For purposes of Subsection (B) of this Section, an incentive means the following:
 - a. A reduction of development standards or architectural design requirements which exceed the minimum applicable building standards approved by the State Building Standards Commission pursuant to Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, setback, coverage, and/or parking requirements which result in identifiable, financially sufficient and actual costs reductions, based upon appropriate financial analysis and documentation to the extent required by the City pursuant to Section 9.22.060;
 - b. Allowing mixed use development in conjunction with the proposed residential development, if nonresidential land uses will reduce the cost of the residential project and the nonresidential land uses are compatible with the residential project and existing or planned surrounding development consistent with this Ordinance;
 - c. Other regulatory incentives proposed by the applicant or the City which result in identifiable financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation to the extent required by the City pursuant to Section 9.22.060.
4. Housing developments that meet the requirements of Government Code Section 65915(b) and include a child care facility that will be located on the premises of, as part of, or adjacent to, the development, shall be granted an additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
5. In submitting a proposal for the number of incentives or concessions authorized by this Section, a housing developer may request the specific incentives set forth in Subsection (B)(6) or (B)(7), as applicable, or may submit a proposal for other incentives or concessions. The process for reviewing this request is set forth in 9.22.060.
6. Tier 1 housing developments in residentially-zoned districts that meet the requirements of Subsection (B) may request one or more of the following incentives, as applicable:
 - a. Up to a 15 percent deviation from one side setback requirement;
 - b. Up to a 10 percent increase in first floor parcel coverage;
 - c. Up to 15 percent deviation from rear setback requirements.
7. Tier 2 housing developments in residentially zoned districts that meet the requirements of 9.23.030(A). may request one or more of the Tier 2 incentives set forth in Table 9.08.030.
8. 100% Affordable Housing Projects in residentially zoned districts may request one or more of the affordable housing project incentives set forth in Table 9.08.030. 100% Affordable Housing Projects shall also be entitled to a 15% City density bonus in addition to the State Density Bonus authorized by this Chapter.

9.22.050 Waiver/Modification of Development Standards in Residential Districts

This Section includes provisions for providing waivers or modifications pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Developers may seek a waiver or modification of development standards that will have the effect of precluding the construction of a density bonus housing development at the densities or with the concessions or incentives permitted by this Section. The developer shall show that development standards that are requested to be waived or modified will have the effect of physically precluding the construction of a housing development meeting the criteria of Subsection (C) of 9.22.020 at the densities or with the concessions or incentives permitted by this Chapter. For purposes of this Section, a Development Standard includes a site or construction condition including, but not limited to, a height limitation, a setback requirement, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

9.22.060 Procedures

The following procedures shall govern the processing of a request for a density bonus, incentive, concession, waiver, modification, or revised parking standard:

- A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Chapter shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the City and shall include at least the following information:
 1. Site plan showing total number of units, number and location of affordable housing units, and number and location of proposed density bonus units;
 2. Target income of affordable housing units and proposals for ensuring affordability;
 3. Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. For all incentives and concessions that are not included within the menu of incentives/concessions set forth in Subsection (B6) through (B8) of Section 9.22.040 or set forth in Subsection (A) of Section 9.22.040, the application shall include a pro forma providing evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma or other financial data submitted as part of the application in support of a request for an incentive/concession or waiver/modification of developments standard, including, but not limited to, the cost to the City of hiring a consultant to review said financial data shall be borne by the developer. The pro forma shall include all of the following items:
 - a. The actual cost reduction achieved through the incentive;
 - b. Evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices; and
 - c. Other information requested by the Director. The Director may require any pro forma include information regarding capital costs, equity investment, debt service,

projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.

4. For any requested waiver of a development standard, the applicant shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the residential project with the density bonus and incentives requested;
 5. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that all of the requirements and each of the findings included in Government Code Section 65915(g) can be made; and
 6. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the child care facilities and provide evidence that all of the requirements and each of the findings included in Government Code Section 65915(h) can be made.
- B. In accordance with State law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan amendment, Zoning Ordinance, Variance, or other discretionary approval except as provided in Subsection (C) of this Section.
- C. For housing developments requesting a waiver of a development standard or an incentive/concession not included in Subsection (B)(6) through (B)(8) of Section 9.22.040, the following shall apply:
1. **Hearing and Notice.** An application pursuant to this subsection shall follow the procedures for Development Review Permits set forth in Chapter 9.40 except the findings in subdivision (2) or subdivision (3) of this subsection shall apply in lieu of the findings in Chapter 9.40. A public hearing shall be held by the City Planning Commission and the Commission shall issue a determination;
 2. Pursuant to Government Code Section 65915, if the applicant has made the evidentiary showing required by Subsection (A) of this Section, the Planning Commission shall approve requested incentives/concessions unless it makes one of the following findings, supported by substantial evidence, that:
 - a. The incentive or concession is not required to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the affordable units; or
 - b. The concession or incentive will have a specific adverse impact upon public health and safety, or on the physical environment or on any real property that is listed in the California Register of Historic Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to moderate, lower or very low income households; or
 - c. The concession or incentive would be contrary to State or Federal law.

3. Pursuant to Government Code Section 65915, if the applicant has made the evidentiary showing required by Subsection (A) of this Section, the Planning Commission shall approve a requested waiver unless it makes one of the following findings supported by substantial evidence that:
 - a. The waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For purposes of this provision, “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or
 - b. The waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or
 - c. The waiver is contrary to State or Federal law.
4. **Appeal.** The decision of the Planning Commission may be appealed to the City Council within 14 consecutive calendar days of the date the decision is made in the manner provided in Section 9.37.130, Appeals.

Chapter 9.23 Community Benefits

Sections:

- 9.23.010 Purpose
- 9.23.020 Applicability
- 9.23.030 Qualifying Benefits

9.23.010 Purpose

The purpose of this Chapter is to establish and describe regulations for implementing policies of the General Plan intended to ensure that new development that is allowed to exceed the base height, density (in Residential Districts), and floor area ratio (in Non-residential Districts) allowed by the Land Use and Circulation Element (LUCE), in return provide community benefits that enhance Santa Monica's highly valued community character.

More specifically, these regulations will implement LUCE policies, which require that, as development is approved above the base floor area ratio and height, it must be accompanied by a range of community benefits from 4 priority categories: Affordable Housing, Trip Reduction and Traffic Management, Community Physical Improvements, and Social and Cultural Facilities. In addition to promoting the development of additional on-site affordable housing and to maintaining existing City programs that provide incentives for the production of affordable housing, these requirements are intended to reduce the additional burdens more intense development allowed by the General Plan will impose on the City by requiring applicants to pay additional fees to mitigate project impacts or, in specific instances, allowing applicants to incorporate features into their projects.

9.23.020 Applicability

Except for 100% Affordable Housing Projects, the requirements of this Chapter apply to all projects involving new development and additions for which applicants propose to exceed the maximum base floor area, height, or densities allowed for Tier 1 projects. The provisions of this Chapter establish the requirements under which additional floor area or density and height may be allowed up to the Tier 2 maximum standards established in the General Plan and this Ordinance.

9.23.030 Qualifying Benefits

An applicant seeking approval for a project that exceeds the base floor area or density or height allowed in the district where the project is located ("Tier 2 projects") shall provide community benefits in each of the following categories.

- A. **Housing.** All Tier 2 projects must meet the following requirements:
 1. **Affordable Housing.** Applicants proposing residential and mixed-use projects shall incorporate the following:

- a. At least 50 percent more affordable housing units than would be required pursuant to Section 9.64.050. Any fractional affordable housing unit that results from this formula shall be provided as a whole affordable housing unit (i.e., any resulting fraction shall be rounded up to the next larger integer).
 - b. On-site affordable housing units shall be affordable to 30%, 50%, or 80% income households depending on the percentage of affordable units being provided and shall not include any Moderate Income units, as defined by Section 9.64.020. Subject to the modifications contained in this Subsection (A), all of the affordable units shall comply with the provisions of Chapter 9.64.
 - c. Affordable housing units required by this Subsection (A) may be provided offsite, pursuant to Section 9.64.060, if the affordable housing units are owned in whole or part and operated by a non-profit housing provider for the life of the project, and the Final Construction Permit Sign Off or Certificate of Occupancy for the affordable units is issued prior to or concurrently with the Tier 2 project.
2. **Unit Mix.** Applicants proposing residential and mixed-use projects shall incorporate the following:
- a. For market rate units:
 - i. At least 15% of the units shall be three-bedroom units;
 - ii. At least 20% of the units shall be two-bedroom units;
 - iii. No more than 15% of the units shall be studio units;
 - iv. The average number of bedrooms for all of the market rate units combined shall be between 1.2 – 1.5; and
 - v. Notwithstanding Subsections (A)(2)(a)(i-ii) above, any fractional housing unit less than .5 that results from this unit mix shall be rounded down to the next lower integer. Any fractional housing unit of .5 or more that results from this unit mix shall be rounded up to the next larger integer.
 - b. For affordable housing units:
 - i. The average number of bedrooms for all of the affordable housing units combined shall be equal to or greater than the average number of bedrooms provided for all of the market rate units pursuant to Subsection (A)(2)(a) of this Section.
 - c. The Director may grant a waiver from this unit mix requirement pursuant to the requirements and procedures for Waivers in Chapter 9.43.
 - d. The requirements of Subsection (A)(2) of this Section shall not apply to project applications filed prior to the effective date of this Ordinance.
3. **Mitigation Fee.** Applicants proposing non-residential and mixed-use projects shall pay a housing mitigation fee 14 percent above the base fee as required by Chapter 9.68, Affordable Housing Fee for Commercial Development Program for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance.

- B. **Transportation Impact Fee.** All Tier 2 Projects shall pay an additional Transportation Impact Fee (TIF) 14 percent above the base fee required by Chapter 9.66, Transportation Impact Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance.
- C. **Open Space.** All Tier 2 Projects shall either pay an additional Open Space Fee (OSF) 14 percent above the base fee required by Chapter 9.67, Open Space Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance, or provide publicly accessible open space that complies with the following requirements.
1. Minimum area: 7,500 square feet of usable space.
 2. Open space is owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Director of Community and Cultural Services or his/her designee.
 3. Each part of the open space shall be accessible from other parts of the open space without leaving the open space area.
 4. Open space shall be directly accessible from the sidewalk, and be accessible to persons with disabilities.
 5. Open space shall be on the ground level.
 6. No more than 20 percent of the open space is occupied by open space-related above-grade structures, such as pergolas or public restroom structures.
 7. A minimum of 35 percent of the open space is planting area with grass, ground cover, bushes, or trees. All trees shall be a planted flush with the surrounding grade. The Urban Forester shall be consulted as to the selection of these trees, their size, and the appropriate planter size to facilitate the trees' viability in the given urban conditions and microclimate.
 8. The open space is open to the public, without charge, each day of the year from 6 a.m. to 11 p.m., except for temporary closures for necessary maintenance or public safety.
 9. At a minimum, the following elements shall be included within the open space:
 - a. Trees and landscaping;
 - b. Seating;
 - c. Bike racks;
 - d. Refuse and Recycling Receptacles; and
 - e. Signage that include hours of operation.
- D. **Transportation Demand Management.** All Tier 2 Projects shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:
1. For non-residential components of projects, provide the following:
 - a. A Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(b)(viii).

- b. Bike valet, free of charge, during all automobile valet operating hours.
2. For residential components of projects, provide the following:
- a. A Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(c)(iv).
 - b. Free on-site shared bicycles intended for resident and guest use. This shall be optional if Citywide bikeshare is available within a 2-block radius of the project site.

Chapter 9.24 Condominiums

Sections:

- 9.24.010 Purpose
- 9.24.020 Applicability
- 9.24.030 Minimum Requirements
- 9.24.040 Condominium Conversions

9.24.010 Purpose

The purpose of this Chapter is to establish development standards and special conditions for the protection of the community and purchasers or renters of both new and converted residential and commercial condominiums, community apartment projects, and stock cooperatives, and the lessors of cooperative apartments, consistent with the goals, objectives, and policies of the General Plan.

9.24.020 Applicability

All new or converted residential and commercial condominiums, community apartment projects, stock cooperatives, and cooperative apartments for which a development application was deemed complete shall require approval of Tentative Map pursuant to Chapter 9.54, in addition to compliance with Section 9.24.030, Condominiums establishing additional minimum requirements for condominiums and any and all requirements of Chapter 9.54 for preparation, review, and approval of a Subdivision Map.

9.24.030 Minimum Requirements

Except as otherwise provided by law, the following minimum requirements shall be imposed on any condominium project:

- A. **Residential Parking.** Off-street parking shall be provided and used pursuant to standards for new construction in accordance with Chapter 9.28, Parking, Loading, and Circulation. Required off-street parking spaces shall be covered and located within the same structure as the dwelling units for which they are required.
- B. **Non-Residential Parking.** Off-street parking shall be provided in an amount not less than required for the use or uses in the project pursuant to standards for new construction in Chapter 9.28, Parking, Loading, and Circulation.
- C. **Setback and Height Requirements.** All new condominium projects shall comply with property development standards for the District in which the condominium project is to be located. Nothing in this Section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the Planning Commission, or City Council on appeal or review, when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.

- D. **Covenants, Conditions, and Restrictions.** The Covenants, Conditions, and Restrictions (CC & Rs) for the new or converting condominium project shall include an agreement by the subdivider that the following shall be guaranteed by the subdivider:
1. Common area items, including, but not limited to, the roof, plumbing, heating, air-conditioning, and electrical systems until one year elapses from the date of the sale of the last individual unit sold;
 2. Items provided or installed within individual units by the subdivider, including, but not limited to, appliances, fixtures, and facilities for a period of one year from the date of close of escrow of each individual unit;
 3. Adequate provisions for maintenance, repair, and upkeep of common areas;
 4. Provisions that in the event of destruction or abolishment, reconstruction shall be in accordance with codes in effect at the time of such reconstruction; and
 5. Provisions for dedication of land or establishment of easements for street widening or other public purpose.
- E. The CC & Rs shall provide that the non-subdivider owners have the right to select or change the management group or the homeowner association 90 days after sale or transfer of title of 51 percent of the units. The CC & Rs shall be reviewed by the City Attorney. The subdivider shall agree not to change the CC & Rs submitted to obtain City approval of a new or converting condominium project without the consent of the City Attorney. The CC & Rs shall provide that subsequent owners agree to make no changes in the CC & Rs imposing restrictions on the age, race, national origin, handicap, sex, marital status or other similar restrictions of occupants, residents, or owners.
- F. **Estimated Costs of Maintenance.** The subdivider shall submit an estimate of, and guarantee for, the maintenance costs for a period of 24 months beginning at the close of escrow on the first unit sold. The subdivider is responsible for all costs of normal maintenance in excess of the estimate.
- G. **Utility Meters.** No gas or electric meters shall be located within the required front or street side setback areas.
- H. **Hazardous Materials Review.** Prior to the demolition of any existing structure, the applicant shall submit a report from an industrial hygienist to be reviewed and approved as to content and form by the Department of Public Works. The report shall consist of a hazardous materials survey for the structure proposed for demolition. The report shall include a section on asbestos and in accordance with the South Coast AQMD Rule 1403, the asbestos survey shall be performed by a state Certified Asbestos Consultant (CAC). The report shall include a section on lead, which shall be performed by a state Certified Lead Inspector/Assessor. Additional hazardous materials to be considered by the industrial hygienist shall include: mercury (in thermostats, switches, fluorescent light); polychlorinated biphenyls (PCBs) (including light Ballast), and fuels, pesticides, and batteries.
- I. **Public Works Review.** Sidewalks, curbs, gutters, paving and driveways which need replacing or removal as a result of the project as determined by the Department of Public Works shall be reconstructed to the satisfaction of the Department of Public Works. However, non-conforming driveways of Historic Resources may be replaced or repaired in-kind. Approval for this work shall be obtained from the Department of Public Works prior to issuance of the building permits.

- J. **Hauling Materials from Site.** Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions. Immediately after commencing dirt removal from the site, the general contractor shall provide the City with written certification that all trucks leaving the site are covered in accordance with this condition of approval.
- K. **Street Trees.** Street trees shall be maintained, relocated, or provided in accordance with the City's Urban Forest Master Plan, per the specifications of the Department of Public Works and Chapter 7.40 of this Code (Tree Code). No street trees shall be removed without the approval of the Department of Public Works.
- L. **Construction Plan.** A construction period mitigation plan shall be prepared by the applicant for approval by the Department of Public Works prior to issuance of a building permit. The approved mitigation plan shall be posted on the site for the duration of the project construction and shall be produced upon request. As applicable, this plan shall:
1. Specify the names, addresses, telephone numbers and business license numbers of all contractors and subcontractors as well as the developer and architect;
 2. Describe how demolition of any existing structures is to be accomplished;
 3. Indicate where any cranes are to be located for erection/construction;
 4. Describe how much of the public street, alleyway, or sidewalk is proposed to be used in conjunction with construction;
 5. Set forth the extent and nature of any pile-driving operations;
 6. Describe the length and number of any tiebacks which must extend under the property of other persons;
 7. Specify the nature and extent of any dewatering and its effect on any adjacent buildings;
 8. Describe anticipated construction-related truck routes, number of truck trips, hours of hauling and parking location;
 9. Specify the nature and extent of any helicopter hauling;
 10. State whether any construction activity beyond normally permitted hours is proposed;
 11. Describe any proposed construction noise mitigation measures;
 12. Describe construction-period security measures including any fencing, lighting, and security personnel;
 13. Provide a drainage plan;
 14. Provide a construction-period parking plan which shall minimize to the greatest extent feasible use of public streets for parking;
 15. List a designated on-site superintendent;
 16. Provide a construction materials recycling plan that seeks to maximize the reuse/recycling of construction waste;

17. Provide a plan regarding use of recycled and low-environmental impact materials in building construction;
 18. Provide a construction period urban runoff control plan; and
 19. Any other mitigation plan requirements established by the Department of Public Works.
- M. **Notice.** The developer shall prepare a notice, subject to the review by the Director, that lists all construction mitigation requirements and permitted hours of construction, and identifies a contact person at City Hall as well as the developer who will respond to complaints related to the proposed construction. The notice shall be mailed to property owners and residents within a 500 foot radius from the subject site at least 5 days prior to the start of construction.
- N. **Signage.** A sign shall be posted on the property in a manner consistent with the public hearing sign requirements which shall identify the address and phone number of the owner and/or applicant for the purposes of responding to questions and complaints during the construction period. This sign shall also indicate the hours of permissible construction work.
- O. **Parking Areas.** Parking areas and structures and other facilities generating wastewater with significant oil and grease content are required to pretreat these wastes before discharging to the City sewer or storm drain system. Pretreatment will require that a clarifier or oil/water separator be installed and maintained on site. In cases where settleable solids are present (or expected) in greater amounts than floatable oil and grease, a clarifier unit will be required. In cases where the opposite waste characteristics are present, an oil/water separator with automatic oil draw-off will be required instead. The Public Works Department will set specific requirements. Building Permit plans shall show the required installation.
- P. **Archaeology.** If any archaeological remains are uncovered during excavation or construction, work in the affected area shall be suspended and a recognized specialist shall be contacted to conduct a survey of the affected area at project owner's expense. A determination shall then be made by the Director to determine the significance of the survey findings and appropriate actions and requirements, if any, to address such findings.
- Q. **Security.** A security gate shall be provided across the opening to the subterranean garage. If any guest parking space is located in the subterranean garage, the security gate shall be equipped with an electronic or other system which will open the gate to provide visitors with vehicular access to the garage without leaving their vehicles. The security gate shall receive approval of the Police and Fire Departments prior to issuance of a building permit.

9.24.040 Condominium Conversions

No condominium conversion shall be approved unless:

- A. Removal of residential units from the rental market has been approved by the Rent Control Board through issuance of a certificate of exemption or removal permit when required.
- B. Tenants have been given a Tenant's Notice of Intent to Convert pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) prior to filing a Notice of Pending Application to Convert with the City Planning Division, such notice to be given by the applicant and contain information as to tenants' rights under State and local regulations.

- C. A Notice of Pending Application to Convert has been filed with the Planning Division prior to the filing of a Tentative Subdivision Map and Conditional Use Permit Application. The notice shall include a copy of the Tenants' Notice of Intent to Convert and a Building Condition and History Report prepared by a Building Inspection Service or similar agency acceptable to the Building Officer and Fire Marshal. The report shall contain such information set forth on forms to be provided by the Director, including, but not limited to: date of construction, a list of all repairs and renovations to be made, an analysis of building conditions and any violations of housing, fire, or building codes, a listing of the proposed improvements to be carried out and an estimated time schedule, the present rent schedule including type and length of tenancy, the estimated prices of the converted units, a copy of the proposed CC & Rs, and a Tenant Relocation Assistance Plan indicating the number of tenants interested in purchasing or relocating and specific plans for assisting in relocation of tenants. The subdivider shall furnish each prospective buyer with a copy of this Report together with the CC & Rs.
- D. Within 60 days after the filing of a Notice of Pending Application to Convert, the Planning Division has prepared and delivered to the applicant a Conversion Report including a staff recommendation for approval or denial, a listing of conditions or requirements recommended as a basis for approval, and supportive reasons or justifications for such recommendations. No application for Tentative Subdivision Map or Conditional Use Permit shall be accepted for filing prior to preparation of a Conversion Report.
- E. Tenants have been notified in writing of all public hearings in connection with an application for conversion and all tenants subsequent to the initial notice of intent shall be notified in writing of the pending conversion prior to occupancy.
- F. The structural, electrical, fire, and life safety systems of the structure either are, or are proposed to be prior to the sale of the units, in a condition of good repair and maintenance, including such alterations or repairs as are required by the Building Officer.
- G. The structure presently has, or is intended to have plumbing in sound condition, insulation of all water heaters, and where feasible, pipes for circulated hot water, individual gas and electrical meters, except in such cases where individual metering is clearly inadvisable or impractical, adequate and protected trash areas, and such other requirements as may be imposed as a condition of approval.
- H. Written notice of not less than one year from the date of tentative approval has been given to all residential tenants to locate alternative housing.
- I. For residential conversions, the Planning Commission, or City Council on appeal or review, determines that:
 - 1. The conversion is consistent with the General Plan;
 - 2. The vacancy factor of rental housing units in the City has exceeded 5 percent of the total rental housing inventory for a period of 90 days prior to the date of approval. In calculating the vacancy factor, the Planning Commission, or the City Council on appeal, shall consider the best available data, including, but not limited to, studies by State and City agencies including the Rent Control Board and data compiled by the Southern California Association of Governments. Existing rental units may be approved for conversion regardless of the vacancy factor where the Planning Commission determines that a new rental unit has or will

be added by the subdivider to the City's housing inventory for each rental unit removed through conversion;

3. The subdivider has complied with such other requirements or conditions as the Planning Commission, or City Council on appeal, shall believe necessary or appropriate; and
4. No conversion of rental units to market-rate condominiums or cooperatives shall be permitted until the rental units demolished or converted in 1978 and 1979 are replaced.

Chapter 9.25 Demolition and Relocation

Sections:

- 9.25.010 Purpose
- 9.25.020 Applicability
- 9.25.030 Demolition Defined
- 9.25.040 Requirements
- 9.25.050 Relocation of Buildings and Structures

9.25.010 Purpose

The purpose of this Chapter is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the regulations are intended to protect and promote preservation of the quality and character of Santa Monica's built environment by:

- A. Discouraging demolition or substantial alteration of structures that contribute to defining the character of the City and the distinguishing features and diversity of existing residential neighborhoods by protecting character-defining buildings, historic resources, and older smaller scale multi-unit structures;
- B. Ensuring that the purpose of demolition, when it does occur, is to protect public safety or to allow projects that will further implementation of the General Plan and any other plans or policies the City adopts to improve the quality of the City's built environment;
- C. Providing a basis for considering the impact of demolition, substantial alterations, and building removal on the cultural, social, historic, and political characteristics of neighborhoods as well as their architectural and aesthetic attributes;
- D. Establishing a process for allowing identification of a building that may be a historic resource prior to approving its demolition, substantial alteration, or removal;
- E. Protecting and enhancing real property values by safeguarding and enhancing the appearance of the City and its neighborhoods; and
- F. Defining duties and powers of administrative bodies and officers responsible for implementation of the procedures.

9.25.020 Applicability

- A. No building or structure in the City shall be demolished, removed, or relocated except as authorized under the provisions of this Chapter.
- B. **Exceptions.** The following buildings or structures are exempt from the provisions of this Chapter:

1. An accessory building containing less than 400 square feet of floor area that is not a City-Designated Historic Resource or listed on the Historic Resources Inventory; and
2. If a building or structure is unsafe, presents a public hazard and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined by the City's Building Official, it may be demolished. The Building Official's determination in this matter shall be governed by the standards and criteria set forth in the most recent edition of the California Building Code that is in effect.

9.25.030 Demolition Defined

- A. A demolition subject to the provisions of this Chapter and all other applicable City regulations occurs when any of the following takes place:
1. At any time over a 5 year period, more than 50 percent of the exterior wall elements are removed, or are no longer a necessary and integral structural component of the overall building.
 - a. Exterior wall elements include, but are not limited to, the subsurface or non-decorative cladding necessary for structural support, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors.
 - b. Existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline shall continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications.
 - c. The calculation for determining whether a structure has been demolished pursuant to this Section shall be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of each story, as defined in Chapter 8.12 of the Municipal Code.
 2. In commercial or industrial buildings not principally supported by exterior bearing walls, more than fifty percent of the principal support structure including columns, structural frames, and other similar primary structural elements is removed or is no longer a necessary and integral structural component of the overall building.
 3. At any time over a 5 year period, for structures over 40 years of age and identified on the City's Historic Resources Inventory, the following occurs:
 - a. Removal of more than 25 percent of the wall(s) (including exterior cladding) facing a public street(s)(or a street facing elevation if the parcel is a through lot or landlocked) or 50 percent of all exterior walls; or
 - b. Enclosure or alteration (i.e. new window and/or window relocation) of more than 25 percent of the wall(s) (including exterior cladding) facing a public street (or a street facing elevation if the parcel is a through lot or is landlocked) or 50 percent of the exterior walls so that they no longer function as exterior walls;

All remaining exterior walls must be contiguous and must retain the existing exterior cladding. No new exterior wall covering shall be permitted over the existing exterior cladding.

- B. For purposes of this Ordinance, the removal of a building for relocation to another parcel is considered a demolition. Structures may be relocated subject to the requirements of Section 9.25.050 of this Chapter.
- C. **Verification that work will not result in a demolition.** Prior to issuance of a building permit for a project where the work will result in the removal of over 40 percent of the exterior walls [or for structures over 40 years of age and identified on the City's Historic Resources Inventory, 20 percent of the wall(s) facing a public street(s) or a street facing elevation if the parcel is a through lot or landlocked], the developer shall submit written verification from a registered structural engineer, certifying that the exterior walls shown to remain are structurally sound and will not be required to be removed for the project. Prior to issuance of a building permit, the property owner and contractor shall sign an affidavit to the City that they are aware of the City's definition of a demolition and the penalties associated with an unlawful demolition.
- D. A nonconforming building that is a City-Designated Historic Resource or on the City's Historic Resources Inventory that is demolished may be replaced or rebuilt in-kind when undertaken pursuant to Section 9.27.030(F).

9.25.040 Requirements

The City shall not approve the demolition of any building or structure unless the applicant has complied with all of the following conditions:

- A. A removal permit has been granted by the Rent Control Board, when required.
- B. For multi-unit dwelling structures or structures within a Neighborhood Conservation Overlay District, the final permit to commence construction for a replacement project has been issued, or the building or structure is exempt from this requirement pursuant to Section 9.25.020. A property maintenance plan has been approved in writing by the Director.
- C. Prior to filing an application for a demolition permit, a notice of intent to demolish in a form approved by the Director has been prominently posted on the property.
- D. A Certificate of Appropriateness or Economic Hardship has been approved by the Landmarks Commission or City Council on appeal, for demolition of any City-Designated Historic Resource.
- E. In addition to any other requirements imposed by this Section, no demolition of buildings or structures, the original permit for which was issued more than 40 years before the date of filing of the demolition permit application, shall be permitted unless the following requirements have been met:
 - 1. Within 7 days of receipt of all filing materials for a demolition permit for such structures, the City shall transmit a copy of such application to each member of the Landmarks Commission. Filing materials shall consist of a completed application form, site plan, 8 copies of a photograph of the building, and photo verification that the property has been posted with a notice of intent to demolish.

2. If no application for the designation of a structure of merit, a landmark or a historic district is filed in accordance with Chapter 9.56 within 75 days from receipt of a complete application for demolition, demolition may be approved subject to compliance with all other legal requirements, including this Section.
3. If an application for, a landmark, a historic district, or a structure of merit is filed in accordance with Chapter 9.56 within 75 days from receipt of a complete application for demolition, no demolition permit may be issued until after a final determination is made by the Landmarks Commission, or the City Council on appeal, on the landmark, historic district, or structure of merit designation application. The application shall be processed in accordance with the procedures set forth in Chapter 9.56.
 - a. The 75-day period can be extended by the property owner by written consent.
 - b. No landmark, structure of merit, or historic district application can be filed after the 75-day period has expired unless the demolition permit expires.

9.25.050 Relocation of Buildings and Structures

Buildings and structures may be relocated if the following requirements are met:

- A. In addition to meeting the requirements of 9.25.040, the relocated structure shall comply with all regulations of this Ordinance including the property development standards for the Zoning District in which the structure is to be relocated, including building height, setback, parcel coverage, and unit density requirements. However, if the relocated structure is a City-Designated landmark or structure of merit, the Landmarks Commission may approve a Certificate of Appropriateness authorizing non-conforming setbacks and site orientation on the new lot.
- B. Construction or rehabilitation related to the structure proposed to be relocated shall commence within 30 days and shall be completed within 365 days of the date the structure is relocated onto the property.
- C. Prior to issuance of a building permit, a notice of intent to relocate approved as to form by the Building Officer shall be posted on the parcel where the building is to be relocated.

Chapter 9.26 Landscaping

Sections:

- 9.26.010 Purpose
- 9.26.020 Applicability
- 9.26.030 Landscape and Irrigation Plans
- 9.26.040 General Landscaping Standards
- 9.26.050 Areas to be Landscaped
- 9.26.060 Materials
- 9.26.070 Water Efficient Landscaping and Irrigation
- 9.26.080 Installation and Completion
- 9.26.090 Maintenance
- 9.26.100 ARB Modification
- 9.26.110 Surface Parking Lots for City Parks

9.26.010 Purpose

The specific purposes of the landscaping regulations are to:

- A. Improve the appearance and livability of the community;
- B. Enhance the aesthetic appearance of development and provide environmental benefits;
- C. Aid in energy conservation;
- D. Protect water quality and prevent soil erosion by providing trees and vegetated areas that harvest, absorb, and filter rain and storm water;
- E. Reduce air pollution and absorb greenhouse gas emissions through the biological filtering capacities of trees and vegetation, and reduce the negative quality-of-life effects of heat, noise, and glare;
- F. Promote conservation of water resources through the installation of properly designed, installed, and maintained climate-appropriate plants and water-effective irrigation systems;
- G. Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining parcel through visual screening; and
- H. Soften the appearance and reduce the heat island effect of parking lots and other development.

9.26.020 Applicability

The standards of this Chapter apply to the entire parcel for all new developments and cumulative expansions of more than 25% of improved square footage existing at the time of adoption of the Ordinance codified in this Chapter. Existing parking lots with more than 10 parking spaces shall comply when the parking lot is reconstructed, except for repaving and restriping. All applications must also comply with the provisions of Santa Monica Municipal Code Section 8.108.010, Landscape and Water Conservation Standards.

9.26.030 Landscape and Irrigation Plans

A landscape and irrigation plan shall be submitted with the permit application for all projects for which landscaping is required except individual single unit dwellings installing no landscaping, other than mulch, and no irrigation system.

9.26.040 General Landscaping Standards

- A. **Dimension of Landscaped Areas.** No landscaped area smaller than 2 feet wide in any horizontal dimension shall count toward required landscaping.
- B. **Drivers' Visibility.** Trees and shrubs shall be planted and maintained in compliance with Section 9.21.180, Hazardous Visual Obstructions.

9.26.050 Areas to be Landscaped

In addition to the areas required to be landscaped by District regulations, the following areas shall be landscaped, and may count toward the total area of site landscaping required by District regulations.

- A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.
 - 1. *Common Property Lines Abutting Residential Districts.* Wherever a non-residential use is located adjacent to a Residential District or use, a landscape buffer planted with a mix of trees and shrubs shall be provided along common property lines. At least 1 tree of at least 15-gallon size shall be planted per 20 lineal feet or as appropriate to create a tree canopy over the buffer setback. In addition, at least 3 shrubs shall be planted per 20 lineal feet. At least 10 percent of the required trees shall be 24-inch box size. The Urban Forester shall be consulted as to the selection of these trees to facilitate the trees' viability in the given urban conditions and microclimate.
 - 2. *Commercial, Employment or Other Non-residential Use.* 5-foot wide landscaped buffer setback.
 - 3. *Minimum Soil Volumes Above Subterranean Parking Structures.* Subterranean parking structures shall be designed so that trees and shrubs planted in required setback areas above subterranean parking structures shall provide the following:
 - a. For both trees and shrubs, soil depth shall be a minimum three feet.
 - b. Small stature trees with a mature crown spread of approximately 10 feet shall be provided a minimum 120 cubic feet of soil volume (approximately 3 feet deep by 4 feet wide by 10 feet long).
 - c. Medium stature trees with a mature crown spread of approximately 20 feet shall be provided a minimum 500 cubic feet of soil volume (approximately 3 feet deep by 6 feet wide by 28 feet long).
 - d. Large stature trees with a mature crown spread of approximately 30 feet shall be provided a minimum 1000 cubic feet of soil volume (approximately 3 feet deep by 10 feet wide by 34 feet long).

- e. Palm trees shall be provided with a minimum soil depth of five feet and 250 cubic feet of soil volume (approximately 5 feet deep by 5 feet wide by 10 feet long).
- B. **Parking Areas.** All parking structures and parking surface lots shall meet the provisions of Chapter 9.28, Parking, Loading, and Transportation, and the following:
1. **Landscaping.** Up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.
 2. **Buffer for Above-Grade Parking Structures.** A parking garage that does not incorporate ground-floor nonresidential or residential uses or is not otherwise screened or concealed at street frontages on the ground level, must provide a 10 foot landscaped buffer for any garage of less than 5 levels and a 15 foot landscaped buffer for any garage with 5 or more levels.
 3. **Surface Parking Lot Landscaping.**
 - a. One tree per one thousand two hundred square feet of paved area that accommodates vehicular traffic must be provided in a manner that is compliant with Municipal Code Section 8.108 and dispersed throughout the paved area. The trees planted in compliance with this Section shall be designed to result in canopy coverage of 50 percent of the parking lots' hardscape within 10 years of the installations of these trees. The Urban Forester shall be consulted as to the selection of these trees to facilitate the trees' viability in the given urban conditions and microclimate.
 - b. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least 4 feet into the parking area from the perimeter landscape line.
 - c. **Landscaped Buffer for Open Parking Adjacent to a Public Street.** A landscaped area at least 5 feet wide shall be provided between any surface parking area and any property line adjacent to a public street, unless a greater dimension is specified in the base district standards or standards for specific uses applicable to a site.
 - d. **Landscaped Buffer for Open Parking Abutting Interior Property Line.** A landscaped area at least 5 feet wide shall be provided between any surface parking area and any adjacent parcel for the length of the parking area, unless a greater dimension is specified in the base district standards or standards for specific uses applicable to a site.
 - e. **Layout.** Landscaped areas shall be distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of the following:
 - i. Landscaped planting strips at least 2 feet wide between rows of parking stalls;
 - ii. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;

- iii. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - iv. On-site landscaping at the parking lot perimeter.
 - f. **Permeable Surfaces.** New surface parking lots shall include a minimum of 20 percent permeable surfaces. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than 5 percent slope. Permeable surfaces are encouraged in areas of low traffic or infrequent use wherever feasible.
 - g. **Existing Parking Lots.** Where compliance with the interior landscaping provisions above would result in the loss of existing required parking spaces, the amount of landscaping required shall be reduced to the extent necessary to accommodate the minimum required parking spaces. A Major Modification shall not be required for such reduction.
 - 4. **Drainage.** All parking areas shall be properly drained, consistent with the California Regional Water Quality Control Board and subject to the approval of the Director of Public Works.
 - a. **Runoff Prohibited on Sidewalks.** Parking areas in nonresidential districts shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
 - b. **Cross-grades.** Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.
 - 5. **Protection of Vegetation.** Landscaped areas, excluding drivable surfaces, shall be protected by a curb at least 6 inches wide and 6 inches high. Such curbs shall be designed to allow storm water runoff to pass through.
 - 6. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic and shall be built in compliance with Section 9.21.180, Hazardous Visual Obstructions.
- C. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped.

9.26.060 Materials

- A. **General.** Landscaping may consist of a combination of groundcovers, shrubs, vines, trees, and garden areas. Landscaping may also include incidental features such as semi-pervious pathways, stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting. Materials must conform to Santa Monica Municipal Code Chapter 8.108.
- B. **Ground Cover Materials.** Ground cover shall be of live plant material and may not be comprised of pervious non-plant materials such as permeable paving, gravel, colored rock, cinder, bark, and similar

materials. Mulch must be confined to areas around shrubs and trees and is not a substitute for ground cover plants.

C. **Size and Spacing.** Plants shall be of the following size and spacing at the time of installation:

1. **Ground Covers.** Ground cover plants other than grasses must be at least the 4 inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of at least one per 12 inches on center.
2. **Shrubs.** Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with 2 to 4 feet of spacing, depending on the plant species.
3. **Trees.** Trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh). Newly planted trees shall be supported with stakes or guy wires. Any tree to be planted along a property line or adjacent to a structure shall be no closer to said property line or structure than $\frac{1}{2}$ the diameter of the particular species' drip line at maturity, measured from the center of the tree.

9.26.070 Water Efficient Landscaping and Irrigation

All landscaping shall comply with the requirements of Chapter 8.108 of the Municipal Code, Green Building, Landscape Design, Resource Conservation and Construction and Demolition Waste Management Standards.

9.26.080 Installation and Completion

- A. **Consistency with Approved Plans.** All landscaping and screening shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping, screening, and irrigation shall be installed prior to the issuance of a Certificate of Occupancy for the associated project.

9.26.090 Maintenance

- A. All landscaped areas shall be permanently maintained and kept free of weeds, debris, and litter and in accordance with the requirements set forth in Chapter 8.108 of the Municipal Code, Green Building, Landscape Design, Resource Conservation and Construction and Demolition Waste Management Standards.
- B. All plant materials shall be maintained in a healthy growing condition and diseased or dead plant materials shall be replaced, in kind, pursuant to the approved plans within 30 days. Alternatively, diseased or dead plant materials may be replaced with plant materials that have lower water needs, as rated in the current edition of the Water Use Classification of Landscape Specials published by the California Department of Water Resources, or equivalent documentation.
- C. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree required by this Chapter showing such damage shall be replaced with another tree of consistent caliper and canopy.

9.26.100 ARB Modification

The landscape requirements of this Section for existing buildings and parking areas may be modified subject to review and approval of the Architectural Review Board, or of the Landmarks Commission if a City-Designated Historic Resource is involved, if the Board or Commission determines that an alternative landscape configuration would meet the objectives of these requirements. The Architectural Review Board or Landmarks Commission may require either more or less landscaping than would otherwise be required by this Chapter if the following findings are made:

- A. That the strict application of the provisions of Section 9.26 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Santa Monica Municipal Code and the Land Use Element or that there are exceptional circumstances or conditions applicable to the proposed project that do not apply generally to other sites covered by the Section;
- B. That the granting of a landscape modification would not adversely affect public welfare and would not be detrimental or injurious to property and improvements in the surrounding area;
- C. That the granting of a landscape modification would allow for the enhancement of shade opportunities and the reduction of a heat island effect; and
- D. For modification of landscape requirements for City-Designated Historic Resources, that alternative plant types and landscape areas would enhance the context of the structure or harmonize the character defining features of the structure.

9.26.110 Surface Parking Lots for City Parks

The following surface parking lot landscaping regulations shall govern the development of new surface parking lots adjacent to and utilized by a City park in lieu of the surface parking lot landscaping standards set forth in subsections (B)(3) and (C) of Section 9.26.050 and the plant size and spacing requirements set forth in subsection (C) of Section 9.26.060. All other applicable provisions of this Chapter shall continue to govern.

- A. One tree per one thousand two hundred square feet of paved area that accommodates vehicular traffic must be provided in a manner that is compliant with Municipal Code 8.108. The Urban Forester shall be consulted as to the selection of these trees to facilitate the trees' viability in the given urban conditions and microclimate.
- B. **Landscaped Buffer for Open Parking Adjacent to Public Street.** A landscaped area at least 5 feet wide shall be provided between any surface parking area and any property line adjacent to a public street, unless a greater dimension is specified in the base districts standards applicable to a site.
- C. **Permeable Surfaces.** The surface parking lot shall include a minimum of 20 percent permeable surfaces. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than 5 percent slope. Permeable surfaces are encouraged in areas of low traffic or infrequent use wherever feasible.
- D. **Drainage.** The parking area shall be properly drained, consistent with the Regional Water Quality Control Board and subject to the approval of the Director of Public Works.

1. *Runoff Prohibited on Sidewalks.* Parking areas in nonresidential districts shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
 2. *Cross-grades.* Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.
- E. **Protection of Vegetation.** Landscaped areas, excluding drivable surfaces, shall be protected by a curb at least 6 inches wide and 6 inches high. Such curbs shall be designed to allow storm water runoff to pass through.
- F. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic and be built in compliance with Section 9.21.180, Hazardous Visual Obstructions.
- G. **Landscaping Size and Spacing.** Plants shall be of the following size and spacing at the time of installation:
1. **Ground Covers.** Ground cover plants other than grasses must be at least the 4 inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of at least one per 12 inches on center.
 2. **Shrubs.** Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with 2 to 4 feet of spacing, depending on the plant species.
 3. **Trees.** Trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh). Newly planted trees shall be supported with stakes or guy wires.
 4. This subsection (G) does not mandate the utilization of any specific type of landscaping.

Chapter 9.27 Nonconforming Uses and Structures

Sections:

- 9.27.010 Purpose
- 9.27.020 Definitions
- 9.27.030 Legal Nonconforming Structures
- 9.27.040 Restoration of a Damaged Nonconforming Structure
- 9.27.050 Legal Nonconforming Uses
- 9.27.060 Public Utility Exception
- 9.27.070 Building Permits or Certificates of Occupancy Prohibited
- 9.27.080 Removal of Illegal Nonconforming Buildings and Uses
- 9.27.090 Rent Control Bootleg Units
- 9.27.100 Continuation of Nonconforming Uses
- 9.27.110 Parking Lots in Residential Districts

9.27.010 Purpose

This Chapter's standards have been developed in recognition of the City's policies related to historic preservation, adaptive reuse, and sustainability and provide for the continuation of uses, continued occupancy and maintenance of structures, and development of parcels that were lawfully established but do not now comply with all of the standards and requirements of this Ordinance so long as the uses, continued occupancy, and maintenance meet the provisions of this Chapter.

9.27.020 Definitions

Any lawfully established use or structure that is in existence on the effective date of this Ordinance but does not comply with all of the standards and requirements of this Ordinance or subsequent amendment including, but not limited to, the lack of an approved permit or other required authorization shall be considered nonconforming. Unless otherwise specified, the term "nonconforming" as used in this Ordinance shall mean "lawful nonconforming" as defined herein.

- A. **Lawful Nonconforming Use.** An occupancy or activity that was established in compliance with the standards and requirements in effect at the time it commenced and has not been abandoned within the same structure or on the same parcel since that date but does not comply with all of the applicable provisions of this Ordinance including, but not limited to, permitted use, location, intensity, operational characteristics, performance standards or hours of operation.
- B. **Lawful Nonconforming Structure.** A building or structure that was erected in compliance with the standards and requirements in effect when it was constructed but does not comply with all of the applicable provisions of this Ordinance including, but not limited to, density, floor area, height, setback, usable open space, and other development standards.

- C. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be determined to be nonconforming solely because of a lack of on-site parking and/or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading as of the date of adoption of this Ordinance are not reduced in number to less than what this Ordinance requires. The parking provided by City-Designated Historic Resources shall be considered conforming if it is the amount of parking provided as of July 6, 2010. See also Section 9.28.180(B).

9.27.030 Legal Nonconforming Structures

A nonconforming structure may be maintained as follows:

- A. **Repairs, Alterations, and Improvements.** Subject to Chapter 9.25 and subsection (B) of this Section, repairs, alterations, or improvements may be made to nonconforming buildings.
- B. **Additions and Enlargements.** An addition to or enlargement of a nonconforming building shall be permitted if the addition or enlargement is made to conform to all the development standards and use regulations of the District in which it is located.
- C. **Replacing Nonconforming Features or Portions of Buildings**

Nonconforming features or portions of buildings that are removed shall not be replaced unless they conform to the provisions of this Chapter. Notwithstanding this requirement, nonconforming architectural features which have been removed from any existing building which is designated as a Historic Resource or listed on the Historic Resources Inventory may be replaced if the Landmarks Commission determines that such feature contributes to the building's historic architectural integrity and that the reconstruction conforms to the Secretary of Interior's *Standards for the Treatment of Historic Properties*. Landmarks Commission review of such reconstruction shall be processed generally in accordance with the procedures for processing applications for Certificates of Appropriateness contained in Chapter 9.56. Any project subject to Landmarks Commission review under this Section shall not require additional review by the Architectural Review Board. The determination of the Landmarks Commission under this Section shall be appealable to the City Council.
- D. **Moving.** No nonconforming building shall be moved in whole or in part to any other location on the parcel unless every portion of the building is made to conform to all of the regulations of the District in which it is located. A relocated building shall be considered a new structure. However, if the building is a City-Designated Historic Resource, the Landmarks Commission may approve nonconforming setbacks through the issuance of a Certificate of Appropriateness.
- E. **Damaged or Destroyed.** A nonconforming building which is damaged or destroyed may be restored or replaced in accordance with Section 9.27.040.
- F. **Demolition.** An existing nonconforming building that is demolished shall lose any legal nonconforming status and may only be replaced or rebuilt if the entire structure is made to comply with all currently applicable zoning ordinance requirements unless:
 - 1. The existing building is a Historic Resource or is listed on the City's Historic Resources Inventory, provided the alteration or addition conforms with the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

2. The existing building is commercial or industrial and is altered in accordance with all of the following criteria:
 - a. The alterations only involve the replacement of the footings, cripple walls, stem walls, or similar structural components between the structure's footings and the finished floor of the first story as defined in Chapter 8.12 of the Santa Monica Municipal Code;
 - b. The alterations are only undertaken to the minimum extent necessary to maintain a safe structure;
 - c. The existing exterior wall elements or principal support structure remain in place at all times and provide necessary structural support to the building upon completion of the alterations; and
 - d. No new floor area is added.
 3. The existing building is residential and is altered or added to in accordance with all of the following criteria:
 - a. The alterations or additions to the existing residential building include the replacement of the footings, cripple walls, stem walls, or similar structural components between the structure's footings and the finished floor of the first story as defined in Chapter 8.12 of the Santa Monica Municipal Code; and
 - b. The existing first story exterior wall elements remain in place at all times and provide necessary structural support to the building upon completion of the alteration or addition.
 4. The building was demolished as a result of a non-voluntary fire or explosion, earthquake, or other natural disaster and it is restored or replaced in accordance with Section 9.27.040.
- G. **Termination.** A nonconforming building need not be discontinued and removed or altered so long as the nonconforming building is maintained in accordance with this Section.

9.27.040 Restoration of a Damaged Nonconforming Structure

An existing nonconforming structure that is damaged or destroyed by a non-voluntary fire or explosion, earthquake, or other natural disaster may be restored or replaced to its density (including square footage and number of rooms or dwelling units, as applicable), parking, building footprint and envelope, and height that existed prior to the destruction subject to the following:

A. Damaged Structure Restoration Application

1. *Application.* To request a permit to restore a damaged structure, the applicant must submit a complete application on a form provided by the Director in addition to any other material, reports, dimensioned plans, or other information required to take action on the application. Each application shall also include:

- a. Two estimates of the cost of repair or reconstruction from properly licensed contractors. The estimates must contain sufficient detail to ascertain the scope of the proposed work and include the contractor's profit, overhead and insurance cost.
 - b. For structures that have been posted with either a no entry notice (Red-tagged) or limited entry notice (Yellow-tagged), a written structural analysis of the structure prepared by a licensed engineer in accordance with the standards provided by the Building and Safety Division.
 - c. Two sources of documentation of the pre-destruction condition of the property or structure sufficient to enable the City to determine whether the project involves in-kind repair or reconstruction. Documentation may include:
 - i. Approved building permits;
 - ii. Approved construction drawings;
 - iii. Surveys from licensed surveyors;
 - iv. County assessor information;
 - v. Certified property appraisals;
 - vi. Sanborn maps;
 - vii. Reports or drawings prepared by an insurance company to support damage claims;
 - viii. Photographs;
 - ix. City planning records; or
 - x. Any other verifiable information.
2. *Review Process.* Each application to restore a damaged structure shall require plan check approval as the final review prior to issuance of the applicable permit. In addition, the following procedures shall apply:
- a. Where the cost of repair is less than 50 percent of the replacement value of the structure, or where less than 50 percent of the exterior walls are removed to the foundation (regardless of cost of repair), the following review or reviews will be required:
 - i. If there is not a significant design change from the original design, Administrative Approval and plan check is required.
 - ii. If there is a significant design change, Architectural Review Board review is required. Single-Unit homes are not subject to Architectural Review Board pursuant to this subsection.
 - b. Where the cost of repair equals or exceeds 50 percent of the replacement value of the structure, and 50 percent or more of the exterior walls are removed to the foundation, but the development on the parcel is below the development review

- threshold for the district in which it is located, Administrative Approval and Architectural Review Board approval shall be required.
- c. Where the cost of repair equals or exceeds 50 percent of the replacement value of the structure, and 50 percent or more of the exterior walls are removed to the foundation, and the development on the parcel is above the development review threshold for the District in which it is located, a Development Review Permit is required prior to plan check. Architectural Review Board approval shall also be required.
 - d. Notwithstanding the above, any restoration of a damaged structure that is a City-Designated Historic Resource shall be subject to the review of the Landmarks Commission.
3. *Standards for Review.* The following standards shall govern the review of an application for damaged structure restoration:
- a. *Administrative Review.* Administrative approval shall be granted if the project plans reflect in-kind repair or reconstruction.
 - b. *ARB/Landmarks Review.* The Architectural Review Board, or for City-Designated Historic Resources the Landmarks Commission, or Planning Commission/City Council on appeal, shall grant approval if both of the following findings can be made:
 - i. The structure's architectural design is substantially similar to the pre-damage design; or, if a significant design change is involved, the structure's architectural design is compatible with the general area in which it is located.
 - ii. If the structure is a City-Designated Historic Resource and being repaired, the repair will meet the Secretary of the Interior's Standards and will not compromise the architectural or historical integrity of the structure or potential district; or, if being reconstructed, the reconstruction is required, based upon an estimate from a professional experienced in rehabilitation of historic structures, demonstrating it is not economically feasible to repair the structure. The Landmarks Commission may request two alternative evaluations and detailed estimates to support the determination of economic infeasibility.
 - c. *Development Review Permit.* The Planning Commission, or City Council on appeal, shall grant approval if all of the following findings can be made:
 - i. The structure's architectural design is substantially similar to the pre-damage design; or, if a significant design change is involved, the structure's architectural design is compatible with the general area in which it is located;
 - ii. The plan for the proposed building or structure is expressive of good design and in general contributes to the image of Santa Monica as a place of beauty, creativity and individuality;

- iii. The proposed building or structure is not of inferior quality such as to cause the nature of the local neighborhood or environment to materially depreciate in appearance and value; and
 - iv. If the structure is a Historic Resource, the repair will meet the Secretary of the Interior's Standards and will not compromise the architectural or historical integrity of the structure or potential district; or, if reconstruction is involved, based upon an estimate from a professional experienced in rehabilitation of historic structures, it is not economically feasible to repair the structure.
- d. Any reconstruction, repair, or restoration undertaken pursuant to this Section shall conform to all applicable Technical Code requirements, and a building permit must be obtained within 2 years, or 3 years if a Development Review Permit is required, after the date of the damage or destruction. The Director may approve an extension if the owner has applied for and diligently pursued approval of the building permit.

9.27.050 Legal Nonconforming Uses

A legal, nonconforming use may be maintained subject to the following provisions:

- A. **Change of Ownership.** A change of ownership, tenancy, or management of a nonconforming use shall not affect its status as a legal, nonconforming use.
- B. **Abandonment.** If a nonconforming use of a building, structure, or parcel ceases for a continuous period of one year or more, the use shall be considered abandoned, and the building, structure, or parcel shall thereafter be used only in accordance with the regulations for the District in which it is located except as provided below. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Director that the use was legally established and has not been abandoned. Notwithstanding the above, no nonconforming residential use shall be considered abandoned regardless of the length of time of non-use unless the Director determines the building is dangerous, unsafe, a health and safety hazard, and/or uninhabitable, and these conditions cannot be remedied.
 - 1. The one-year period to determine that a nonconforming use has been abandoned shall commence when the use ceases and any one of the following occurs:
 - a. The business license lapses;
 - b. The site is vacated;
 - c. The lease is terminated;
 - d. Utilities are terminated; or
 - e. A conforming use that meets the applicable requirements of this Ordinance is lawfully established in the space previously occupied by the nonconforming use.
 - 2. Once the one-year period has commenced under subsection (B)(1) that period shall only be terminated if the nonconforming use is fully licensed, permitted, and operational for 60 continuous days. Operational shall mean that the nonconforming use is open for business to

the public and provides services typically associated with the nonconforming use during the hours and days that are customary for that nonconforming use.

3. Cessation of use due to remodeling shall not be considered abandonment so long as building permits are active in accordance with Chapter 8.08 of the Municipal Code. However, if the building permit expires before the use resumes, the one-year period under Subsection (B)(1) shall relate back and commence with the cessation of use.
 4. Except as provided in Subsection (B)(5), no nonconforming use may be resumed, reestablished, reopened, or replaced by any other nonconforming use once it has determined to be abandoned for one year.
 5. If the nonconforming use of a building, structure, or parcel occurred in a City-Designated Historic Resource, the nonconforming use may be resumed, reestablished, or reopened even if that nonconforming use has been abandoned for more than one year and other uses have occurred since that abandonment if a Conditional Use Permit is obtained based on the following findings:
 - a. The City-Designated Historic Resource was not in residential use as of December 16, 2014;
 - b. The proposed use is compatible with existing and permissible land uses within the District and the general area in which the proposed use is to be located;
 - c. The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain;
 - d. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood;
 - e. The subject parcel is physically suitable for the type of land use being proposed; and
 - f. The proposed use would not be detrimental to the public interest, health, safety, convenience, or general welfare.
- C. **Conversion to Conforming Use.** If a nonconforming use is converted to a conforming use, the nonconforming use may not be resumed except as authorized by Subsection (B)(5).
- D. **Expansion of Nonconforming Use.** A nonconforming use of a building or portion of a building that conforms to the development standards of this Chapter shall neither be expanded into any other portion of the building nor changed except to a conforming use. The nonconforming use of land shall not be expanded or extended in area.
- E. **Intensification of Uses.** A nonconforming use shall not be permitted to substantially change in mode or character of operation. A substantial change in mode or character of operation shall include, but is not limited to, addition of uses, a change in operational hours that extends past 11:00 PM any night Sunday through Thursday and/or midnight on Friday and/or Saturday or begins before 7:00 AM, a 5 percent increase in the floor area of the premises, or a 5 percent increase in the number of seats in any restaurant, but in no case shall the increase exceed any established seating limitation in the underlying zoning district.

- F. **Continuation/Reinstatement.** The uses existing in a structure that have been restored pursuant to 9.27.040 may be continued/reinstated in the reconstructed/replacement structure so long as no continued/reinstated nonconforming uses are expanded, changed or substituted.
- G. **Legal, Nonconforming Rent-Controlled Multiple-Unit Properties.** Notwithstanding subsection (D), existing multi-unit residential units in the R1 Single Family Residential District that are presently controlled by Article XVIII of the City Charter may be expanded in area provided such expansion complies with all other applicable Code provisions, including those governing height, number of stories, setbacks, stepbacks, parcel coverage and off-street parking (unless the City's Parking and Traffic Engineer determines that the provision of parking is not feasible), and the number of housing units on the multi-unit residential property does not increase.

9.27.060 Public Utility Exception

Nothing contained in this Chapter shall be construed or implied so as to require the removal of governmental or public utility buildings, structures, equipment, or facilities provided that there is not a change of use nor enlargement of the land area devoted to the use.

9.27.070 Building Permits or Certificates of Occupancy Prohibited

When any nonconforming building or use is required to be eliminated pursuant to the provisions of this Chapter, no building permit or Certificate of Occupancy shall thereafter be issued for further continuance, alteration, or expansion of the nonconforming building or use. The issuance of the permit or Certificate in error shall not be construed to allow the continuation of the nonconforming building or use.

9.27.080 Removal of Illegal Nonconforming Buildings and Uses

Nothing contained in this Chapter shall be construed or implied so as to allow for the continuation of illegal nonconforming buildings and uses. These uses shall be removed immediately upon notification by the Director.

9.27.090 Rent Control Bootleg Units

- A. A rental unit registered with the Santa Monica Rent Control Board, which was built or created without City planning or building permits shall not be required to meet the setback and density requirements of this Ordinance if the unit is or can be made habitable as determined by the Director.
- B. A rental unit exempt from setback and density requirements pursuant to Subsection (A) of this Section shall be required to provide parking for the unit pursuant to Chapter 9.28, Parking, Loading, and Circulation, unless the Director determines that the provision of parking is not feasible. Parking which would result in a significant reduction in setback space is not feasible. The location of any feasible parking shall comply with the Chapter 9.28, Parking, Loading, and Circulation, except the Director may authorize a reduction in parking space dimensions so long as the space remains accessible and safe.
- C. A rental unit that meets the requirements of this Section shall be considered a legal, non-conforming unit.

9.27.100 Continuation of Nonconforming Uses

No person shall occupy any nonconforming building and no person shall continue any nonconforming use except as provided for in this Chapter.

9.27.110 Parking Lots in Residential Districts

- A. Except as provided in Section 9.31.070(D), parking lots on parcels in Residential Districts shall be permitted to remain provided:
 - 1. The commercial parcel supported by the residential parking lot is not redeveloped for another use;
 - 2. The lot remains as a surface level parking lot;
 - 3. The use or uses existing on the commercial parcel supported by the residential parking lot do not change. For purposes of this requirement, a change of use shall be defined as any new use which requires more intense parking standards than exists on the effective date of the ordinance codified in this Chapter;
 - 4. The square footage of the existing commercial building on the commercial parcel is not added to or enlarged beyond fifty percent of the floor area existing on the effective date of this Chapter; and
 - 5. The required parking for any new addition or expansion under fifty percent is not located on the residentially zoned parking lot. A parking lot on a residentially zoned parcel shall revert to residential use when one or more of the above conditions are not met.
- B. Parking lots in Residential Districts with A Off-Street Parking Overlays are regulated by Chapter 9.16, A Off-Street Parking Overlay District.

Chapter 9.28 Parking, Loading, and Circulation

Sections:

9.28.010	Purpose
9.28.020	Applicability
9.28.030	General Provisions
9.28.040	Calculating Off-Street Parking and Loading Spaces
9.28.050	Parking Requirements by Zoning District
9.28.060	Minimum Required Off-Street Parking
9.28.070	Location of Parking
9.28.080	Loading Spaces
9.28.090	Space Efficient Parking
9.28.100	Accessible Parking
9.28.110	Unbundled Parking
9.28.120	Parking Design and Development Standards
9.28.130	Pedestrian Facilities
9.28.140	Bicycle Parking
9.28.150	Car and Van Pool Parking
9.28.160	Electric Vehicle Charging Stations
9.28.170	Showers, Lockers, and Changing Rooms
9.28.180	Reduction of Required Parking
9.28.190	Alternate Compliance

9.28.010 Purpose

The purposes of the Parking, Loading, and Circulation regulations are to:

- A. Support the General Plan's goal of creating an integrated transportation and land use program designed to reduce citywide peak period vehicle trips.
- B. Support the Plan's objective of creating a more sustainable community by making more efficient modes of transportation – walking, biking, transit, and carpooling – more attractive. Manage parking resources to increase parking availability on residential streets, provide adequate parking for residents, commuters, visitors and shoppers, and enable maximizing of parking resources.
- C. Establish off-street parking requirements that are appropriate to their land use type and size of development.
- D. Establish standards and regulations for the developer, owner, or operator of any specific use to provide well designed, on-site parking areas.
- E. Ensure that on-site parking and loading areas are designed and located to protect public safety; minimize congestion and conflict points on travel aisles and public streets; and where appropriate, buffer surrounding land uses from their impact.

- F. Protect neighborhoods from the effects of vehicular noise and spillover traffic and parking generated by uses in adjacent non-residential districts and ensure adequate infrastructure to improve circulation.

9.28.020 Applicability

The requirements of this Chapter apply to the following.

- A. **New Buildings and Land Uses.** On-site parking shall be provided according to the provisions of this Chapter at the time any building or structure is erected or any new land use is established.
- B. **Addition, Enlargement of Use, and Change of Use of Existing Non-Residential Buildings.**
 - 1. Except as provided in subsection B(2), a change of use shall provide the difference between the required parking ratio for the proposed use and one automobile parking space per 300 square feet.
 - 2. Changes in use that create an increase of 3 or fewer required parking spaces, calculated in accordance with subsection B(1), shall not be required to provide additional on-site automobile parking according to the provisions of this Chapter. Bicycle parking shall be provided in accordance with Section 9.28.140.
 - 3. Existing parking shall be maintained and additional parking shall be required only for such addition, enlargement, or change of use and not for the entire building or site. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.
 - 4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
- C. **Addition, Enlargement of Use, and Change of Use of Existing Residential Buildings.**
 - 1. For any new commercial, cultural, health, industrial, or commercial entertainment and recreation use of an existing residential building, structure including any addition and enlargement of use, parking spaces in the number specified in Section 9.28.060, Required Off Street Parking, shall be provided for the entire parcel.
 - 2. For any new residential or educational use of an existing residential building or structure such that the new residential or educational use will require a greater number of parking spaces as compared to the previous use, parking spaces in the number specified in Section 9.28.060, Required Off-Street Parking, shall be provided for the new use.
- D. **Additions and Alterations to Residential Buildings.** When an addition or alteration is proposed to a residential building that does not currently provide parking in compliance with this Chapter, the following regulations apply:
 - 1. **Single Unit Dwellings.** Parking shall be provided in accordance with the provisions of Chapter 9.28.060, Required Off-Street Parking, if 50 percent or more additional square footage is added to the principal building at any one time, or incrementally, after September 8, 1988, provided the aggregate addition is 500 square feet or more.

2. **Multi-Unit Dwellings.** Additional parking shall be required for the proposed addition or alteration if it increases the number of bedrooms of existing units.
 3. **Increased Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units in compliance with the provisions of this Chapter. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for the existing and new dwelling units in compliance with all applicable requirements.
- E. **Construction Timing.** On-site parking facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

9.28.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- B. **Access.** Access to parking for intended users, including employees, shall be available during all business hours.
- C. **Assignment.** Assignment of parking spaces to individual users or tenants within a mixed use and/or multi-tenant project shall be prohibited except when such spaces are reserved for disabled parking, car or vanpool users, or residential units.
- D. **Application to all Parking.** All parking provided must be in compliance with the standards set forth in this Chapter.

9.28.040 Calculating Off-Street Parking and Loading Spaces

- A. **Rules for Calculating Required Spaces.** The following rules shall be followed for calculating the amount of off street parking and loading spaces.
 1. **Rounding.** Fractional space requirements totaling 0.5 or above shall be rounded up to the next whole space after calculating the total number of required spaces. Rounding up shall not apply to loading spaces; however, a minimum of one space shall be provided.
 2. **Residential Uses.** For purposes of calculating off street parking requirements for dwelling units, all private living spaces including but not limited to dens, studios, family rooms, studies and lofts shall be considered as “bedrooms” except that a maximum of one such room per unit shall not count as a bedroom if it is less than 100 square feet in area. Kitchens, bathrooms, and one living room per unit shall not be considered bedrooms. Semiprivate rooms shall not count as bedrooms if they have no doors and a minimum 7 foot opening to adjacent living space. A loft or mezzanine shall not count as a bedroom if the maximum width of the loft or mezzanine is less than 7 feet.
 3. **Non-Residential Uses.** Unless otherwise specified, the floor areas used to calculate the number of off-street parking and loading spaces required for non-residential uses shall include:

- a. All floor area located above or below grade devoted to office, retail, service, or other activities and uses, storage areas, restrooms, lounges, lobbies, kitchens, and interior hallways and corridors, unless exempted by the Chapter; and
 - b. All outdoor areas that will accommodate a permanent activity that will generate a demand for parking facilities in addition to that which is provided for principal activities and uses within the building or structure.
4. **Exclusions.** Floor area devoted to the following shall not be included when determining required parking and loading spaces:
- a. Automobile parking;
 - b. Loading areas;
 - c. Driveways, drive aisles, ramps;
 - d. Bicycle parking;
 - e. Showers or locker areas not associated with a Physical Training Personal Service or Instructional Service; and
 - f. Outdoor Dining and Seating less than 200 square feet in size associated with Restaurants.
5. **Minimum and Maximum Parking Requirements.** The minimum number of parking spaces required and the maximum number of parking spaces allowed shall be based on the estimated parking demand by use type as listed in the table in Section 9.28.060, Required Off Street Parking. The following rules apply when calculating the estimated parking requirements:
- a. **Multiple Uses.** When two or more principal uses are located on the same parcel, the estimated parking demand shall be the sum of the estimated demand of the various individual uses computed separately, in accordance with this Section, unless shared parking is approved pursuant to Section 9.28.180.
 - b. **Maximum Amount of Parking.**

The maximum allowable amount of parking shall be two spaces or 5%, more, whichever is greater, than the quantities specified in Section 9.28.060, except for permanent public parking. In order to obtain approval for permanent public parking in excess of these maximum allowable amounts, a Conditional Use Permit approved by the Planning Commission shall be required pursuant to Chapter 9.41, subject to the following additional required findings:

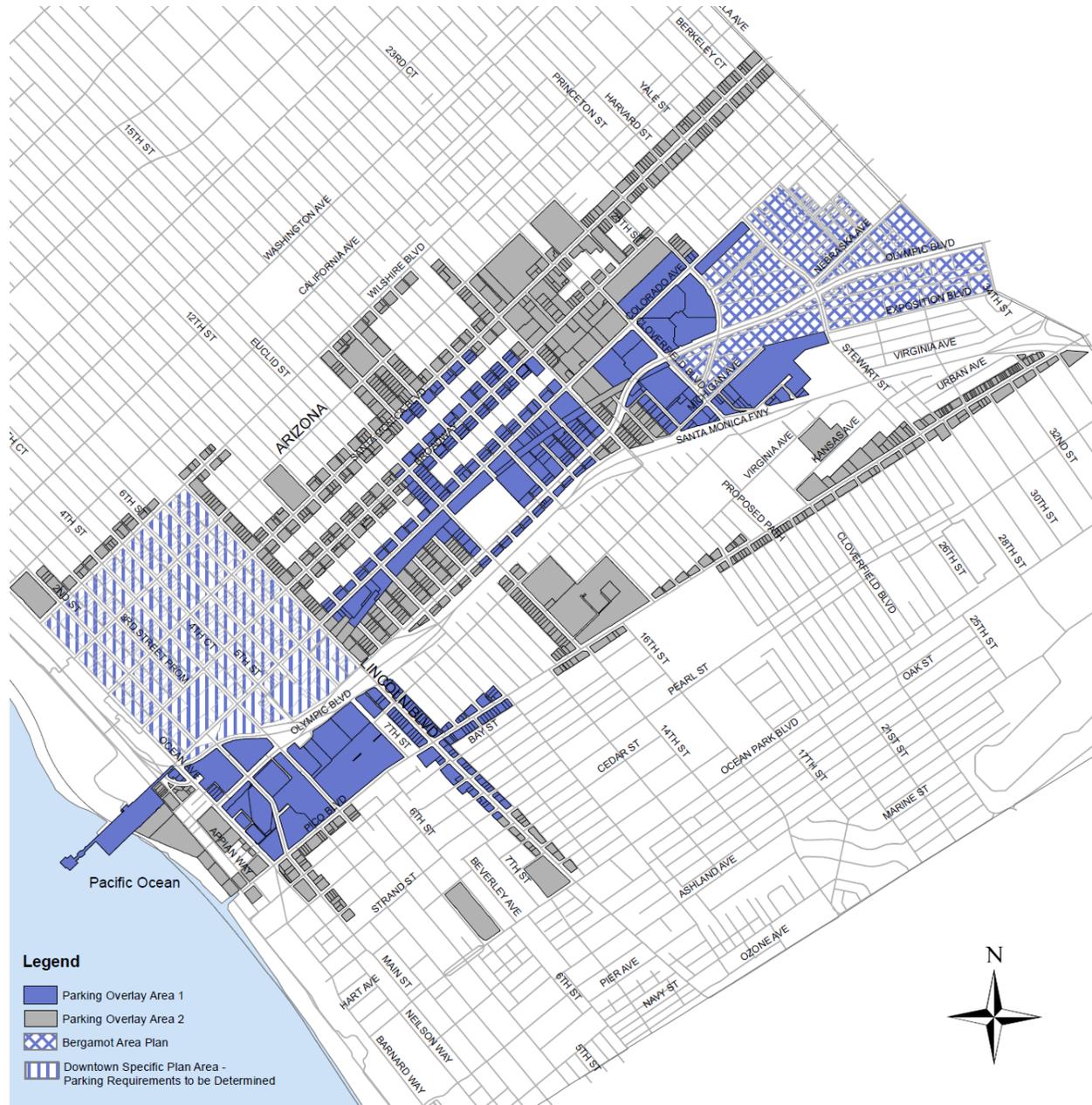
 - i. Parking provided in excess improves the pedestrian, transit, and bicycle network;
 - ii. Vehicle movement on or around the project site associated with the excess parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

- iii. Accommodating excess parking does not degrade the overall urban design quality of the project proposal;
 - iv. All above-grade parking is architecturally screened and the excess parking does not diminish the quality and viability of existing or planned landscape enhancements; and
 - v. Where off-street parking is proposed that exceeds the maximum quantities specified, such parking shall not be the principal use of the property.
- c. **Replacement of Existing Parking.** If a site contains existing surface parking that serves as Code or permit-required parking for an off-site user, such parking spaces may be replaced on-site as part of any redevelopment of the site, and such replacement parking shall not be considered parking that exceeds the quantities specified in Section 9.28.060 for purposes of subsection 9.28.040(A)(5)(b).
- d. **Parking Requirements of Other Governmental Entities.** Should parking above the maximum be imposed by another governmental entity based on established minimum parking requirements, and such additional parking was not simply requested by the applicant, parking in the amount to meet the entity's minimum requirements may be allowed.

9.28.050 Parking Requirements by Zoning District

To implement the parking policies of the General Plan, Zoning District parking requirements for those areas in the immediate vicinity of high quality transit stations or stops and the Memorial Park Specific Plan area differ from all other areas of the City. Figure 9.28.050 designates which areas constitute Parking Overlay Area 1, as referenced in Table 9.28.060, which lists the off-street parking requirements for areas Citywide (Excluding the Parking Overlay Area 1, Downtown Specific Plan area, and Bergamot Area Plan area) and for Parking Overlay Area 1.

FIGURE 9.28.050: PARKING OVERLAY AREAS



9.28.060 Minimum Required Off-Street Parking

Off-street parking shall be provided in the minimum quantities specified in Table 9.28.060, except as otherwise provided in this Chapter. If a proposed use is not listed in the table, the Director may determine appropriate parking requirements.

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
Residential Uses		
<i>Single Unit Dwelling</i>	2 spaces per dwelling unit	2 spaces per unit, which may be tandem
<i>Second Dwelling Unit</i>	1 space per dwelling unit	1 space per dwelling unit
<i>Duplex, Multiple-Unit Dwelling</i>	Market Rate Units: Guest = 1 space per 5 units Studio, no bedrooms = 1 space per unit 1 bedroom = 1.5 space per unit 2 or more bedrooms = 2 spaces per unit Deed Restricted Affordable Units: Studio, no bedrooms = 0.5 space per unit 1 bedroom = 0.75 space per unit 2 or more bedrooms = 1 space per unit	Market Rate Units: Guest = 1 space per 10 units Studio, no bedrooms = 1 space per unit 1 bedroom = 1 space per unit 2 or more bedrooms = 1.5 spaces per unit Deed Restricted Affordable Units: Studio, no bedrooms = 0.5 space per unit 1 bedroom = 0.5 space per dwelling unit 2 or more bedrooms = 1 space per dwelling unit
<i>Senior Citizen Multiple-Unit Residential</i>	0.5 spaces per unit Guest = 1 space per 5 units Low and moderate income units = 0.25 spaces per unit	0.5 spaces per unit Guest = 1 space per 6 units Low and moderate income units = 0.25 spaces per unit
<i>Single-Room Occupancy Housing</i>	See Multiple-Unit Dwelling	See Multiple-Unit Dwelling
<i>Group Residential</i>	.5 space per bed	.5 space per bed
<i>Congregate Housing</i>	1 space per 5 beds	1 space per 5 beds
<i>Senior Group Residential</i>	0.5 spaces per unit Guest = 1 space per 5 units Deed restricted affordable = 0.25 spaces per unit	0.5 spaces per unit Guest = none required Deed restricted affordable = 0.25 spaces per unit
<i>Elderly and Long-Term Care</i>	.5 space per bed plus one visitor space per 5 beds	.2 space per bed
Family Day Care		
<i>Large</i>	None required other than what is required for the existing residence	None required other than what is required for the existing residence

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
<i>Small</i>	None required other than what is required for the existing residence	None required other than what is required for the existing residence
Residential Facilities		
<i>Residential Care, General</i>	If more than 6 residents = .5 space per bed plus 1 visitor space per 5 beds	If more than 6 residents = .5 space per bed plus 1 visitor space per 5 beds
<i>Residential Care, Limited</i>	None required other than what is required for existing residence	None required other than what is required for existing residence
<i>Residential Care, Senior</i>	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence
<i>Hospice, General</i>	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence	If more than 6 residents = 1 space per 5 beds If less than 6 residents = none other than what is required for the existing residence
<i>Hospice, Limited</i>	None required other than what is required for the existing residence	None required other than what is required for the existing residence
Supportive Housing	If more than 6 residents = 0.5 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence	If more than 6 residents = 1 space per 5 beds If less than 6 residents = none other than what is required for the existing residence
Transitional Housing	None other than what is required for residential type	None other than what is required for residential type
Public and Semi-Public Uses		
Adult Day Care	1 space per 500 sq. ft.	1 space per 500 sq. ft.
Child Care and Early Education Facilities	1 space per 500 sq. ft.	1 space per 500 sq. ft.
Colleges and Trade Schools, Public or Private	1 space per 80 sq. ft. of assembly or classroom area or 1 space per every 4 fixed seats, whichever is greater	1 space per 100 sq. ft. of assembly or classroom area or 1 space per every 5 fixed seats, whichever is greater
Community Assembly	1 space for each 4 seats	1 space for each 6 seats
Cultural Facilities	1 space per 300 sq. ft.	1 space per 500 sq. ft.
Emergency Shelters	1 space per 10 beds	1 space per 10 beds
Clinics	1 space per 250 sq. ft.	1 space per 250 sq. ft.

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
Schools, Public or Private	<u>Elementary and Middle Schools:</u> 2 spaces per classroom <u>High Schools:</u> 5 spaces per classroom	<u>Elementary and Middle Schools:</u> 1.75 spaces per classroom <u>High Schools:</u> 4 spaces per classroom
Social Service Centers	1 space per 300 sq. ft.	1 space per 300 sq. ft.
Commercial Uses		
Animal Care, Sales, and Services		
<i>Grooming and Pet Stores</i>	See Retail Sales	See Retail Sales
<i>Kenel</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.
<i>Pet Day Care Services</i>	1 space per 500 sq. ft.	1 space per 1,000 sq. ft.
<i>Veterinary Services</i>	See Medical Office	See Medical Office
Automobile/Vehicle Sales and Service		
<i>Alternative Fuels and Recharging Facilities</i>	2 spaces for self-service station 1 space per 100 sq. ft. of retail	2 spaces for self-service station 1 space per 100 sq. ft. of retail
<i>Automobile Rental</i>	1 space per 500 sq. ft. 1 space per 1,000 sq. ft. of outdoor rental storage area	1 space per 500 sq. ft. 1 space per 1,000 sq. ft. of outdoor rental storage area
<i>Automobile Storage Uses</i>	1 space	1 space
<i>Automobile/Vehicle Sales and Leasing</i>	1 space per 300 sq. ft. for offices plus 1 space per 1,000 sq. ft. of net new display area and requirements for automobile repair where applicable	1 space per 300 sq. ft. for offices plus 1 space per 1,000 sq. ft. of net new display area and requirements for automobile repair where applicable
<i>Automobile/Vehicle Repair, Major and Minor</i>	1 space per 500 sq. ft. of non-service bay floor area 2 spaces per service bay	1 space per 500 sq. ft. of non-service bay floor area 2 spaces per service bay
<i>Automobile/Vehicle Washing</i>	2 spaces for each washing stall, not including the stall	2 spaces for each washing stall, not including the stall
<i>Service Station</i>	2 spaces if self-service station 1 space per 100 sq. ft. of retail Must follow requirements for repair where applicable	2 spaces if self-service station 1 space per 100 sq. ft. of retail Must follow requirements for repair where applicable
Banks and Financial Institutions		
<i>Banks and Credit Unions</i>	See Business, Professional, and Creative Office	See Business, Professional, and Creative Office
<i>Check Cashing Businesses</i>	See Business, Professional, and Creative Office	See Business, Professional, and Creative Office

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
Business Services	See Business, Professional, and Creative Office	See Business, Professional, and Creative Office
Commercial Entertainment and Recreation		
<i>Cinemas</i>	1 space per 4 seats	1 space per 4 seats
<i>Theaters</i>	1 space per 4 seats	1 space per 4 seats
<i>Convention and Conference Centers</i>	1 space per 80 sq. ft.	1 space per 100 sq. ft.
<i>Large-Scale Facilities</i>	1 space per 80 sq. ft.	1 space per 100 sq. ft.
<i>Small-Scale Facilities, less than 1,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<i>Small-Scale Facilities, 1,500 sq. ft. and more</i>	1 space per 80 sq. ft.	1 space per 100 sq. ft.
Instructional Services	See Retail Sales	See Retail Sales
Eating and Drinking Establishments		
<i>Bars/Nightclubs/Lounges</i>	1 space per 50 sq. ft.	1 space per 50 sq. ft.
<i>Restaurants, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>Restaurants, 2,500 – 5,000 sq. ft.</i>	1 space per 200 sq. ft.	1 space per 200 sq. ft.
<i>Restaurants, 5,000+ sq. ft.</i>	1 space per 125 sq. ft.	1 space per 125 sq. ft.
<i>Restaurant Outdoor Eating Areas, less than 200 sq. ft.</i>	None	None
<i>Restaurant Outdoor Eating Areas, 200 sq. ft. and more</i>	Same as required for restaurant type	Same as required for restaurant type
Equipment Rental	See Retail Sales	See Retail Sales
Food and Beverage Sales		
<i>Convenience Market</i>	See Retail Sales	See Retail Sales
<i>General Market, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>General Market, 2,500-5,000 sq. ft.</i>	1 space per 250 sq. ft.	1 space per 300 sq. ft.
<i>General Market, 5,000+ sq. ft.</i>	1 space per 250 sq. ft.	1 space per 300 sq. ft.

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
<i>Liquor Stores</i>	See Retail Sales	See Retail Sales
Funeral Parlors and Mortuaries	1 space per 80 sq. ft. or 1 space per 4 seats, whichever is higher	1 space per 100 sq. ft. or 1 space per 6 seats, whichever is higher
Live-Work	1 space per unit plus 1 guest space per unit	1 space per unit plus 1 guest space per unit
Lodging		
<i>Bed and Breakfast</i>	1 space per room plus parking required for dwelling unit	1 space per room
<i>Hotels and Motels</i>	1 space per room plus 1 space per 200 sq. ft. of meeting and banquet space	.75 spaces per room plus 1 space per 250 sq. ft. of meeting and banquet space
Maintenance and Repair Services	See Retail Sales	See Retail Sales
Nurseries and Garden Centers	Interior spaces see Retail Sales, plus 1 space per 1,000 sq. ft. of outdoor display and storage area	Interior space see Retail Sales, plus 1 space per 1,000 sq. ft. of outdoor display and storage area
Offices		
<i>Business, Professional, Creative, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>Business, Professional, Creative, 2,500+ sq. ft.</i>	1 space per 300 sq. ft.	1 space per 450 sq. ft.
<i>Medical and Dental, less than 1,000 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<i>Medical and Dental, 1,000+ sq. ft.</i>	1 space per 250 sq. ft.	1 space per 250 sq. ft.
<i>Walk-In Clientele</i>	See Business, Professional, and Creative Office	See Business, Professional, and Creative office
Personal Services		
<i>General Personal Services</i>	See Retail Sales	See Retail Sales
<i>Tattoo or Body Modification Parlor</i>	See Retail Sales	See Retail Sales
<i>Physical Training</i>	See Retail Sales	See Retail Sales
Retail Sales		
<i>Retail, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>Retail, 2,500 – 5,000 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<i>Retail, 5,000 sq. ft. or more</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
Industrial Uses		
Artist's Studio	1 space per 400 sq. ft.	1 space per 400 sq. ft.
Commercial Kitchens	1 space per 300 sq. ft.	1 space per 300 sq. ft.
Industry, General	1 space per 400 sq. ft.	1 space per 400 sq. ft.
Industry, Limited	1 space per 400 sq. ft.	1 space per 1,000 sq. ft.
Media Production	1 space per 400 sq. ft. of studio space 1 space per 300 sq. ft. of editing space 1 space per 300 sq. ft. of administrative space	1 space per 400 sq. ft.
Research and Development	1 space per 300 sq. ft.	1 space per 1,000 sq. ft.
Warehousing, Storage, and Distribution		
<i>Indoor Warehousing and Storage</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.
<i>Personal Storage</i>	1 space per 4,000 sq. ft.	1 space per 4,000 sq. ft.
<i>Wholesaling and Distribution</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.

9.28.070 Location of Parking

Required off-street parking and loading spaces shall be located on the same parcel as the use they serve, except as otherwise provided in this Chapter. Entrances to off-street parking and loading should be located on a non-primary façade, except as described below. Where a parcel contains more than one street frontage, the parking entrance should be located on the secondary street or alley. All efforts should be made to eliminate the impacts of parking entrances on main thoroughfares and transit-oriented streets. The requirements of this Section shall not apply to vehicles on display by an automobile dealer in a showroom or approved outdoor area unless otherwise specified by this Ordinance.

A. Above Ground Parking.

1. Residential Districts.

Parking shall be located in the rear half of the parcel and at least 40 feet from a street-facing property line, except as provided below:

a. **Garage Parking.** Garages may be located in the front half of the parcel subject to the setback requirements of the Base District and the following:

i. *Setback from Building Facade.* Garages shall be located at least 5 feet behind the primary wall facing the street, and never less than the required Base District setback.

- ii. **Projection into Front Yard Setback.** In the R1 Single-Unit Residential District, a one-story garage attached to the primary structure with a maximum height of 14 feet, including parapets and railings, a maximum length of 25 feet, and with garage doors perpendicular to the public street, shall be allowed to project up to 6 feet into the required front yard if no alley access exists, but may not extend closer than 20 feet to the front property line.
- iii. **Garage Opening Setback.** Garage openings shall be located the following minimum distances from parcel lines adjoining streets and alleys:
 - (1) Front-entry garage: 20 feet.
 - (2) Side-entry garage: 5 feet.
 - (3) Garage with alley access: 15 feet from centerline of alley.
 - (4) Narrow parcels: For garages with rear vehicular access from an alley and located on a parcel 27 feet wide or less, the side setback adjacent to a street or another alley may be reduced to 3 feet.
 - (5) A minimum 22-foot turning radius is required from the garage to the opposite side of the street alley, drive aisle, or driveway.
- iv. **Garage Door Width.** If a garage faces the front or street side parcel line, the garage doors shall not be more than 18 feet wide for each 75 feet or fraction thereof of parcel width. A door to a single space shall not be more than 9 feet wide. Not more than one double garage may be entered from the side street side of a corner or a reversed corner parcel.
- b. **Residential Multi-Unit Districts.** Parking may be located in the front half of the parcel in Residential Multi-Unit Districts provided that no part of a required front setback shall be used for parking purposes.
- c. **Sloped Parcels.** Garages may be located in the required front setback when the elevation of the ground at a point 50 feet from the front parcel line and midway between the side parcel lines differs 12 feet or more from the level of the curb or in all Ocean Park Districts where there is a change in existing grade of 10 feet or more subject to the following:
 - i. Height shall not exceed 14 feet if a pitched roof, 11 feet for a flat roof, or one story;
 - ii. No portion of the garage may be closer than 5 feet from the front property line; and
 - iii. The garage may not occupy more than 50 percent of the width of the front setback.
 - iv. In all Ocean Park Districts, a garage that complies with Subsections (i) through (iii) may be set back a distance equal to the average setback of garages on adjacent parcel if the garage width does not exceed 20 feet.

- d. ***Along the Pacific Coast Highway.*** Uncovered parking may be located in the front half of the parcel and within the required front setback on parcel located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits.
 - e. ***Rooftop Parking.*** Rooftop parking is prohibited in all Residential Districts.
2. ***Mixed-Use and Non-Residential Districts.***
- a. ***Interior Side and Rear Setbacks.*** Above ground parking that does not extend above the first floor level may be located within required interior side and rear setback provided above ground parking is setback a minimum of 5 feet from an interior parcel line adjacent to a Residential District.
 - b. ***Rooftop Parking.***
 - i. Rooftop parking is prohibited in the following areas:
 - (1) Neighborhood Commercial Districts; and
 - (2) Except as authorized in Section 9.31.070(D)(6), within 50 feet of Residential Districts.
 - ii. Where permitted, rooftop parking areas shall be screened at their perimeters to prevent light spill onto adjacent properties. Non-skid or other similar surface treatment on both floors and ramps of the rooftop shall be required to prevent tire squeals. In order to minimize noise and air impacts, exhaust vents and other mechanical equipment shall be located as far from residential uses as feasible consistent with the Chapter 8 of the Municipal Code.
- B. **Subterranean Parking Structures.**
- 1. ***Required Setbacks.*** A subterranean parking structure may be constructed and maintained in any required setback area except in any required unexcavated areas.
 - 2. ***Openings.*** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than one vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.
 - 3. ***Crossing Property Lines.*** Development located on 2 or more separate parcels may share common subterranean parking garages or link circulation between subterranean parking facilities only if the parcels are combined pursuant to Section 9.21.030, Development on Multiple Parcels.
- C. **Semi-Subterranean Parking Structures.**
- 1. ***Front Setback.*** Semi-subterranean parking structures shall not be located within a required front setback.
 - 2. ***Side and Rear Setback.***
 - a. On parcels less than 50 feet in width, a semi-subterranean parking structure may extend to both property lines and to the rear property line.

- b. On parcels having a width of 50 feet or greater, a semi-subterranean parking structure may be constructed and maintained in any required side or rear setback area except in a required unexcavated area.
3. **Openings.** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than 1 vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.
4. **Parking Podium Height.** The finished floor of the first level of the building or structure above the parking structure shall not exceed 3 feet above the average natural, sloped average natural, or theoretical grade of the parcel, except for openings for ingress and egress.

9.28.080 Loading Spaces

- A. **Purpose.** Loading spaces are required to ensure adequate areas for loading purposes for all on-site uses so that commercial and passenger loading activities will be conducted without negatively affecting traffic safety or the quality of abutting public streets for people walking, bicycling, or driving. Loading spaces also facilitate low-car-use lifestyles by supporting shared delivery and passenger transportation services.
- B. **Applicability.** The regulations in this Section shall apply to existing and proposed projects with new buildings, additions, or changes of use, and shall govern design of both required and non-required loading areas.
- C. **Submittal of Loading Plan.** As part of the application for all applicable projects, a loading plan shall be submitted. The plan shall include a site plan dimensioning all required and non-required loading spaces and indicating the path of travel to the space and the path of travel for the goods or passengers from the loading space. The approved loading plan shall be retained on-site at all times and shall be made available to all site users.
- D. **Loading Space Dimensions.** Loading spaces shall comply with the following standards, as required in this Section. Loading spaces shall not count as parking spaces.
 1. A **Standard Loading** space shall be at least 30 feet long, 12 feet wide, and have a clearance of 14 feet.
 2. A **Semi-Tractor Trailer Loading** space shall be at least 65 feet long, 15 feet wide, and have a clearance of 14 feet.
 3. A **Passenger Loading** space shall be at least 18 feet long and 10 feet wide. Design should not reduce pedestrian orientation of the site or increase the number of curb-cuts and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the building entrance. The spaces must be accessible without a key or access card from the street and located as close as practicable to the building entrance or passenger elevator.

E. **Number of Loading Spaces Required.** Projects shall provide loading spaces as follows:

1. *Residential Only:*
 - a. Projects with more than 50 units shall be required to provide one Standard Loading space.
2. *Commercial Only:*
 - a. Projects with 2,500 or less square feet of floor area shall not be required to provide loading.
 - b. Projects with 2,501 to 7,500 square feet of floor area shall provide 1 Passenger Loading space at grade.
 - c. Projects with 7,501 to 50,000 square feet of floor area shall provide one Standard Loading space; however, if the use includes a market, restaurant, or other food sales and service of more than 5,000 square feet of floor area, the required loading space shall be a Semi-Tractor Trailer Loading space.
 - d. Projects with 50,000 or more square feet of floor area shall provide 1 Passenger Loading space and 1 Standard Loading space; however, if the use includes a market, restaurant, or other food sales and service of more than 5,000 square feet of floor area, the required loading space shall be a Semi-Tractor Trailer Loading space.
3. *Mixed-Use Projects:* Mixed-Use Projects shall provide the required loading spaces for the use that requires the greater number of loading spaces. If the number of required loading spaces for the residential and commercial uses is equal, the loading space with the greater dimensional requirements shall be required.
4. *Schools and Day Care Centers:* Schools and Day Care Centers shall provide loading spaces based on enrollment as follows:

TABLE 9.28.080.E.4: SCHOOLS AND DAY CARE CENTER LOADING SPACES	
<i>Enrollment (students)</i>	<i>Loading Requirement</i>
1-20	2 Passenger
21-60	4 Passenger
61-299	6 Passenger 1 Standard
300 and over	8 Passenger 1 Standard

In addition, uses of this type with less than 61 students and an on-site cafeteria or similar food service shall provide one Standard loading space.

5. *All Projects with more than 100,000 square feet of Commercial Use floor area:* The Director may require additional loading spaces based on the project's needs and site feasibility.

- F. **Location of Loading Spaces.** All loading facilities shall be provided off-street and within the subject property. Loading areas shall be located as follows:
1. Loading spaces shall be located adjacent to building door openings.
 2. Loading spaces shall be situated to minimize interference with automobile, pedestrian, and bicycle paths of travel.
 3. Loading spaces shall be situated to avoid adverse impacts upon neighboring properties, including noise pollution.
 4. Loading spaces shall be accessible from an alley, or if no alley is adjacent to the site, a minor roadway.
 5. Loading spaces shall be located in the required rear setback provided that it is not located in any required landscaped area and provided that no portion of a street or alley is counted as part of the required loading area.
- G. **Design of Loading Spaces.**
1. *Screening.* Loading areas adjacent to residential uses or public streets or alleys shall be screened and enclosed with a solid masonry wall that is at least 6 feet in height and/or a design approved by the Director.
 2. *Identification.* Loading areas shall be designed, laid out, and clearly marked as being distinct from required parking spaces and aisles, unless the City approves the use of the parking area as an undesignated overlay loading area during non-business hours.
 3. *Obstructions Prohibited.* No walkway, mechanical equipment, utility, waste collection/disposal receptacle, or other equipment or fixture may be placed in any loading area.
- H. **Loading Space(s) Driveways and Maneuvering Areas.** Each on-site loading space required by this Chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified upon a finding by the Director that sufficient space is provided so that truck-maneuvering areas will not interfere with vehicle and pedestrian circulation.
- I. **Exceptions for New Buildings under 10,000 Square Feet.** Notwithstanding the requirements of this Chapter, a waiver or reduction in the number and/or dimensions of loading areas and spaces may be permitted by the Director for projects that will result in a total of less than 10,000 square feet on the property if it is determined that the only feasible location for a loading zone within the project boundaries will detract from the project's pedestrian orientation and thereby not meet the City's intent to create active, lively streetscapes.
- J. **Exceptions to providing Semi-Tractor Trailer Loading.** Notwithstanding the requirements of this Chapter, if a project is adjacent to an alley and the Director determines that the provision of parking for a semi-tractor trailer is not feasible, a 10 feet by 50 feet area parallel and adjacent to the alley may be dedicated for loading and unloading. No projections may be permitted if they would otherwise render the area inadequate for loading.

9.28.090 Space-Efficient Parking

Space-efficient parking is parking in which vehicles are stored and accessed by valet, mechanical stackers or lifts, certain tandem spaces, or other space-efficient means. Required parking spaces may be either independently accessible or space-efficient as described below, except for spaces required and specifically designated for persons with physical disabilities.

- A. **Applicability.** Space-efficient parking is encouraged and may be used to satisfy minimum parking requirements in all Districts pursuant to Section 9.28.060 if the applicant demonstrates that all required parking can be accommodated by the means chosen.
- B. **Qualifying as Independently Accessible.** Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and have availability of attendant service at all times shall be deemed to be independently accessible.
- C. **Mechanical and Valet Parking.**
 - 1. **Residential Parking.** For projects with 50 units or more, all residential parking in excess of 0.5 parking spaces for each dwelling unit may be stored and accessed by mechanical parking systems, valet, or other space-efficient means.
 - 2. **Commercial Parking.** Mechanical systems and valet parking may be used to satisfy the off-street parking requirements when the parking lot is staffed by an attendant at all times who is authorized and able to move the vehicle obstructing access.
 - 3. Except for required ingress and egress, all mechanical parking shall be fully enclosed.
- D. **Tandem Parking.**
 - 1. **Tandem Parking for Non-Residential Uses:** Tandem parking may be permitted to satisfy the off-street parking requirement for commercial uses in accordance with the following:
 - a. No more than 1 car is required to move to access the desired parking space.
 - b. Tandem parking may be used to meet parking requirements when:
 - i. The parking lot is staffed by an attendant at all times who is authorized and able to move the vehicle obstructing access. ADA parking spaces may be provided with this operation.; or
 - ii. The maximum number of tandem parking spaces does not exceed 25% of the total number of spaces. ADA compliant spaces may not be provided in this configuration.
 - 2. **Residential Uses.** Tandem parking shall only be permitted for single unit dwellings.
 - 3. **Signage.** Spaces shall have signage clarifying operations of the space to encourage the use of both spaces.

9.28.100 Accessible Parking

For existing parking areas that must accommodate increased accessible parking, 1 parking space may be reduced to accommodate the accessible parking space upon approval by the Director, with the total loss of spaces to be minimized.

9.28.110 Unbundled Parking

Unbundled parking is the practice of selling or leasing parking spaces separate from the purchase or lease of the commercial or residential use.

A. Applicability.

1. *Residential Projects.* All off-street parking spaces in new residential structures of 4 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more as shown in Figure 9.28.110, Areas Requiring Unbundled Parking, shall be leased or sold separately from the rental or purchase fees. This provision shall only become effective if SMMC Chapter 3.08, Preferential Parking Zones, or any successor thereto, is amended to establish this requirement.
2. *100% Affordable Housing Projects.* 100% Affordable Housing Projects shall be exempt from this provision.
3. *Non-Residential Projects.* All off-street parking spaces associated with new non-residential projects as shown in Figure 9.28.110, Areas Requiring Unbundled Parking shall be leased or sold separately from the rental or purchase fees.
4. Notwithstanding the above, the unbundling requirements set forth in this Section may become optional and not mandatory, if, to the extent legally feasible, the City imposes substitute measures which would achieve a comparable level of vehicle trip reduction.

B. Requirements.

1. All off-street parking spaces shall be unbundled from the dwelling units for the life of the dwelling units.
2. Residential units of 3 or more bedrooms shall have 1 parking space bundled with the lease or ownership of the unit for the life of the development.
3. For deed-restricted affordable units, the tenant may choose to either receive 1 parking space, which shall be included within the unit's affordable rent level, or receive a rent discount equivalent to half the amount charged for monthly lease of a parking space, in exchange for not receiving a parking space. Tenants of affordable units shall not be permitted to sublease their parking spaces.
4. All commercial parking spaces associated with new development shall be unbundled from the cost of a leased commercial space, and the cost of the parking space shall be included as a separate line item in the commercial space lease.

C. Use of Unbundled Spaces. Owners or lease holders have the right of first refusal to parking spaces built for their unit or use. Remaining residential unbundled parking spaces that are not leased or sold to on-site users built for their unit or use may be leased to other on-site users or to off-site residential users on a month-to-month basis. Remaining commercial unbundled parking spaces that are not leased or sold to on-site users may be leased to other on-site users or to off-site residential or commercial users on a month-to-month basis.

D. Reoccupancy of Use. New owners or leaseholders shall have the opportunity to lease or purchase parking spaces built for their unit or use upon occupancy of the commercial or residential use.

9.28.120 Parking Design and Development Standards

All off-street parking and loading areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards.

A. The design, location or position of any parking layout, entry, driveway, approach or accessway from any street or alley shall be approved by the Director.

B. Parking Access.

1. **Driveways.** The number of driveways shall not be more than necessary to allow access in and out of a parcel and/or building. Driveways shall not be wider than needed for safe entry and exit. Driveways must lead to parking spaces that comply with the design standards in this Section.
2. **Combined Entrances.** Combining entrances for off-street parking with those for off-street loading is permitted.
3. **Alley Access.** Access to parking areas shall be from alleys, and new curb cuts are prohibited except where a project site meets at least one of the following criteria:
 - a. Corner parcels where access is provided from the side street.
 - b. The site has no adjacent side or rear alley having a minimum right-of-way of 15 feet.

- c. The average slope of the parcel is at least 5 percent.
 - d. The Director determines that a curb cut is appropriate due to traffic, circulation, or safety concerns.
 - e. Commercial properties may have non-residential parking access from side streets.
4. **Hazardous Visual Obstructions.** Parking areas and access shall comply with Chapter 9.21.180, Hazardous Visual Obstructions.
5. **Gates.** Gates across driveways shall be a minimum of 18 feet from the parcel line in all Residential Multi Unit and Commercial Districts. For parking lots or structures with more than 50 parking spaces, gates across driveways shall be a minimum of 36 feet from the parcel line.
6. **Shared Access.** Non-residential projects are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Records Office, in a form satisfactory to the City Attorney.
7. **Street Access.**
- a. Parking areas of 4 or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an adjacent street in a forward direction.
 - b. New parking spaces will only be allowed if designed to allow the vehicles to enter the adjacent street in a forward direction on streets determined to be of specific characteristics where driving forward as determined by the Director.
8. **Turning Maneuvers.** Use of a required parking space shall not require more than 3 vehicle maneuvers except as provided below.
- a. *Large Parking Areas.* Parking areas with 20 or more parking spaces, up to 5 percent of the total number of parking spaces, with a maximum of 10 spaces, may require 4 turning maneuvers. Such spaces shall be distributed around the parking area(s) on the parcel.
 - b. *Pacific Coast Highway.* Parcels with frontage less than 100 feet on Pacific Coast Highway may be able to access parking utilizing up to 4 maneuvers.
9. **Driveway Width.** Driveway width shall be maintained free and clear of all obstructions.
- a. The minimum width of a driveway serving 1 to 2 residences is 10 feet. Maximum width is 14 feet.
 - b. The minimum width of a driveway serving a commercial property or a residential property with more than 2 residences is as follows:
 - i. *Parking Areas with 1 to 20 Spaces:* Single driveway at least 10 feet wide with a minimum 12-foot wide apron.
 - ii. *Parking Areas with 21 to 40 Spaces:* Double driveway at least 20 feet wide with a minimum 12-foot wide apron.

- iii. *Parking Areas with 41 or More Spaces:* Number and type of driveway to be approved by the Director based on considerations of safety, efficiency, and effectiveness.
 - c. Ramps for commercial properties must be 20 feet wide minimum to accommodate two-way traffic.
 - d. The Director may reduce the driveway width as necessary and appropriate such that circulation, traffic, and safety concerns are adequately addressed.
- C. **Dimensional Requirements.** Minimum parking dimensions shall comply with the standards approved by the Director.
- 1. ***Minimum Dimensions for Residential Garages and Carports.*** The width of any garage door shall be at least 8 feet for a single space and at least 16 feet for 2 spaces. Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.
 - a. A single car garage or carport: 10.5 feet in width by 18 feet in length.
 - b. A two-car garage or carport: 20 feet in width by 18 feet in length, except a private two-car garage lawfully in existence on May 5, 1999 may be maintained if the garage serves a single unit residence and has an unobstructed inside dimension of at least 18 feet in width by 18 feet in length.
 - 2. ***Parking Spaces.*** Minimum parking dimensions shall comply with the standards approved by the Director. The area of any such space shall be exclusive of driveways, aisles, and maneuvering areas.
 - 3. ***Motorcycle Spaces.*** Motorcycle parking spaces shall be no less than 4 feet wide by 8 feet long with an aisle width of no less than 10 feet.
 - 4. ***Space Efficient Spaces.*** These requirements do not apply to parking spaces that qualify as space efficient under Section 9.28.090.
 - 5. ***Storage Areas.*** Storage areas may be located above the parking space provided that they do not encroach into the length of a parking space by more than 3.5 feet and provided that the storage area is at least 4.5 feet above the floor.
- D. **Parking Lot Striping.** Except in a garage or carport containing 2 or fewer parking spaces, all parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement. All parking spaces shall be clearly marked as compact, guest, carpool, or vanpool parking, if applicable.
- E. **Circulation and Safety.**
- 1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility. Exits from any subterranean or semi-subterranean parking structure shall provide sight distance which comply with standards established by the Director.

2. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing out unreasonable distances or making other dangerous or hazardous turning movements.
 3. Separate vehicular and pedestrian circulation systems shall be provided where possible. Residential Multi-Unit developments of 5 or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for Commercial and Mixed-Use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
 - a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
 - b. *Materials and Width.* Walkways shall provide at least 5 feet of unobstructed width and be hard-surfaced.
 - c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
 - d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least 4 inches high, bollards, or other physical barrier.
 4. Parking areas provided shall be arranged so as to be safe and convenient.
- F. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces abutting landscaped areas, walls, or walkways. A 6 inch high concrete curb surrounding a landscape area at least 6 feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.
- G. **Slope.**
1. Areas used exclusively for parking, excluding ramps, shall be designed and improved with grades not to exceed a 6.67% slope.
 2. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Director but shall not exceed a 20 percent slope. Profiles of driveway, ramp, and grade details must be submitted to the City Parking and Traffic Engineer for approval whenever any slope exceeds 6 percent.
- H. **Landscaping.** Up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving. Landscaping of parking areas shall be provided and maintained according to the standards of Chapter 9.26, Landscaping.

- I. **Surfacing.** All driveways and parking areas shall be surfaced with a minimum thickness of 2 inches of asphaltic concrete over a minimum thickness of 4 inches of a base material or alternative equivalent material approved by the Director. No unpaved area shall be used for parking.
- J. **Drainage.** All parking areas shall be designed to meet the requirements of Chapter 7.10 Urban Runoff Pollution.
- K. **Screening.** In addition to the requirements of Section 9.21.140, Screening, parking areas shall be screened from view from public streets and adjacent parcels in a more restrictive district, according to the following standards. Screening shall add to the visual diversity of the use and need not be an opaque barrier.
 - 1. **Height.** Screening of surface parking lots from adjacent public streets shall be a minimum of 3 feet and a maximum of 3.5 feet in height. Screening of parking lots along interior parcel lines that abut Residential Districts shall be a minimum of 5 feet and a maximum of 6 feet in height, except within the required front setback of the applicable Zoning District, where screening shall be 3 feet in height.
 - 2. **Materials.** Screening may consist of one or any combination of the methods listed below.
 - a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
 - b. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
 - c. **Planting.** Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of 2 feet within 18 months after initial installation.
 - d. **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.
- L. **Lighting.** Public parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of .5 foot-candle and a maximum of 3.0 foot-candles of light over the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.
 - 1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 - 2. All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be arranged so that all direct rays from such lighting fall entirely within such parking lot and be consistent with Section 9.21.080, Lighting.
- M. **Alternative Compliance.** The Director may approve other screening plans, designs, and materials of equal area and screening which satisfy the intent of the screening standards.

- N. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this Section are warranted in order to achieve to environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.
- O. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
- P. **Compact Parking.** Compact parking must be evenly distributed in parking areas or levels; it may not be located within 25 feet of a ramp, driveway or ground floor pedestrian entrance. A maximum of 40% of parking spaces may be compact.

9.28.130 Pedestrian Facilities

- A. **Sidewalks and Pathways.** Sidewalks or other designated pathways shall follow direct and safe routes from sidewalks in the public right-of-way to pedestrian entrances.
- B. **Pedestrian Wayfinding.** Residential projects of 16 units or more and non-residential projects shall provide and maintain a pedestrian wayfinding information program subject to the approval of the Director. The program shall direct employees, visitors, and residents to/from the project site and the nearest public transit locations, including bus stops, rail stations, and bikesharing facilities.

9.28.140 Bicycle Parking

- A. **Applicability.** Every new building, change of use, and every building enlarged by 10% or more shall provide short and long-term bicycle parking in the amount specified in Table 9.28.140, except as otherwise provided in this Chapter.
- B. **Number of Spaces.** The required minimum number of bicycle parking spaces for each use category is shown on Table 9.28.140. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle parking requirements for accessory uses. When there are 2 or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.
- C. **Exemptions.** No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.
- D. **General Requirements.**
 - 1. Bicycle parking shall be provided in a convenient, highly visible, and well-lit area.
 - 2. Bicycle parking shall be at least as conveniently located as the most convenient automobile spaces, other than those spaces for persons with disabilities. Safe and convenient means of ingress and egress shall be provided that does not interfere with accessible paths of travel or accessible parking as required by this Code.
 - 3. Bicycle parking facilities within auto parking areas shall provide a minimum of 18” of separation between the parking space and a parked bicycle to prevent damage by automobiles or other moving vehicles with the exception of bicycle racks provided above

ground at the head of the parking space. If provided at the head of the parking space, the space must be assigned to the same user of the bicycle rack. Barriers may be in the form of curbs, wheel stops, poles, or other similar features if they do not interfere with the adjacent parking stall or pathway.

4. Bicycle parking facilities shall be located on or within a concrete or similar surface and designed to support bicycles in a stable position without damage to wheels, frames, or other components.
5. Facilities shall be securely anchored to the surface to prevent easy removal and shall be of sufficient strength to resist vandalism and theft.
6. Bicycle parking areas shall contain signage that clearly shows how the bicycle should be locked for optimum security and a number where to contact the owner with questions or report theft.
7. Bicycle parking wayfinding signage is required for every site.
8. Vertical bicycle parking racks must allow a user to securely lock a bike tire and frame to the rack.
9. Bicycle parking facilities and bicycle parking racks, shall be designed and located to meet the following criteria:
 - a. Each bicycle parking space shall be designed with at least 2 feet in width by 6 feet in length to allow sufficient space between parked bicycles.
 - b. 24 to 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least 5 feet from vehicle parking spaces.
 - c. Located 30 inches from a perpendicular wall, as measured from the edge of the facility closest to the wall and in the direction bicycles are to be parked.
 - d. Provide a minimum 5-foot wide aisle or space behind all required bicycle parking to allow room for bicycle maneuvering
 - e. No more than 50% of the total bike parking required may be provided in a vertical or hanging rack.
 - f. At least 10% of the total bike parking must be provided to accommodate 10-foot long bicycles such as bicycles with trailers, recumbent, and cargo style bicycles.
 - g. If Senior Housing is provided, bicycle parking areas must accommodate tricycle style bicycles.
10. *Alternative Bicycle Parking Area Designs.* Alternative bicycle parking configurations and designs such as double decker lift assisted racks may be approved by the Director if it is determined that they provide adequate access, are easy to use, and allow a bike to be locked securely to the rack.

E. **Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided, according to the provisions of this Section, in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time, typically less than 4 hours.

1. ***Standards for Short-Term Bicycle Parking.***

- a. *Location.* Short-term bicycle parking shall be located in well-lit and convenient areas outside of the public right-of-way and pedestrian walkways and within 50 feet of a main entrance to the building it serves.
 - i. Multi-tenant Commercial Buildings. Bicycle parking shall be located within 50 feet of an entrance to each store. Bicycle parking shall be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.
 - ii. Downtown. Bicycle parking in the Downtown Districts may be located within the public right-of-way subject to selection of rack design, review of location, and approval from the Director and the Director of Public Works, pursuant to a license or other agreement, provided an unobstructed sidewalk clearance of four-feet is maintained for pedestrians at all times.
- b. *Quantity.* Not less than 25% of the required short-term bicycle parking or 4 spaces, whichever is more, shall be provided on site. In lieu of providing the remainder of the short-term parking on site, the applicant may either:
 - i. Install the remaining required bike racks in the public right-of-way with a location and design subject to review and approval by the City. A deed restriction shall be recorded requiring the property owner to maintain the off-site bicycle racks for the life of the project.
 - ii. Pay a fee per space to be established by City Council resolution including the cost of rack and installation.
- c. *Anchoring and Security.* For each bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
- d. Short-term secure bicycle parking must be provided for any special event at a rate of 35% of the expected attendees.

F. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided, according to the provisions of this Section, in order to serve employees, students, residents, commuters, and others who generally stay at a site for 4 hours or longer.

1. ***Standards for Long-Term Bicycle Parking.*** Long-term bicycle parking shall meet the following standards:

- a. *Location.* Long-term bicycle parking shall be located on the same parcel as the use it serves. Long-term bicycle parking for commercial tenants shall be located on the ground floor within 75 feet of a building entrance if ground floor automobile parking is provided. If no ground floor automobile parking is provided, the bicycle

parking may be located on the level immediately below or above the ground floor level within 75 feet of a public elevator or stairway.

- b. *Covered Spaces.* All required long-term bicycle parking shall be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 - c. *Security.* Long-term bicycle parking shall be in at least one of the following facilities:
 - i. An enclosed bicycle locker;
 - ii. A fenced, covered, locked or guarded bicycle storage area with bike racks within;
 - iii. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas; or
 - iv. A secure, non-public parking garage.
 - d. *Electric Bicycles.* At least one electrical outlet shall be available in each long-term bicycle parking areas for the use of electrical assisted bicycle charging.
2. Except for new buildings, in lieu of providing the long-term parking on site, the Director may determine that placement of the long-term spaces on-site is infeasible due to existing site conditions and allow the long-term bicycle parking requirement to be fulfilled by payment of a fee per space to be established by City Council resolution including the cost of locker and installation.

TABLE 9.28.140: BICYCLE PARKING REGULATIONS		
<i>Land Use Classification</i>	<i>Required Spaces for Short-Term Parking</i>	<i>Required Spaces for Long-Term Parking</i>
Residential Uses		
All Residential uses, excluding Single Unit Dwellings, Duplexes, and Family Day Care	10% of Long-Term; minimum 2 spaces per project	1 space per bedroom, including studios
Senior Housing	25% of Long-Term; minimum 2 spaces per project	0.5 spaces per bedroom; minimum 2 spaces per project
Public and Semi-Public Uses		
Colleges and Trade Schools, Public and Private	1.5 spaces for each 10 students	0.5 space per classroom
Day Care Facility	1.5 spaces for each 20 students	0.5 space per classroom
Hospitals or Clinics	1 space per 4,000 sq. ft. of floor area; minimum 4 spaces per project	1 space per 2,000 sq. ft. of floor area; minimum 4 spaces per project

TABLE 9.28.140: BICYCLE PARKING REGULATIONS		
<i>Land Use Classification</i>	<i>Required Spaces for Short-Term Parking</i>	<i>Required Spaces for Long-Term Parking</i>
Parks and Recreation Facilities, Public	5% of maximum daily attendance	1 space per 20 employees
Schools, Public and Private	1.5 spaces for each 20 students	0.5 space per classroom
Commercial Uses		
All Commercial and Public/Semi-Public uses except those listed below	1 space per 4,000 sq. ft. of floor area; minimum 4 per project	1 space per 3,000 sq. ft. of floor area; minimum 4 per project
Parking Facility	1 space per 10 spaces; minimum 6 spaces per project	1 space per 20 spaces; minimum 4 spaces per project
Office	1 space per 8,000 sq. ft. of floor area; minimum 4 spaces per project	1 space per 2,000 sq. ft. of floor area, minimum 4 spaces per project
Hotels	8 spaces	0.20 per room
Industrial Uses		
Industrial Uses	1 space per 12,000 sq. ft. of floor area; minimum 4 spaces per project	1 space per 12,000 sq. ft. of floor area; minimum 4 spaces per project

9.28.150 Car and Van Pool Parking

- A. **Applicability.** All commercial uses where there are more than 50 parking spaces on the site shall provide permanently-designated car and vanpool parking spaces as provided in Table 9.28.150, except as otherwise provided in this Chapter.
- B. **General Standards.** For all car and vanpool spaces, the following standards shall be met:
 - 1. The spaces shall be those closest to the building entrance or elevator, but not closer than the parking spaces for disabled persons.
 - 2. The base required car and vanpool parking spaces shall be in addition to the required parking for the site.
 - 3. Signs shall be posted indicating these spaces are reserved for carpool use before 9:00 a.m. on weekdays.
 - 4. The car and vanpool parking spaces shall be shown on the building plans.

TABLE 9.28.150: CAR AND VAN POOL PARKING REQUIREMENTS		
<i>Land Use Activity</i>	<i>Number of Required Parking Spaces</i>	<i>Number of Required Ride Share Spaces</i>
Commercial	0 – 49	0
	50 – 99	1
	100 – 199	2
	200 and over	3, plus 1 for every 50 spaces

9.28.160 Electric Vehicle Charging Stations

- A. **Applicability.** Electric recharge stations shall be provided:
 - 1. In new development projects required to provide at least 25 parking spaces; and
 - 2. For remodeling and expansion of existing development projects that would result in an increase of 10% or more than 50 additional parking spaces.
- B. **Requirements.** All electric vehicle charging stations shall be shown on the building plans and provide the following amounts:
 - 1. 25-49 parking spaces: 1 charging station.
 - 2. 50-99 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
- C. **Location, Design, Signage**
 - 1. Signage shall be installed designating spaces with charging stations for electric vehicles only.
 - 2. If the parking spaces are not being used, a written request may be made to the Director for parking spaces for general usage for a specific time period.
 - 3. Charging stations and associated equipment or materials may not encroach on the minimum required clear areas from driveways, parking spaces, garages or maneuvering areas.
 - 4. Charging stations shall be installed adjacent to standard size parking spaces.
 - 5. Charging stations shall be adjacent to a designated parking space. In a Single-Unit dwelling project, the station may be in the rear half of the parcel if evidence is presented to the Director that the usage of the charging station will not block access to any additional parking spaces.

9.28.170 Showers, Lockers, and Changing Rooms

- A. **Applicability.** New non-residential buildings and non-residential buildings that expand the floor area by 10% or more shall provide shower and clothes locker facilities for short-term use by the tenants or employees in that building in accordance with this Section.

B. **Requirements.** Non-residential projects of 10,000 square feet or larger shall provide shower and clothes locker facilities in compliance with the following standards:

1. *Shower and Dressing Areas.* A minimum of one shower facility shall be provided in new projects with a gross floor area between 10,000 and 24,999 square feet, 2 showers in projects between 25,000 square feet and 124,999 square feet, and 4 showers for any project over 125,000 square feet. Dressing areas shall be provided for shower facilities.
2. *Lockers.* Lockers for clothing and other personal effects shall be located in close proximity to showers and dressing areas to permit access to locker areas by either gender. A minimum of one clothes locker shall be provided for 75% of the long-term employee bicycle parking spaces required.

C. **General Shower and Locker Provisions.**

1. The review authority shall review and approve the design of shower and clothes locker facilities with respect to safety, security, and convenience.
 - a. The review authority may require additional showers, dressing areas, and lockers if it is determined that:
 - i. The anticipated occupants of the development are likely to generate a greater than usual demand for showers or lockers by employees; or
 - ii. The location or design of the development allows for the provision of additional showers and lockers without imposing a hardship on the developer or the property owner.
 - b. Floor area dedicated to showers and clothes lockers shall not be included in the floor area for calculating the parking requirement or for total floor area for the project.
 - c. Required showers lockers and changing areas shall not be removed during tenant improvements or through subsequent remodeling without the approval of the Director.
2. *Exemptions.* An owner of an existing building subject to the requirements of this Section shall be exempt from Subsection (C) upon submitting proof to the Director that the owner has made arrangements with a health club or other facility, located within 3 blocks the building, to provide showers and lockers at no cost to the employees who work in the owner's building.

9.28.180 Reduction of Required Parking

The following exemptions shall apply to the requirements of Off-Street Parking and Loading requirements.

A. **Parking Overlay Area 2.** Non-residential properties located within Parking Overlay Area 2 identified in Figure 9.28.050 may be eligible to provide parking at the Parking Overlay Area 1 rates specified in Table 9.29.060, Parking Regulations by Use and Location. The applicant shall have the burden of proof for a reduction in the total number of required parking spaces, and documentation

shall be submitted substantiating the reasons for this requested parking reduction. Reduced parking shall be approved only if:

1. Compliance with Transportation Demand Management requirements is demonstrated, or sufficient evidence is provided that the project will comply;
 2. Documentation is provided to the satisfaction of the Director that the parking to be supplied will meet the needs of the on-site uses; and
 3. Additional requirements, restrictions, or agreements as deemed necessary by the Director are included as a requirement(s) to ensure that the parking will satisfy the needs of the on-site uses.
- B. **City-Designated Historic Resources.** For any principal or conditional use located in a City-Designated Historic Resource, the required number of parking and loading spaces to be provided and maintained shall be the same as the number of spaces that existed on the site on July 6, 2010. Existing parking facilities associated with designated Landmarks shall be maintained.
- C. **Car Share Spaces.** Substitution of car-sharing spaces for required parking is allowed if all of the following are met:
1. For every car-sharing parking space that is provided, the parking requirement is reduced by 2 spaces, up to a maximum of 25% of the required parking spaces, not to exceed 10 spaces; and
 2. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.
- D. **Off-Site Shared Parking.** Shared parking is intended to provide an opportunity for multiple uses to use parking facilities on separate properties more efficiently. Shared parking shall be permitted in all non-residential districts identified in Table 9.02.010-A, subject to the following:
1. The maximum allowable reduction in the number of spaces to be provided shall not exceed 25% of the sum of the number required for each use served and not reduce the total number of spaces to less than 1 space for every 500 square feet of floor area in a commercial mixed-use development.
 2. An applicant for a permit for shared parking shall be required to submit data substantiating a request for reduced parking requirements. The data shall include substantial evidence of the demand and usage of the parking facility. A permit for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.
 3. ***Permit Required – Shared Parking of Fewer Than 10 Spaces.***
 - a. Shared parking of fewer than 10 parking spaces may be approved through an administrative shared parking permit.
 - b. The applicant shall provide evidence to the satisfaction of the Director of availability of off-site parking, and that no on-site parking is available during the times when additional off-site parking is requested.

4. ***Permit Required – Shared Parking of 10 or More Spaces.***
- a. Shared parking of 10 or more parking spaces in a private parking facility that is otherwise limited to on-site parking may be approved through a Minor Use Permit. The Director may establish additional conditions to further the intent of this Subsection and ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.
 - b. *Findings.* The Director, or Planning Commission on appeal, may approve an application for shared parking, in whole or in part, with or without conditions, only when all of the following findings are made in an affirmative manner:
 - i. The operation of the requested shared parking permit at the location proposed and within the time period specified will not adversely impact the primary use of the parking facility for its intended on-site users, or otherwise endanger the public health, safety, or general welfare.
 - ii. The shared parking permit sets forth the maximum number of shared parking spaces that are being approved for use by off-site users that will be available during peak and off-peak parking demand periods so as to ensure that a sufficient number of spaces will be provided to meet the greater parking demand of the anticipated users.
 - iii. Additional requirements, restrictions or agreements, as deemed necessary by the Director are included as a requirement(s) of the shared parking permit to ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.
 - iv. The off-site shared parking will not reduce parking for new development.
 - c. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and all required conditions, if approved. The decision shall be mailed to the applicant and to property owners and residents of property within a radius of 750 feet for which the shared parking is requested. Copies of the decision shall also be provided to the Planning Commission.
 - d. *Term of Permit.* A shared parking permit shall be valid for a one-year period from the date of issuance unless a different period is set by the Director, or the Planning Commission on appeal, as a condition of granting the shared parking permit. The permit shall renew automatically for additional one-year periods unless the permit is modified or revoked in accordance with Subsection (f) of this Section.
 - e. *Monitoring.* The permit holder shall grant City staff access to the parking facility for the purpose of verifying parking availability prior to issuing the permit as well as to allow random monitoring after the permit is issued. The applicant shall submit an annual report to the Director that includes a copy of current lease agreements for the parking facility that is shared and shall submit data substantiating an ongoing request for reduced parking requirements.
 - f. *Modification or Revocation.* The City may modify or revoke an approved Shared Parking Permit in accordance with the following procedures:

- i. If the Director receives evidence that the conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law, or regulation, the Director shall serve notice of these violations, either in person or by registered mail, on the owner of the property and on the permit holder and shall provide the permit holder with a reasonable opportunity to cure the violation(s).
 - ii. If the permit holder or property owner has not responded to the notice within 10 days or the Director determines that the permit holder has failed to cure the violation, the Director may refer the matter to a revocation hearing. Notice of hearing shall be published once in a newspaper of general circulation within the City and shall be served either in person or by registered mail on the owner of the property and on the permit holder at least ten days prior to such hearing. The notice of hearing shall contain a statement of the specific reasons for revocation.
 - iii. After the hearing, a shared parking permit may be revoked by the Director or by the Planning Commission on appeal or review if any one of the following findings is made:
 - (1) That the Shared Parking Permit was obtained by misrepresentation or fraud; or
 - (2) That the conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law, or regulation.
 - iv. A written determination of modification or revocation of the Shared Parking Permit shall be mailed to the property owner and the permit holder within 10 days of such determination.
 - g. *Appeals.* Any person may appeal the approval, conditions of approval, denial, modification or revocation of a shared parking permit to the Planning Commission if filed within 14 consecutive calendar days of the date the decision is made in the manner provided Chapter 9.37, Common Procedures.
- E. **On-Site Shared Parking.** Facilities may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or weekdays only.) The applicant shall have the burden of proof for a reduction in the total number of required parking spaces, and documentation shall be submitted substantiating the reasons for this requested parking reduction. Shared parking shall be approved only if:
1. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses.

2. Satisfactory evidence has been submitted by the parties operating the shared parking facility, describing the nature of the uses and times when the uses operate so as to demonstrate the lack of conflict between them.
 3. Additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the Director are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking remain for the life of the building.
- F. **Bicycle Parking.** Substitution of non-required bicycle spaces for required parking is allowed according to the following provisions:
1. Parking spaces may be replaced with bicycle parking. Layout and design must meet Bicycle Parking Section 9.28.140(D) General Requirements with final layout and number to be approved by the Director.
 2. For buildings with fewer than 10 automobile parking spaces, 1 required automobile parking space may be replaced in this manner if no other suitable location for bicycle parking exists on the property as determined by the Director.
 3. For every 5 bicycle spaces that are provided in the footprint of a required parking space, the parking requirement is reduced by 1 space, up to a maximum of 15% of the required parking spaces.
 4. This provision does not apply to single or 2-unit residential dwellings.
- G. **Motorcycle Parking.** There shall be a credit of 1 automobile parking space for every 4 motorcycle parking spaces provided, not to exceed 5% of the total number of automobile parking spaces required.

9.28.190 Alternate Compliance

- A. **Off-Site Parking Facilities.** Parking facilities may be provided off-site provided the following conditions are met.
1. **Location.**
 - a. *Residential Uses.* Any off-site parking facility shall be located within 250 feet along a pedestrian route of the unit or use served.
 - b. *Non-Residential Uses.* Any off-site parking facility shall be located within 400 feet along a pedestrian route of the principal entrance containing the use(s) for which the parking is required and all parking spaces are located within 1,000 feet of the perimeter of the parcel or building site.
 2. **Parking Agreement.** A written agreement between the landowner(s) and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
 - a. A guarantee among the landowner(s) for access to and use of the parking facility; and

- b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

Chapter 9.29 Presale Reporting Procedures

Sections:

9.29.010	Purpose
9.29.020	Scope
9.29.030	Definitions
9.29.040	Report Required
9.29.050	Application
9.29.060	Historic Resources
9.29.070	Delivery of Report
9.29.080	Criminal Sanctions
9.29.090	Validity of Sale
9.29.100	Remedies

9.29.010 Purpose

Pursuant to Article 6.5 (Commencing with Section 38780), Chapter 10, Part 2, Division 3, Title 4 of the Government Code of the State of California, it is the intent of the City Council to assure that the grantee of a residential building within the City shall be furnished a report of matters of City record pertaining to the authorized use, occupancy, and zoning classification of real property prior to sale or exchange. It is the further intent to protect the unwary buyer of residential property against undisclosed restrictions on the use of the property.

9.29.020 Scope

This Chapter shall apply to all residential buildings as defined herein except for the first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than 2 years prior to the first sale.

9.29.030 Definitions

The following words or phrases shall have the following meanings when used in this Chapter:

- A. **Agreement of Sale.** Any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner.
- B. **Buyer.** A transferee in a real property transaction, and includes a person who executes an offer to purchase real property from a seller through an agent, or who seeks the services of an agent with the object of entering into a real property transaction. "Buyer" includes vendee or lessee.
- C. **Offer to Purchase.** A written contract executed by a buyer acting through a selling agent which becomes the contract for the sale of the real property upon acceptance by the seller.

- D. **Owner.** Any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in real property.
- E. **Real Property Transaction.** A transaction for the sale of real property in which an agent is employed by one or more of the principals to act in that transaction, and includes a listing or an offer to purchase.
- F. **Residential Building.** Any improved real property designed or permitted to be used for dwelling purposes, situated in the City and shall include the building or structures located on said improved real property.
- G. **Sale.** A transaction for the transfer of real property from the seller to the buyer and includes exchanges of real property between the seller and buyer, transactions for the creation of a real property sales contract within the meaning of California Civil Code Section 2985, and transactions for the creation of a leasehold exceeding one year's duration.
- H. **Selling Agent.** A listing agent who acts alone, or an agent who acts in cooperation with a listing agent, and who sells or finds and obtains a buyer for the real property, or an agent who locates property for a buyer or who finds a buyer for a property for which no listing exists and presents an offer to purchase to the seller.

9.29.040 Report Required

Prior to entering into an agreement of sale or exchange of any residential building, the owner or their authorized representative shall obtain from the City a report of the residential building record showing the regularly authorized use, occupancy, and zoning classification of such property. This report may be used by the owner or the owner's authorized representative to meet the requirements of this Chapter for a period of 6 months from the date of issuance by the City.

9.29.050 Application

Upon application of the owner or their authorized agent and the payment to the City of the designated fee, the Building Officer shall review pertinent City records and deliver to the applicant a report of residential building records which shall contain the following information, insofar as it is available.

- A. The street address and legal description of subject property;
- B. The zone classification and authorized use as set forth in this Ordinance;
- C. The occupancy as indicated and established by permits of record;
- D. Land use permits including but not limited to Development Review Permits, Variances, Conditional Use Permits, and other pertinent legislative acts of record;
- E. Any special restrictions in use or development which may apply to the subject property including but not limited to rent control, recorded deed restrictions, and geologic conditions; and
- F. The status of the property on the Historic Resources Inventory.

9.29.060 Historic Resources

In addition to the requirements of this Chapter, the owner or their authorized representative shall comply with the historic resource disclosure requirements of Chapter 9.33, Historic Resource Disclosure.

9.29.070 Delivery of Report

The report of residential building record shall be delivered by the owner or the authorized designated representative of the owner to the buyer or transferee of the residential building prior to the consummation of the sale or exchange.

9.29.080 Criminal Sanctions

It shall be unlawful for the owner of a residential building to sell or exchange a residential building without first having obtained and delivered to the buyer a report of residential building record in accordance with the requirements of this Chapter.

9.29.090 Validity of Sale

No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provision of this Chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this Chapter.

9.29.100 Remedies

If any disclosure required to be made by this Chapter is delivered after the execution of an offer to purchase, the buyer shall have 3 days after delivery in person or 5 days after delivery by deposit in the mail to terminate their offer by delivery of a written notice of termination to the owner or selling agent. Any person who violates the provisions of this Chapter shall be subject to the penalties and remedies specified in Chapter 9.48, Enforcement and Abatement Procedures. In addition, a buyer who does not receive the notice required by this Chapter may bring a civil action for damages.

Chapter 9.30 Private Developer Cultural Arts Requirement

Sections:

- 9.30.010 Findings and Purpose
- 9.30.020 Applicability
- 9.30.030 Definitions
- 9.30.040 Private Developer Cultural Arts Requirement
- 9.30.050 On-Site Public Art Projects
- 9.30.060 Eligible On-Site Public Arts Projects
- 9.30.070 Eligible On-Site Public Arts Project Expenditures
- 9.30.080 Ineligible On-Site Public Arts Project Expenditures
- 9.30.090 Process for Approval of Public Art for On-Site Installation
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- 9.30.190 Regulations

9.30.010 Findings and Purpose

- A. The purpose of this Chapter is to authorize the establishment of guidelines, procedures, and standards for the integration of public art and cultural resources into private development projects within the City of Santa Monica.
- B. Public art and cultural resources foster economic development, revitalize urban areas, and improve the overall business climate by creating a more desirable community within which to live and work. Well-conceived and executed works of art enhance the actual value of a development project, create greater interest in leased space within the development project, promote cultural tourism and make a lasting and visible contribution to the community, which helps to mitigate the impacts of development. The experience of public art and cultural resources makes the public areas of buildings and their grounds more welcoming. It promotes the general health and welfare of its citizens by making the City more livable, and visually and aesthetically pleasing.
- C. To ensure that public art and cultural resources are present and sustained throughout the community, it is necessary to require that private development projects in the City of Santa Monica include an element of public art or cultural facilities or, alternatively, contribute to a City arts fund for public art and cultural resources and facilities in lieu of installation of such art.

9.30.020 Applicability

The regulations, requirements and provisions of this Chapter and Council resolutions adopted pursuant hereto shall apply to development projects as defined in this Chapter.

9.30.030 Definitions

The following words or phrases shall have the following meanings when used in this Chapter:

- A. **Art or Art Work.** Art, including but not limited to, sculpture, painting, graphic arts, mosaics, photography, crafts, mixed media, electronic arts and environmental works. Art or art work as defined herein may be permanent, fixed, temporary or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals.
- B. **Artist.** An individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, sale of works, exhibition record, publications, and production of art work. The members of the architectural, engineering, design, or landscaping firms retained for the design and construction of a development project covered by this Ordinance shall not be considered artists for the purposes of this Chapter. This definition applies only to the requirements of this Chapter.
- C. **Arts Commission.** Unless otherwise specified, any reference to "Commission" in this Chapter shall mean the Arts Commission.
- D. **Average Square Foot Cost of Construction.** The construction cost per square foot for construction categories within a development project as established by resolution of the City Council.
- E. **Cultural Arts Development Contribution.** Contribution by a developer to the Cultural Arts Trust Fund in lieu of installation of on-site public art or cultural facilities.
- F. **Cultural Facilities.** A structure that houses, and has as its primary purpose the presentation of, one or more cultural resources, and that is operated by public entities or non-profit organizations dedicated to cultural activities available to a broad public. Examples of acceptable facilities are museums, theatres, and performing arts centers, and other similar facilities as determined appropriate by the Arts Commission. Facilities that do not meet this definition are churches, schools, commercial movie theatres, gymnasiums or other sports facilities, bookstores, buildings dedicated primarily to housing or administrative activities, and for-profit facilities used for profit activities.
- G. **Cultural Resources.** Individual and group presentations, exhibitions, or performing arts involving music, dance, theatre, opera, literature, sculpture, murals, paintings, earthworks, mosaics, photographs, prints, calligraphy, or any combination of media currently known or which may come to be known, including audio, video, film, CD, DVD, holographic or computer generated technologies; education, including lectures, presentations and training in or about art and culture; special events such as festivals and cultural celebrations; and, similar resources and services as determined and approved by the Arts Commission.

- H. **Developer.** The person or entity that is financially and legally responsible for the planning, development and construction of any development project covered by this Chapter, who may, or may not, be the owner of the subject property.
- I. **Development Project.** Commercial development having new floor area of 7,500 square feet or more, commercial remodels or tenant improvements of 25,000 square feet or more that require approval by the Architectural Review Board, or residential projects of 5 or more units. A development project, for purposes of defining a project subject to this Chapter, does not include the following: cultural facilities, churches, temples, synagogues, and other buildings or structures used for religious worship; repair and reconstruction of any building damaged by flood, fire or other disaster; municipal facilities; affordable housing units. In mixed residential/non-residential development, those portions of projects excluded from the definition of development project hereinabove shall not be included in the calculation of the average square foot cost of construction.
- J. **Director.** The Director of Community and Cultural Services Department, or their designee, or the Director of Planning and Community Development, or their designee, as appropriate.
- K. **Freely Accessible.** The art work is accessible to and available for use by the general public during normal hours of business operation consistent with the operation and use of the premises.
- L. **Performing Arts.** Performances presented by professional performers, including theatre performance (any form of dramatic presentation, spoken or silent); musical theatre/opera (any dramatic performance of which music is an integral part); dance (any form of rhythmical movement); music/concert (any musical form whether classical, traditional or popular).
- M. **Public Art or Art Work.** On-site art work produced by an artist, as defined herein, or team of artists, that are freely accessible on private property or on land or in buildings owned by the City or another governmental agency.

9.30.040 Private Developer Cultural Arts Requirement

- A. **Applicability.** Before the issuance of a building permit for any development project as defined herein, the developer shall participate in the construction or installation of freely accessible on-site public art work in accordance with Section 9.30.050, or provide cultural facilities in accordance with Section 9.30.120, or pay a cultural arts development contribution in accordance with Section 9.30.140 below.
- B. The expenditure of money required to satisfy the requirements of this Chapter, whichever alternative is selected to do so, shall be reduced by the amount, as verified by the Landmarks Commission or Landmarks Commission Secretary as appropriate, spent to preserve an historic resource listed in or determined eligible for listing in the California Register of Historical Resources or the City's local register of historic resources, where such preservation follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

9.30.050 On-Site Public Art Projects

A developer seeking to satisfy the private developer cultural arts requirement of this Chapter through the construction or installation of on-site public art shall do so in the amount of 2 percent of the average square foot cost of construction of the development project as set forth by resolution of the City Council times the project square footage. If the actual construction cost or market value of the on-site public art is greater than the required 2 percent contribution, the City shall have no obligation to pay the excess amount.

9.30.060 Eligible On-Site Public Arts Projects

- A. Public art, for the purposes of this Chapter and for determining what shall meet the private developer requirements for on-site installation of public art, includes art works that are created uniquely by an artist, as those terms are defined in this Chapter, and integrated into the development project. Public art may include any other form determined by the Arts Commission to satisfy the intent of this Chapter provided, however, that the following are not considered to be public art for the purposes of this Chapter:
1. Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;
 2. Objects which are mass produced of standard design such as banners, signs, playground equipment, benches, statuary, street barriers, sidewalk barriers, or fountains;
 3. Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking, or other media arts;
 4. Decorative, architectural, or functional elements which are designed by the building architect or landscape architect as opposed to an artist commissioned for this purpose;
 5. Landscape architecture, gardening, or materials, except where these elements are designed by the artist and are an integral part of the work of art by the artist; or
 6. Landscaping required by this Ordinance as part of the development entitlements.

9.30.070 Eligible On-Site Public Arts Project Expenditures

- A. The public art contribution for on-site installation must be expended only on costs associated with the selection, acquisition, purchase, commissioning, design, fabrication, placement, installation, or exhibition of the public art. Eligible expenditures include the following items:
1. Artist fees;
 2. Labor of assistants, materials, and contracted services required for the design, fabrication, and installation of the public art;
 3. Any required permit or certificate fees and reasonable business and legal costs directly related to the public art;
 4. Reasonable art consultant fees, as established in guidelines approved to implement the provisions of this Chapter;

5. Communication and other indirect costs (insurance, utilities associated with the creation but not the operation of the public art, etc.);
6. Transportation of the public art to the site;
7. Preparation of site to receive public art, beyond that required for the development itself;
8. Installation of the completed public art;
9. Structures which enable the display of the public art, such as platforms or pedestals, up to five percent of the total public art contribution;
10. Mountings, anchorages, containments, or other materials necessary for installation of the public art; and
11. Plaque identifying the public art, as required by this Chapter.

9.30.080 Ineligible On-Site Public Arts Project Expenditures

- A. Expenditures that are ineligible to be counted toward the on-site public art contribution include the following items:
 1. Promotional materials or activities for the artist, the public art, the development, the developer or others parties involved in the development project;
 2. Opening, dedication, or other event for the public art, artist, or development;
 3. Developer's project management expenses associated with the public art;
 4. Services, materials, utilities or other expenses associated with the operation or maintenance of the public art;
 5. Land costs or any other costs associated with the development that are not part of and solely attributable to the public art; and
 6. Illuminating the public art if not integral to the design.

9.30.090 Process for Approval of Public Art for On-Site Installation

- A. **Application Procedures.** Upon application for a development permit, the applicant shall be informed of the private developer cultural arts requirement and referred to the Director of the Community and Cultural Services Department in order to declare in writing the means by which the developer will comply with the requirements of this Chapter.
 1. If the developer selects the installation of on-site public art work, the developer should submit art plan documentation acceptable to the Director of the Community and Cultural Services Department to support the on-site public art before review by the Architectural Review Board.
- B. **Commission Review and Approval.** Before issuance of the building permit for the development project, the proposed public art plan documentation must be reviewed and approved by the Arts Commission, or the Public Art Committee if so designated by the Commission, for compliance with this Chapter, and any associated regulations or guidelines authorized by this Chapter.

1. The Arts Commission shall review the submitted documentation, together with the recommendation of the Director of the Community and Cultural Services Department, and approve, approve with conditions, or deny the proposed art work, and its proposed location, considering the qualifications of the artist, the aesthetic quality and harmony of the art work with the proposed development project, and the proposed location of and public accessibility to the art work. In addition, the budget for the proposed public art must be approved to ensure that only eligible expenditures are proposed and that such expenditures total the amount of the public art contribution.
2. If the developer proposes, or the Arts Commission recommends, significant revisions to the art work or architecture or physical design and layout of the proposed project to the art work, a revised application shall be submitted to the Director for review and recommendation to the Arts Commission. The Commission shall make a determination whether to approve, approve with conditions, or deny the requested revision.

9.30.100 Appeal of Commission Decision

The Commission shall render a written decision whether the proposed installation of on-site art work satisfies the requirements of this Chapter within 90 days after documentation acceptable to the Director of the Community and Cultural Services Department is received. Any person may seek review by the City Council of a decision made by the Arts Commission pursuant to this Section by filing an appeal within 14 consecutive calendar days from the date that the decision is made in the manner provided in Section 9.37.130, Appeals. The decision of the City Council shall be final.

9.30.110 Additional Requirements for Public Art for On-Site Installation

- A. **Plaque.** The public art shall be identified by a plaque that meets the standards in use by the City at the time of installation of the public art. The requirement of this paragraph may be waived if determined in a particular circumstance to be inconsistent with the intent of this Chapter.
- B. **Ownership and Maintenance of Art Work.** All on-site public art work placed on the site of the developer's project shall remain the property of the property owner and their successor(s) in the interest. The obligation to provide all maintenance necessary to preserve the art work in good condition shall remain with the property owner of the site. The developer and subsequently, the property owner, shall maintain, or cause to be maintained, in good condition the public art continuously after its installation and shall perform necessary repairs and maintenance to the satisfaction of the City. The maintenance obligations of the property owner shall be contained in a covenant and recorded against the property and shall run with the property.
 1. Failure to maintain the art work, as provided herein, is hereby declared to be a public nuisance. The City also may pursue additional remedies to obtain compliance with the provisions of this requirement, as appropriate.
 2. In addition to all other remedies provided by law, in the event the owner fails to maintain the art work, upon reasonable notice, the City may perform all necessary repairs, maintenance or secure insurance, and the costs, thereof shall become a lien against the real property.

- C. **Location and Relocation of On-site Public Art.** When and if the development project is sold at any time in the future, the public art must remain at the development at which it was created and may not be claimed as the property of the seller or removed from the development or its location approved by the Arts Commission. In the event that a property is to be demolished, the owner must relocate the public art to another publicly accessible, permanent location that is approved in advance by the Commission.
1. A property owner may, for good cause, petition the Arts Commission to replace or re-locate the public art to another publicly accessible location on the development project site. Any removal, relocation, or replacement of the public art must be consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other applicable law.
 2. If any approved art work placed on private property pursuant to this Chapter is removed without City approval, the certificate of occupancy may be revoked.

9.30.120 On-Site Cultural Facilities Alternative

- A. A developer seeking to satisfy the private developer cultural arts requirement of this Chapter may do so, if approved by the Arts Commission, through the provision of on-site cultural facilities in the amount of 2 percent of the average square foot cost of construction of the development project as set forth by resolution of the City Council times the project square footage.
- B. If the developer selects the provision of on-site cultural facilities, the developer shall submit documentation acceptable to the Directors of the Community and Cultural Services Department and Planning and Community Development to support the provision of on-site cultural facilities.

9.30.130 Commission Review and Approval

- A. Before issuance of the building permit for the development project, the proposed cultural facility must be reviewed and approved by the Arts Commission, or the Public Art Committee if so designated by the Commission, for compliance with this Chapter, and any associated regulations or guidelines authorized by this Chapter.
- B. The Arts Commission shall review the submitted documentation, together with the recommendation of the Directors of the Community and Cultural Services Department and Planning and Community Development, and approve, approve with conditions, or deny the proposed cultural facility, and its proposed location within the development, considering the need for such a facility has been clearly demonstrated; the facility is sited appropriately within the development project area; the managing cultural organization has demonstrated financial capability to successfully operate the facility; the adequacy of an agreement that ensures that the cultural facility will be reserved for public or non-profit use throughout the term of the commitment; whether the budget proposed is appropriate and that such expenditures total the amount of the cultural arts requirement.
- C. **Appeal of Commission Decision.** The Commission shall render a written decision whether the proposed on-site cultural facilities satisfy the requirements of this Chapter within ninety days after documentation acceptable to the Director of the Community and Cultural Services Department is received. Any person may seek review by the City Council of a decision made by the Arts

Commission pursuant to this Section by filing an appeal within 14 consecutive calendar days from the date that the decision is made in the manner provided in Section 9.37.130, Appeals. The decision of the City Council shall be final.

9.30.140 Cultural Arts Development Contribution

In lieu of installation of on-site public art, the developer may make a cultural arts development contribution in accordance with the following:

- A. **Amount of Contribution.** One percent of the average square foot cost of construction of the development project as set forth by resolution of the City Council times the project square footage.
- B. **Timing of Contribution.** The amount of the in-lieu contribution shall be imposed at the time of approval of the building permits. No building permit for any development project shall be issued unless the contribution has been paid or a contract to pay the contribution has been executed, and no final inspection shall be approved unless the contribution has been paid.

9.30.150 Declaration of Covenants, Conditions, and Restrictions

If the developer elects to install on-site public art work in accordance with the requirements of this Chapter, the development project shall have recorded against it a declaration of covenants, conditions, and restrictions in favor of the City and in a form approved by the City Attorney which shall include the following provisions as appropriate:

- A. The developer shall provide all necessary maintenance of the art work, including preservation of the art work in good condition to the reasonable satisfaction of the City and protection of the art work against destruction, distortion, mutilation, or other modification.
- B. The developer shall ensure that the art work will be located in an area that is freely accessible.
- C. A description of that portion of the premises which will be maintained and shall be freely accessible for the designated public art.
- D. Any other reasonable terms necessary to implement the provisions of this Chapter.

9.30.160 Final City Approval

- A. No final City approval for any project subject to this Chapter shall be granted or issued, unless and until the Director of Community and Cultural Services, after consultation with the Director of Planning and Community Development, verifies full compliance with the private developer cultural arts requirement as follows:
 - 1. The approved art work has been installed in a manner satisfactory to the Director of the Community and Cultural Services Department. Installation of art work shall be completed prior to the final inspection and issuance of a certificate of occupancy.
 - 2. In lieu art contributions have been paid, if applicable.
 - 3. Financial security in an amount equal to the acquisition and installation costs of an approved art work, in a form approved by the City Attorney, has been posted.

4. The developer has executed and recorded a covenant with the Los Angeles County Recorder, as required by Section 9.30.150. The covenant shall be recorded prior to the request for final construction approvals and the issuance of a certificate of occupancy.
- B. The Director shall require that the developer submit a written verification of compliance with these requirements as applicable. Said verification shall consist of documentation sufficient to enable the Director to readily determine compliance with the provisions of this Chapter. Upon receipt of written verification from the developer, the Director shall issue a notice determining whether the developer has complied with the requirements of this Chapter. The Director's determination of compliance may be appealed to the City Council if such appeal is filed within 14 consecutive calendar days from the date that the decision is made in the manner provided in Section 9.37.130, Appeals.

9.30.170 Cultural Arts Trust Fund—Use of Funds

- A. There is hereby created a fund to be known as the "City Cultural Arts Trust Fund" to account for in lieu contributions paid pursuant to this Chapter. This fund and the interest thereon shall be maintained by the City Finance Director and shall be:
1. For the design, acquisition, commission, installation, improvement, repair, maintenance, conservation and insurance of an art work;
 2. To sponsor or support cultural facilities and cultural resources; and
 3. For such other equivalent artistic and cultural uses approved by the Arts Commission.
- B. During a fiscal year, the total amount of expenditures made in any year from the Cultural Arts Trust Fund for the purposes set forth in this Section shall be established in the annual City budget and approved by the City Council. The budget will be developed in keeping with community cultural priorities as established by the City's adopted Cultural Master Plan.
- C. The proposed annual expenditures shall be reviewed by the Arts Commission concurrently with the review of the budget for expenditures from the City's percent for art funds.

9.30.180 Fee Revision by Resolution

Pursuant to this Chapter, the per square foot amount required to satisfy the private developer cultural art requirement through the provision of on-site public art or cultural facilities, or by an in-lieu contribution shall be adopted from time to time by resolution of the City Council after a noticed public hearing. In adopting the resolution, the City Council shall identify the average square foot cost of construction for construction categories including, but not limited to commercial, residential, and tenant improvement classifications. The per square foot amount shall be calculated by multiplying the average square foot cost of construction by the factor of 2 percent for on-site public art or cultural facilities, and one percent for an in-lieu contribution. The resulting per square foot amount shall be used to determine the amount necessary to comply with the private developer cultural arts requirement selected to satisfy the obligation imposed by this Chapter.

9.30.190 Regulations

The City Manager, or their designee, is authorized to adopt administrative regulations or guidelines that are consistent with and that further the terms and requirements set forth within this Chapter.

Chapter 9.31 Standards for Specific Uses and Activities

Sections:

9.31.010	Purpose
9.31.020	Applicability
9.31.030	Accessory Food Service
9.31.040	Alcoholic Beverage Sales
9.31.050	Automobile Rental
9.31.060	Automobile/Vehicle Repair, Major and Minor
9.31.070	Automobile/Vehicle Sales, Leasing, and Storage
9.31.080	Automobile/Vehicle Washing
9.31.090	Bed and Breakfasts
9.31.100	Community Assembly
9.31.110	Congregate and Transitional Housing
9.31.120	Child Care and Early Education Facilities
9.31.130	Emergency Shelters
9.31.140	Family Day Care, Large
9.31.150	General Markets in Residential Districts
9.31.160	Home Occupation
9.31.170	Live-Work Units
9.31.180	Manufactured Housing
9.31.185	Medical Marijuana Dispensaries
9.31.190	Mobile Food Truck Off-Street Venues
9.31.200	Outdoor Dining and Seating
9.31.210	Outdoor Newsstands
9.31.220	Outdoor Retail Display and Sales
9.31.230	Personal Service
9.31.240	Personal Storage
9.31.250	Private Tennis Courts
9.31.260	Recycling Facilities
9.31.270	Residential Care Facilities
9.31.280	Restaurants, Limited-Service and Take-Out Only
9.31.290	Restaurants with Entertainment
9.31.300	Second Dwelling Units
9.31.310	Senior Group Residential
9.31.320	Service Stations
9.31.330	Single Room Occupancy Structures
9.31.340	Small Scale Facility (Commercial Entertainment and Recreation), Game Arcades
9.31.350	Social Service Centers
9.31.360	Swap Meets
9.31.370	Temporary Uses and Seasonal Sales

9.31.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all Districts. These provisions are supplemental standards and requirements intended to minimize the impacts of these uses and activities on surrounding properties and protect the health, safety, and welfare of their occupants and of the general public. The Reviewing Body may impose additional conditions as may be deemed necessary to achieve these purposes, secure the objectives of the General Plan and this Ordinance, and support the findings of approval.

9.31.020 Applicability

The uses addressed in this Chapter shall be located only where allowed by the regulations of Division 2, Base and Overlay Districts. They shall comply with any applicable standards for the District(s) in which they are located, as well as the standards of this Chapter. In the case of a conflict, the most stringent requirements apply. In cases where this Chapter addresses accessory uses not specifically addressed by Division 2, Base and Overlay Districts, such accessory uses shall be allowed wherever the primary use with which they are associated is permitted by the regulations of Division 2, and any limitations of this Chapter. (See also Chapter 9.51, Use Classifications, for determining whether a use is accessory.)

9.31.030 Accessory Food Service

The purpose of this Section is to allow and establish standards for food and beverage service that is clearly incidental and secondary to the primary use of a site.

- A. **Applicability.** Food service operations that comply with the standards of this Section are considered accessory to a primary permitted use that is not a restaurant and are permitted wherever such primary use is permitted. Food service that is more extensive or intensive than described in this Section shall be separately classified as “Eating and Drinking Establishments” classification, pursuant to Chapter 9.51, Use Classifications.
- B. **Primary Uses/Allowed Locations.** An accessory food service may serve and be located within a primary permitted non-residential use.
- C. **Maximum Area.** The area utilized for on-site consumption of food and beverages, including seating, counter space, or other eating arrangement, shall not occupy more than 250 square feet of floor area. In addition, the consumption area may not exceed 33 percent of the floor area of the primary on-site use.
- D. **Maximum Number of Seats.** The number of seats for patrons shall not exceed 20.
- E. **Enclosure.** The seating area shall be defined by fixed barriers such as full or partial walls, fencing, or planters.
- F. **Service.** Orders for food or beverages may not be taken from the table but rather must be ordered at a counter.
- G. **Entrances.** To ensure that an accessory food service remains accessory to the primary permitted use of the property, the food service shall not have a separate building entrance from the primary use.

- H. **Parking.** The parking requirement for accessory food service shall be based on the parking requirement for the primary permitted use of the property.

9.31.040 Alcoholic Beverage Sales

A. **Purpose.**

1. To limit the potential for community problems such as public drunkenness, drunk driving, traffic accidents, violent crime, noise, and nuisance from an overabundance or overconcentration of the availability of alcohol and its consumption. To regulate traditional alcohol outlets, including bars, restaurants, liquor stores, and supermarkets, as well as new types of alcohol outlets, to ensure that public health, safety, and welfare are not threatened.
2. To establish control measures that will permit the City to review and approve new alcohol outlets on a case-by-case basis and to condition that approval based on the specific type of alcohol outlet, neighborhood location, and potential problems involved.

- B. **Conditional Use Permit Required.** No person shall dispense for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits, for on-site or off-site consumption without first obtaining a Conditional Use Permit unless the proposed use has received an Alcohol Exemption Zoning Conformance Permit in accordance with Subsection (D) or is otherwise determined to be exempt after a Zoning Conformance Review in accordance with Subsection (E).

- C. **Findings for Approval of Conditional Use Permit.** The Planning Commission, or the City Council on appeal, may approve the dispensing, for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits for on-site or off-site consumption only if, in addition to the required findings for Conditional Use Permits contained in Section 9.41.060, Required Findings [for a Conditional Use Permit], all of the following findings can be made in an affirmative manner:

1. The proposed alcohol sales will not adversely affect the welfare of neighborhood residents in a significant manner;
2. The proposed alcohol sales will not contribute to an undue concentration of alcohol outlets in the area;
3. The proposed alcohol sales will not detrimentally affect nearby neighborhoods, considering the distance of the alcohol outlet to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing alcohol outlets; and
4. The sale of alcohol will not increase traffic congestion or generate a demand for parking that will adversely affect surrounding businesses and residents.

D. **Alcohol Exemption Zoning Conformance Permit.**

1. Limited and full-service restaurants that offer alcoholic beverages incidental to meal service shall be exempt from the provisions of the Conditional Use Permit requirement of Subsection (B) of this Section if such a permit is approved in writing by the Director and if the applicant agrees in writing to comply with all of the following criteria and conditions:

- a. The primary use of the premises shall be for sit-down meal service to patrons;
- b. If a counter service area is provided, food service shall be available at all hours the counter is open for patrons, and the counter area shall not function as a separate bar area;
- c. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted;
- d. Customers shall be permitted to order meals at all times and at all locations where alcohol is being served. The establishment shall serve food to patrons during all hours the establishment is open for customers;
- e. The establishment shall maintain a kitchen or food-serving area in which a variety of food is prepared on the premises;
- f. Take out service shall be only incidental to the primary sit-down use;
- g. No alcoholic beverage shall be sold for consumption beyond the premises;
- h. Except for special events, alcohol shall not be served in any disposable containers such as disposable plastic or paper cups;
- i. No more than three television screens including video projectors or similar audio/visual devices shall be utilized on the premises. None of these televisions or projection surfaces shall exceed 60 inches measured diagonally;
- j. No video or other amusement games shall be permitted on the premises;
- k. Entertainment may only be permitted in the manner set forth in Section 9.31.290, Restaurants with Entertainment;
- l. The primary use of any outdoor dining area shall be for seated meal service. Patrons who are standing in the outdoor seating area shall not be served;
- m. The operation shall at all times be conducted in a manner not detrimental to surrounding properties by reason of lights, noise, activities or other actions. The operator shall control noisy patrons leaving the restaurant;
- n. The permitted hours of alcoholic beverage service shall be 9:00 a.m. to 11:00 p.m. Sunday through Thursday, and 9:00 a.m. to 12:00 a.m. Friday and Saturday with complete closure and all employees vacated from the building by 12:00 a.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday. All alcoholic beverages must be removed from the outdoor dining area no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. No after-hours operation is permitted;
- o. No more than 35 percent of total gross revenues per year shall be from alcohol sales. The operator shall maintain records of gross revenue sources, which shall be submitted annually to the Planning Division at the beginning of the calendar year and also available to the City and the California Department of State Alcoholic Beverage Control (ABC) upon request;

- p. Bottle service shall mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer. Liquor bottle service shall be prohibited. Wine and beer bottle service shall not be available to patrons unless full meal service is provided concurrent with the Bottle service. All food items shall be available from the full service menu;
- q. No organized queuing of patrons at the entry or checking of identification to control entry into and within the establishment shall be permitted. There shall not be any age limitation imposed restricting access to any portion of the restaurant;
- r. The establishment shall not organize or participate in organized “pub-crawl” events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant;
- s. Establishments with amplified music shall be required to comply with Section 4.12, Noise, of the Santa Monica Municipal Code;
- t. Prior to occupancy, a security plan shall be submitted to the Chief of Police for review and approval. The plan shall address both physical and operational security issues;
- u. Prior to occupancy, the operator shall submit a plan for approval by the Director regarding employee alcohol awareness training programs and policies. The plan shall outline a mandatory alcohol-awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete an ABC-sponsored alcohol awareness training program within ninety days of the effective date of the exemption determination. In the case of new employees, the employee shall attend the alcohol awareness training within ninety days of hiring. In the event the ABC no longer sponsors an alcohol awareness training program, all employees having contact with the public shall complete an alternative program approved by the Director. The operator shall provide the City with an annual report regarding compliance with this requirement. The operator shall be subject to any future citywide alcohol awareness training program affecting similar establishments;
- v. Within 30 days from the date of approval of this exemption, the applicant shall provide a copy of the signed exemption to the local office of the State ABC;
- w. Prior to occupancy, the operator shall submit a plan describing the establishment's designated driver program, which shall be offered by the operator to the establishment's patrons. The plan shall specify how the operator will inform patrons of the program, such as offering on the menu a free non-alcoholic drink for every party of 2 or more ordering alcoholic beverages;
- x. Notices shall be prominently displayed urging patrons to leave the premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood;

- y. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any discarded beverage containers and other trash left by patrons; and
 - z. The exemption shall apply to approved and dated plans, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval. Minor amendments to the plans shall be subject to approval by the Director.
2. With respect to the Director's decision for Alcohol Exemption Zoning Conformance Permits for restaurants with over 50 seats, within two business days from the date when the determination has been made concerning the application and posted on the City's website, the Director shall transmit the Statement of Official Action to the applicant at the address shown on the application and to all property owners and residential and commercial tenants within a radius of 750 feet from the exterior boundaries of the property involved in the application. The applicant or any property owners and residential and commercial tenants within a radius of 750 feet from the exterior boundaries of the property involved in the application may appeal the decision to the Planning Commission following the procedures set forth in Section 9.37.130(B-D) and subject to the findings of Section 9.31.040(C).

E. Zoning Conformance Review.

1. When an existing alcohol outlet without a Conditional Use Permit changes ownership or undergoes an interior remodel, it shall be subject to Zoning Conformance review in accordance with the following:
- a. An existing alcohol outlet that was lawfully established and is nonconforming solely due to the lack of an approved Conditional Use Permit is exempt from the requirements of this Section if the licensed premises have remained in continuous operation without substantial change in mode or character of operation. Approval of a Conditional Use Permit shall be required for a change in the licensed classification. The operation of an existing nonconforming alcohol outlet shall be considered lapsed and a Conditional Use Permit shall be required where operations have been discontinued for a period of over one year.
 - i. Any existing premises where operations have been discontinued for these time periods shall be required to obtain a Conditional Use Permit prior to resuming business whether or not a conditional use permit was obtained in the past for the premises.
 - ii. A substantial change in mode or character of operation shall include, but is not limited to, a change in operational hours that extends past 11:00 PM Sunday through Thursday and midnight on Friday and Saturday, a 5 percent increase in the floor area of the premises, a 10 percent increase in the shelf area used for the display of alcoholic beverages, queuing outside the establishment, age requirements for entry, checking identification at the door, implementing a cover charge, offering bottle service, or a 5 percent increase or decrease in the number of seats in any restaurant that serves

alcoholic beverages, but in no case shall the increase exceed any established seating limitation in the underlying zoning district.

- (1) Bottle service shall mean the service of any full bottle of liquor, wine, or beer, of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer.
 - (2) Cover charge shall mean requiring payment of customers before they may enter the establishment.
2. When an existing alcohol outlet with a Conditional Use Permit changes ownership or undergoes an interior remodel, it shall be subject to Zoning Conformance review to ensure compliance with the existing CUP.

9.31.050 Automobile Rental

The purpose of this Section is to ensure that Automobile Rental uses do not create an adverse impact on adjacent properties and surrounding neighborhoods by reason of insufficient on-site customer and employee parking, traffic generation including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage runoff. Automobile Rental uses shall be located, developed, and operated in compliance with the following standards:

- A. **Washing of Vehicles.** All washing, rinsing, or hosing down of vehicles and of the property shall comply with Article 7, Public Works, of the Municipal Ordinance.
- B. **Repair of Vehicles.** No vehicle repair work shall occur on the premises unless the rental agency is otherwise permitted and licensed to repair vehicles.
- C. **Parking and Vehicle Storage.** Parking shall comply with the standards of Chapter 9.28, Parking, Loading, and Circulation. Areas designated for employee and customer parking shall not be used for vehicle storage or display. Uncovered rooftop storage of vehicles is permitted if the vehicles are screened by a parapet wall that complies with applicable height limits. Areas used for rooftop parking shall be counted as floor area for the purposes of computing floor area ratio.
- D. **Landscaping.** Landscaping shall comply with the provisions of Section 9.26, Landscaping.
- E. **Loading and Unloading of Vehicles.** Loading and unloading of vehicles is permitted only in accordance with this Subsection (E). The operator shall be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities to the extent any such activities violate the provisions of this Subsection.
 1. Loading and unloading of vehicles is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday, excluding legal holidays;
 2. Unloading shall be on-site or off-site, subject to the approval of the Director. Loading and unloading shall not block the ingress or egress of any property; and
 3. New Automobile Rental uses or substantially remodeled agencies shall provide unloading facilities on private property (on or off-site) unless such unloading is infeasible and an

alternative operational plan is approved by the Director. Shared loading and unloading facilities are permitted for the purposes of meeting this requirement.

- F. **Circulation.** Entries and exits shall be located as far away from adjacent residential properties as is reasonably feasible by means of signage and design. If structured parking or storage is used, the interior circulation system between levels shall be internal to the building and shall not require use of public ways or of externally visible or uncovered ramps, driveways or parking areas. No arrangement shall be permitted which requires vehicles to back into a public street.
- G. **Noise Control.** Automobile Rental uses shall be operated in accordance with Chapter 4.12, Noise, of the Municipal Code, and the following standards.
1. There shall be no outdoor loudspeakers. Interior loudspeakers, bells, buzzers, and other noise attention or attracting devices shall produce no more than 45 dba at a boundary abutting or adjacent to a residential parcel, under normal operating conditions (e.g., with windows open if they are likely to be opened).
 2. All noise-generating equipment exposed to the exterior shall be muffled with sound-absorbing materials to minimize noise impacts on adjacent properties and shall not be operated before 8:00 a.m. or after 6:00 p.m.
 3. Rooftop storage areas shall be screened with landscaping and noise-absorbing materials to minimize noise impacts on adjacent properties.
- H. **Toxic Storage and Disposal.**
1. Any gasoline storage tank shall be constructed and maintained consistent with applicable laws.
 2. There shall be full compliance with the terms and conditions of all City laws relating to the storage and disposal of toxic chemicals and hazardous wastes.
- I. **Air Quality.**
1. Use of brake washers is required in service stalls or areas that perform service on brakes employing asbestos or other materials known to be harmful when dispersed in the air.
 2. All mechanical ventilating equipment shall be directed to top story exhaust vents that face away from abutting or adjacent residential properties.
 3. Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants that would otherwise be emitted.
- J. **Accessory Automobile Rental within Automobile Sales, Leasing, Storage, and Repair, Facilities.** The following special standards in lieu of Subsections A – I above shall apply to accessory Automobile Rental uses located within Automobile/Vehicle Sales, Leasing, Storage, Minor Automobile/Vehicle Service and Repair, or Major Automobile/Vehicle Repair facilities:
1. No more than 10 percent of the total interior floor area of the automobile sales, leasing, storage or repair facilities, or a maximum of 750 square feet, whichever is less, shall be devoted to the accessory Automobile Rental operation;

2. The accessory Automobile Rental use shall only operate during the hours of operation of the automobile sales, leasing, storage, or automobile repair facilities;
3. Vehicles may only be rented to customers of the automobile sales, leasing, storage, or automobile repair facilities;
4. No exterior signage shall be permitted for the accessory automobile rental agency; and
5. The accessory automobile rental agency shall not be advertised or marketed as an independent automobile rental agency.

9.31.060 Automobile/Vehicle Repair, Major and Minor

The purpose of this Section is to provide for the mitigation of potential noise, fumes, litter, and parking problems that can be associated with Major Automobile/Vehicle Repair and Minor Automobile/Vehicle Service and Repair uses. The special regulations of this Section are intended to ensure that automobile repair and servicing facilities operate harmoniously and are compatible with adjacent and surrounding uses. Major Automobile/Vehicle Repair and Minor Automobile/Vehicle Service and Repair uses shall be located, developed, and operated in compliance with the following standards.

- A. **Applicability.** Each automobile repair facility, including one that is part of and incorporated within an automobile dealership, shall conform to the property development standards of the District in which it is to be located and this Section. Except as otherwise expressly provided, existing automobile repair facilities shall be subject to those provisions of this Section as are hereafter specifically described.
- B. **Minimum Parcel Size.** The minimum parcel size for development of a Major Automobile/Vehicle Repair and Minor Automobile/Vehicle Service and Repair use that is not associated with an automobile dealership is 7,500 square feet.
- C. **Setbacks.** Any new or addition to an automobile repair facility shall comply with the setback requirements for the district in which it is located.
- D. **Paving.** For any new facility, the site shall be entirely permeable paving, except for buildings and landscaping.
- E. **Landscaping.** The site shall be landscaped according to the requirements of Chapter 9.26, Landscaping.
- F. **Screening.** If body repair work is performed by the facility, screening approved by the Architectural Review Board shall be provided so that vehicles outside of the facility awaiting repair will not be visible from surrounding properties or public rights-of-way.
- G. **Structures.** For any new or addition to an automobile repair facility, entrances to individual service bays from the exterior of the building shall not face abutting residential zoned parcels. All structures shall be constructed to achieve a minimum Standard Transmission Coefficient (STC) sound rating of 45-50.
- H. **Refuse.** Refuse storage areas shall comply with Section 9.21.130.
- I. **Lighting.** All lighting shall comply with Section 9.21.080.

- J. **Repair Activities.** Except as provided in this Subsection, all repair activities and operations shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited. Work activities may be conducted outdoors on the premises of a Major Automobile/Vehicle Repair or Minor Automobile/Vehicle Service and Repair use lawfully in existence prior to September 1988, provided all of the following conditions are met:
1. The work is performed within 20 feet of an existing on-site building;
 2. Subject to the determination of the Director, the work is performed entirely within a clearly marked area that is at least 50 feet from the property line of the nearest residence or within a clearly marked area screened in its entirety from the nearest residence by a line-of-sight barrier consisting of a building enclosed on the side facing the residence;
 3. The work area does not exceed 50 percent of the facility's existing outdoor area or 400 square feet, whichever is greater;
 4. The work does not involve the use of pneumatic tools or power tools unless battery-powered;
 5. The work is not audible at the property line of the nearest residence;
 6. The work is performed between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. Saturday; and
 7. Automobile repair facilities lawfully in existence prior to September, 1988 that service and repair oversized vehicles outdoors on their premises may work on these vehicles without being subject to the area limitations set forth in Subdivisions (1), (2) and (3) of this Subsection if the vehicles cannot be serviced and repaired within existing buildings due to the size of the vehicles.
- K. **Enclosure.** Automobile repair facilities performing body and fender work or similar noise-generating activities shall be conducted in fully enclosed structures with walls of concrete block or similar materials and doors in maximum half open position during operating hours. All painting shall occur within a fully enclosed booth. Existing automobile repair facilities with structures that have doors on opposite ends of individual service bays shall be required to leave any such door facing a residential district or use fully closed during repair activities. Existing outdoor hoists prohibited by Subsection (J), Repair Activities, shall be rendered inoperative, removed or fully enclosed in a four-sided building with a roll-up or similar type door that is oriented away from adjacent residentially zoned properties and uses. The outdoor hoist enclosures shall not exceed 18 feet in width by 28 feet in length, shall be constructed in a manner consistent with Subsection (J), Repair Activities, and shall not be required to be constructed with walls of concrete block or similar materials unless body and fender work or similar noise-generating activities are being conducted. Such enclosures shall be operated in a manner consistent with this Subsection. Pursuant to Section 9.04.080, Determining Floor Area, enclosures for hoists shall not be included in calculating the site's floor area and no additional parking shall be required due to the enclosure of the outdoor hoists.
- L. **Hours of Operation.** In all Districts, except on parcels that are more than 100 feet from a Residential District, no work shall be performed on automobiles between the hours of 8:00 p.m. and 7:00 a.m., Monday through Saturday, and no work shall be performed on Sundays, except as follows.

In the GC District, in approving a Conditional Use Permit, the Planning Commission, or City Council on appeal, may authorize Sunday operations if all of the following conditions are met:

1. The facility's daily business is limited to automobile lubrication and fluid maintenance services, air filter replacement, and/or windshield wiper replacement services;
 2. The facility has no vehicular access to or from a residential street;
 3. Sunday operations will not occur before 10:00 a.m. or after 5:00 p.m.;
 4. The application of paint to motor vehicles, the performance of body or fender repair work, or the use of pneumatic tools or similar loud power tools shall not be permitted to occur on Sundays; and
 5. If the facility is located adjacent to a Residential District:
 - a. The facility is separated from the Residential District by a public alley or other public right-of-way, or an appropriate physical barrier such as a brick or block wall that buffers adjacent residences from noise along with an appropriate landscape buffer; and
 - b. The garage doors to the service bays do not face the Residential District.
- M. **Litter.** The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. Except as provided herein, no used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be stored outside the main building. Reusable or recyclable automobile parts may also be stored in containers measuring no greater than 6 feet in width by nine feet in length by 6 feet in height. An auto repair facility seeking to utilize storage containers outside the facility shall submit an application to the Architectural Review Board for review pursuant Chapter 9.40, Development Review Permit, and to the City's Fire Marshal for review to ensure that the container or the storage materials do not present a fire or safety hazard.
- N. **Abandonment.** Notwithstanding the provisions of Chapter 9.27, Nonconforming Uses and Structures, any legal nonconforming automobile repair facility that is closed continuously for a period of at least 1 year shall be declared abandoned.
- O. **Storage.** An exterior parking area shall be used for employee and customer parking only and not for the repair or finishing work or long-term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or in any alley.
- P. **Test Driving.** Road testing of vehicles on residential streets is prohibited. All road testing shall be conducted on streets designated by the City as truck routes. Automobile repair facilities shall prepare plans detailing the road-testing route and shall submit these plans to the Director for approval. Each automobile repair facility operator shall notify its employees of the City approved route and shall ensure employees adhere to the plan.
- Q. **Vehicles Awaiting Repair and Disassembled Vehicles.** All vehicles awaiting repair shall be parked on-site. No vehicles shall be parked on a public street, including those towed to the automobile repair facility. The hoods of vehicles awaiting parts or repair parked outside shall remain closed at all times while work is not being performed. Any disassembled vehicles awaiting parts or repair for 24 hours or longer shall be covered.

9.31.070 Automobile/Vehicle Sales, Leasing, and Storage

- A. **Purpose.** The purpose of this Section is to implement the goals and policies of the General Plan's Land Use and Circulation Element to allow for the expansion and improved performance of automobile dealers in the City, recognizing their contribution to the local economy while ensuring their operation occurs in a manner that is respectful of their surrounding neighbors and minimizes potential adverse impacts related to on-site customer and employee parking, traffic generation, including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage runoff. More specifically, these provisions are intended to:
1. Allow automobile dealers to expand in their current locations, including residentially-zoned sites that are currently used for automobile dealerships and adjacent or proximate commercial parcels, as long as their redevelopment is in the urban auto dealership format and incorporates mitigations to reduce any negative impacts on surrounding residential and nonresidential uses;
 2. Encourage automobile dealers to develop shared inventory storage facilities in appropriate locations to meet their needs; and
 3. Encourage dealerships to provide on-site automobile storage in above-grade structures or subterranean parking facilities.
- B. **Applicability.**
1. All new Automobile/Vehicle Sales and Leasing and Automobile Storage uses shall comply with Subsection (C), Development Standards, of this Section.
 2. Existing Automobile/Vehicle Sales and Leasing uses are required to comply with the standards of Subsection (C) in conjunction with any one of the following:
 - a. Any new construction or expansion of floor area, in which case only the expanded floor area shall be required to comply with the standards of Subsection (C);
 - b. Any outdoor expansion of vehicle display area, in which case only the expanded floor area shall be required to comply with the standards of Subsection (C); or
 - c. Any expansion of the land area on which the dealership is located, whether by purchase, lease, business combination or acquisition, or similar method, in which case only the expanded land area shall be required to comply with the standards of Subsection (C). This provision does not apply if the expanded land area was legally operated as a dealership within one year of the expansion.
 3. **Standards for Residentially Zoned Parcels.** Auto-dealership uses on parcels designated Low Density Residential (R2), or Medium Density Residential (R3) that are contiguous to and were used legally in conjunction with an automobile dealership in operation on July 6, 2010 and which have not subsequently been abandoned, are permitted uses that may be maintained or modified subject to the requirements of Subsection (D).
 4. **Operational Standards.** All Automobile/Vehicle Sales and Leasing uses shall comply with the operational standards of Subsection (E).

- C. **Development Standards.** Automobile/Vehicle Sales and Leasing and Automobile Storage uses shall comply with the development standards—including but not limited to maximum height, maximum FAR, and minimum setbacks—for the respective District or Districts in which they are located. If the development standards for the respective District or Districts conflict with the standards included in this Section, the standards of this Section 9.31.070 shall apply. The following development standards apply to Automobile/Vehicle Sales and Leasing and Automobile Storage uses:
1. **Showrooms.** Automobile/Vehicle Sales and Leasing Uses shall be developed to include indoor showrooms for display of vehicles for sale or lease.
 - a. *Maximum Setback.* Showrooms shall be located no farther than 15 feet from the property lines facing any boulevard and shall occupy at least 60 percent or 100 feet, whichever is greater, of the site frontage along such boulevards.
 - b. *Treatment of Setbacks.* If a setback is provided along any street frontage, the setback area (any area between building and sidewalk) shall be landscaped or improved as an extension of the public sidewalk to include pedestrian amenities. This requirement applies to all portions of a street-facing setback area that are not used for driveways or other accessways.
 - c. *Façade Height.* Showrooms shall be constructed to achieve at least the minimum required façade height of the District in which they are located.
 - d. *Transparency.* Street-facing facades fronting boulevards shall have transparent glazing that provides views into display and sales areas. Transparent windows or doors shall be provided for at least 75 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous horizontal plane for more than 25 feet without an opening.
 2. **Location of Required Parking and Storage.** Parking and vehicle storage shall be located behind the boulevard frontage or in underground garages. Parking and vehicle storage may not be located between a vehicle showroom and any adjacent street.
 3. **FAR.** A new Tier 1 auto dealer facility or a Tier 1 expansion of an existing auto dealer facility shall be allowed an additional .25 FAR above the maximum Tier 1 limit.
 4. **Special Rules for FAR Calculation.** Below-grade auto dealer facilities shall not be counted toward floor area in the calculation of FAR. Areas devoted to rooftop parking/ automobile storage shall be discounted by 50 percent.
 5. **Development Review.** Notwithstanding Section 9.40.020, a Development Review Permit shall be required for any new auto dealer facility replacing an existing legally-established auto dealer facility or expansion of an existing auto dealer facility if such replacement building or expansion exceeds 25,000 square feet within the Tier 1 maximum limits.
 6. **Transition Requirements Adjacent to Residential Districts.** Where an Automobile/Vehicle Sales and Leasing Use is adjacent to a Residential District [except for Qualifying Parcels as defined in Subsection (D)], the following standards apply.

- a. *Minimum Setbacks.* Buildings used for parking and vehicle storage that are adjacent to a Residential District not containing an existing Automobile/Vehicle Sales and Leasing Use shall be set back a minimum 10 feet from the shared property line. Buildings used for any other use allowed pursuant to Subsection 9.31.070(D)(1)(a) shall be set back a minimum 15 feet from the shared property line.
 - b. *Daylight Plane.* Except for projections permitted by Section 9.21.110, Projections into Required Setbacks, buildings on parcels adjacent to a Residential District shall not extend above a plane starting at 25 feet in height directly above the parcel line abutting any residentially-zoned parcel or, where there is an alley, above the centerline of the alley, and from that point extending away from the parcel line or centerline at a 45-degree angle toward the interior of the site.
 - c. *Landscaping and Screening.* A continuous planting area with a minimum width of 7.5 feet shall be provided along any interior parcel line adjacent to a Residential District [except for Qualifying Parcel as defined in Subsection (D)].
7. **Landscaping.** Screening of surface level outdoor display and non-display areas shall comply with the provisions of Section 9.26, Landscaping.
8. **Parking and Vehicle Storage.** Parking structures and automobile storage uses associated with an automobile dealership shall comply with the following project design standards.
- a. *Applicability of Parking Development Standards.* Customer parking shall comply with all standards of Chapter 9.28, Parking, Loading, and Circulation. Employee and inventory parking may be provided in tandem and is not subject to the minimum parking space and aisle dimensions of Chapter 9.28, Parking, Loading, and Circulation. Final design of all parking and inventory storage areas shall be subject to review and approval by the Director.
 - b. *Design Standards, Parking Structures.* The following standards apply to parking structures:
 - i. Except for emergency-only pedestrian exits required by the Building Officer, parking structure walls facing property lines that are adjacent to a residential use shall be solid and decorative, subject to the approval of the Architectural Review Board. Openings may be permitted adjacent to a public street, commercially zoned property, or “Qualifying Parcel” as defined in Subsection (D) of this Section;
 - ii. Non-skid or other similar surface treatment on both floors and ramps of the parking structure shall be required to prevent tire squeals. This material shall be subject to the review and approval of the Director;
 - iii. Rooftop parking on parcels that directly abut or are separated by an alley from a Residential District is only permitted if the parking structure provides a 6 foot parapet on the side of the parking structure closest to the Residential District. This parapet shall be solid and have a surface density of 4 pounds per square foot; and

- iv. In order to minimize noise and air impacts, exhaust vents and other mechanical equipment associated with a parking structure shall be located as far from residential uses as feasible consistent with Article 8 of the Municipal Code.
- c. *Lighting.* Lighting shall comply with Section 9.21.080, Lighting. Light sources shall be designed to contain direct and diffuse lighting and glare on the subject property.
- d. *Queuing of Vehicles.* An adequate on-site queuing area for service customers shall be provided. On-site driveways may be used for queuing but may not interfere with access to required parking spaces. Required parking spaces may not double as queuing spaces.
- e. *Vehicle Stacking Equipment.* Vehicle-stacking equipment is permitted within structures and on surface lots for employee parking and vehicle storage when screened with an 8 foot-high solid masonry wall. The wall shall be set back from the property line at least 2 feet so that a landscaped buffer of up to 2 feet in width can be provided. Parking spaces in lifts shall not be applicable in calculating parking requirements. All facilities shall comply with the City's Noise Ordinance (Chapter 4.12 of the Municipal Code).
- f. *Resource Recovery Storage.* Floor area dedicated to employee and customer parking and vehicle storage shall be excluded when applying resource recovery and recycling requirements in Section 9.21.130, Resource Recovery and Recycling Standards, unless otherwise required by the Director of Public Works or his/her designee in order to protect the public health, safety, and general welfare.
- g. Final design treatment shall be subject to review and approval by the Architectural Review Board. All unenclosed surface parking areas not used for vehicle display shall be subject to the parking lot screening requirements of Section 9.21.140, Screening.

D. **Standards for Automobile/Vehicle Sales and Leasing Uses and Automobile Storage on Residentially Zoned Properties.** Parcels designated Low Density Residential (R2), or Medium Density Residential (R3) that are contiguous to and were used for a legally established use in conjunction with an automobile dealership in operation on July 6, 2010, and which automobile dealership uses have not subsequently been abandoned ("Qualifying Parcels") may be developed and operated consistent with the standards of this Subsection (D).

1. **Uses.**

- a. *Authorized Uses.* Qualifying Parcels may be developed, if conducted entirely within an enclosed building, as automobile/vehicle sales and leasing, automobile storage or parking when operated in conjunction with an automobile dealership on the adjacent commercial parcel, consistent with the standards of this Subsection.
- b. *Inventory Storage.* A Qualifying Parcel may be used for surface inventory storage only if the following conditions are met:
 - i. Any displaced required parking will be relocated to another off-street location that is:

- (1) Located within 750 feet of the Qualifying Parcel;
 - (2) Located within 300 feet of a public transit line that connects the off-street location with the dealership and the dealership provides free transit passes to its employees; or
 - (3) Serviced by a dealership-provided shuttle between the off-street location and the qualifying lot which has been approved by the City's Director of Planning.
 - ii. The displaced parking shall be returned to the Qualifying Parcel if the criteria of this Subsection are no longer met.
 - c. *Prohibited Uses.* No portion of a residentially-zoned parcel may be used for major auto repair work, outdoor display of vehicles, commercial signage, storage tanks, or any other commercial use not specifically identified in this Subsection. In addition, Automobile Rental and Automobile/Vehicle Washing uses are prohibited.
 - d. *Use to Revert to Residential.* Structures constructed under these provisions on residential parcels shall be permitted to remain only when operated in conjunction with an Automobile/Vehicle Sales and Leasing use on the adjacent commercial parcel. If the Automobile/Vehicle Sales and Leasing use is abandoned and not reinstated pursuant to Chapter 9.27, Nonconforming Uses and Structures, the parking structure shall be removed or incorporated into a residential project on the residential parcel(s) within 3 years.
2. ***Exemption from Additional Multi-Unit Development Standards, Development on Multiple Parcels Standards, and Development on Parcels Divided by District Boundaries Standards.*** Except as set forth or modified herein, the property development standards of Sections 9.08.030, 9.21.030(B), and 9.21.040 shall not apply in order to accommodate the specific structural and design requirements of the uses identified in Section 9.31.070(D)(1)(a).
 3. ***Maximum Parcel Coverage.*** The maximum parcel coverage of residential parcel area shall be the area of the parcel not within the setback areas required in subsection (D)(5).
 4. ***Maximum Building Height.*** The maximum height of any structure on a residentially zoned Qualifying Parcel shall not exceed 23 feet in the R2 District and 28 feet in the R3 District excluding four feet of the required parapet.
 5. ***Setbacks.***
 - a. *Front and Rear Setbacks.* The front and rear setbacks of the Residential District in which the Qualifying Parcel is located shall apply.
 - b. *Side Setbacks Adjacent to Residential Districts.* The side setbacks shall meet the requirements of Subsection C(6).
 6. ***Standards for Parking Structures.*** Parking structures developed on Qualifying Parcels shall comply with the standards outlined in Chapter 9.28, Parking, Loading and Circulation, and the following requirements:

- a. Rooftop parking is permitted subject to the standards of this Subsection and shall provide a 6 foot parapet on the side of the parking structure closest to the Residential District. This parapet shall be solid and have a surface density of 4 pounds per square foot;
 - b. At least 10 percent of the parking spaces within a structure shall be maintained and designated for employee parking only, unless the Planning Commission determines based on an employee parking demand analysis that sufficient parking is otherwise provided either on-site or at an acceptable off-site location;
 - c. If the structure is developed in conjunction with development on adjacent commercial parcels, the project shall be designed so that building mass increases toward the commercial street and architectural elements that are permitted to exceed height limits are located away from adjacent residential uses to the greatest extent feasible;
 - d. A 4 foot unexcavated area shall be provided along the entire length of a property line shared by an automobile dealership and an adjacent residentially zoned property. Fifty percent of the required setback area adjacent to a public street shall remain unexcavated; and
 - e. A landscaped buffer with a minimum width of 5 feet shall be required along the property line adjacent to a residential use. The buffer shall include a hedge to be maintained up to 12 feet in height where adjacent to a residential side setback and 42 inches in height where adjacent to a residential front setback. The Planning Commission may reduce, modify, or waive any part of this requirement if it finds that such reduction, modification, or waiver would not adversely affect the public health, safety, and general welfare.
7. ***Ingress and Egress on Residentially Zoned Properties.*** Vehicular access to Qualifying Parcels shall comply with the following requirements:
- a. If only one Qualifying Parcel is located adjacent to an existing automobile dealership on the adjacent commercial parcel, the driveway to the Qualifying Parcel shall be located at least 40 feet from the adjacent residentially zoned parcel.
 - b. If multiple Qualifying Parcels are located adjacent to an existing automobile dealership on the adjacent commercial parcel, the driveway to the Qualifying Parcels shall be located on the Qualifying Parcel located furthest from the adjacent residentially zoned parcel that is not used as part of the automobile dealership.
8. ***Parking and Vehicle Storage.*** Parking structures and automobile storage uses associated with an automobile dealership shall also comply with Subsection (C)(6).
9. ***Exemptions for Expansions of Existing Dealerships.*** A floor area expansion of existing automobile dealerships in R2 or R3 Districts that does not exceed 750 square feet of floor area shall not be subject to a Conditional Use Permit, and shall be permitted by right provided that:

- a. The expanded floor area is utilized for an ancillary support function, including, but not limited to, customer waiting area, offices, vehicle parts storage or vehicle parts display;
 - b. The height of the expansion shall be no more than one story and will not exceed 23 feet;
 - c. None of the expanded area is utilized for auto repair activities, including but not limited to service bays, body work, oil change and lubrication, or entertainment/navigation console installation; and
 - d. The square footage expansion may maintain the existing building lines adjacent to public rights of way, subject to Architectural Review Board approval.
- E. **Operational Standards.** All Automobile/Vehicle Sales and Leasing Uses and Automobile Storage uses, existing and new, shall be operated according to the following standards:
1. ***Customer and Employee Parking.***
 - a. On-site customer parking shall be provided at no charge to the customers.
 - b. Areas designated for employee or customer parking shall not be used for vehicle storage or display.
 2. ***Loading and Unloading of Vehicles.*** Loading and unloading of vehicles is permitted only in accordance with an off-loading plan approved by the Director. The dealership operator shall be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities to the extent any such activities violate the provisions of this Subsection.
 - a. Loading and unloading of vehicles is generally limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday unless the Director determines that off-loading can be accomplished during another time period without disturbing nearby residents. Loading and unloading of vehicles is prohibited on Sundays and legal holidays.
 - b. Vehicle off-loading shall not be permitted from streets that abut residential parcels in Residential District unless no other off-loading alternative is feasible and an alternative operational plan is approved by the Director.
 - c. The applicant shall prepare and submit to the Director for approval a plan that complies with all requirements of this Subsection.
 3. ***Storage of Vehicles.*** No automobile dealership owner, operator, or employee, for any period of time on any public street or alley, shall park or store vehicles for sale, to be repaired, that have been repaired, or that are part of an automobile rental operation associated with the dealership.
 4. ***Test Driving.*** Test-driving shall not be done on residential streets or alleys. For the purposes of this Subsection, streets that are designated by the City as truck routes shall be permissible areas for test-driving. Each dealership operator shall have an affirmative obligation to inform all its personnel of this requirement and to ensure compliance with

- it. The applicant shall prepare and submit to the Director for approval a plan that complies with all requirements of this Subsection to be included in a form prepared by Director.
5. ***Control of Alley Traffic.*** Notwithstanding the prohibition of alley use for test driving, each dealership operator shall present to the Director, at the same time of the filing of an application for a permit for a new dealership or substantial remodeling, plans for slowing traffic flow in alleys adjacent to their uses, with the objective of minimizing dangers to pedestrians and neighboring vehicle operations, and of minimizing noise and other environmental incursions into the neighborhood. Such plans shall be designed to limit the maximum speed to 15 miles per hour and may include measures such as speed bumps or dips, one-way traffic patterns, increased signage, parking and loading prohibitions, and similar measures.
 6. ***Circulation.*** Entries and exits shall be located as far away from adjacent residential properties as is reasonably feasible by means of signage and design. If structured parking or storage is used, the interior circulation system between levels shall be internal to the building and shall not require use of public ways or of externally visible or uncovered ramps, driveways, or parking areas. No arrangement shall be permitted which requires vehicles to back into a public street.
 7. ***Noise Control.*** Automobile/Vehicle Sales and Leasing and Automobile Storage uses shall be operated in accordance with the following standards.
 - a. There shall be no outdoor loudspeakers. Interior loudspeakers shall produce no more than 45 dba at a boundary abutting or adjacent to a residential parcel under normal operating conditions (e.g., with windows open if they are likely to be opened).
 - b. All noise-generating equipment exposed to the exterior shall be muffled with sound-absorbing materials to minimize noise impacts on adjacent properties and shall not be operated before 8:00 a.m. or after 6:00 p.m. if reasonably likely to cause annoyance to abutting or adjacent residences and shall at all times be in compliance with the City's Noise Ordinance (Chapter 4.12, Noise).
 - c. Rooftop storage areas shall be screened with landscaping and/or noise absorbing materials to minimize noise impacts on adjacent properties.
 8. ***Toxic Storage and Disposal.***
 - a. Gasoline storage tanks shall be constructed and maintained under the same conditions and standards that apply for service stations.
 - b. There shall be full compliance with the terms and conditions of all applicable federal, state, and local laws relating to the storage and disposal of toxic chemicals and hazardous wastes.
 9. ***Air Quality.***
 - a. Use of brake washers shall be required in service stalls or areas that perform service on brakes employing asbestos or other materials known to be harmful when dispersed in the air.

- b. All mechanical ventilating equipment shall be directed to top story exhaust vents, which face away from abutting or adjacent residential properties.
 - c. Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants, which would otherwise be emitted.
10. **Hours of Operation.** Unless otherwise approved by the Planning Commission, if the Automobile/Vehicle Sales and Leasing use is within 100 feet of a Residential District, operation of the use shall be prohibited between the hours of 10 p.m. and 7 a.m.
11. **Plan Submission.** Existing dealerships shall submit plans to the Director for approval that satisfy the requirements of this Subsection if such plans are not already on file.
12. **Plan Verification.** All dealerships shall submit a letter annually in June affirming their continued use of their test-driving, vehicle off-loading, and alley traffic control plans. Any changes to approved plans shall require approval of the Director.
13. **Neighborhood Community Liaison.** All dealerships shall provide contact information for an on-site dealership community liaison including name, telephone number, and email address.

9.31.080 Automobile/Vehicle Washing

Automobile/Vehicle Washing uses shall be located, developed, and operated in compliance with the following standards:

- A. **Minimum Parcel Size.** The minimum parcel size for development of an Automobile/Vehicle Washing use is 7,500 square feet.
- B. **Setbacks.** Unless otherwise approved by the Planning Commission, no building or structure for an Automobile/Vehicle Washing use shall be located within 30 feet of any public right-of-way or within 20 feet of any interior parcel line.
- C. **Canopies.** Any canopy shall be at least 5 feet from any property line.
- D. **Screening.** Automobile washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than 6 and not more than 8 feet in height. If an adjacent property is commercially developed and a solid wall already exists on the property line, the Planning Commission may modify or waive this requirement as necessary to achieve the purposes of this Section. Materials, textures, colors and design of all walls shall be compatible with the design of the principal structures on the property and adjacent properties. Required screening walls shall comply with Section 9.21.180, Hazardous Visual Obstructions.
- E. **Paving.** The site shall be entirely paved, except for buildings and landscaping.
- F. **Landscaping.** The site shall be landscaped consistent with the standards of Chapter 9.26, Landscaping, and the following standards:
 - 1. A minimum of 15 percent of the site shall be landscaped. A planting strip at least 3 feet wide shall be provided along all interior parcel lines, non-driveway street frontages, and

adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and arranged so as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berm shall be provided and maintained in the planters at a height of not less than 3 feet above the average adjacent grade.

2. A landscape planter at least 150 square feet in area shall be provided at the intersection of 2 property lines at a street corner.
 3. All street trees shall be preserved or replaced where missing, as required by the City, and driveways and vehicle approaches shall be designed so as not to necessitate the removal of any existing street trees.
- G. **Access and Circulation.** Unless otherwise approved by the Director, no more than one driveway shall be permitted on any one street frontage. Driveways shall be located as follows:
1. Unless otherwise approved by the Director, driveways shall not be located closer than 50 feet from a street intersection, 15 feet from a residential property line or alley, or as to otherwise interfere with the movement and safety of vehicular and pedestrian traffic.
 2. All washing facilities shall be located within a building which is enclosed except for those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property. Access to the washing area shall not be located within 50 feet of a residentially zoned property.
- H. **Parking.** Parking shall be provided according to the required ratios and other standards of Chapter 9.28, Parking, Loading, and Circulation, as well as the following:
1. Customer and employee parking shall not be utilized for automobile repair or storage of vehicles. Customer parking areas may be used for hand drying of vehicles.
 2. No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways, or alleys.
 3. No vehicle may be parked on the premises for the purposes of offering it for sale unless the establishment has also been approved for automobile sales.
- I. **Restrooms.** Except for self-service automobile washing facilities, each automobile washing facility shall provide a men's and women's restroom accessible to customers, including the physically disabled, during all hours the establishment is open to the public. Restrooms shall be attached to a structure on site, with entrances or signage visible from the waiting area or cashier station, shall be maintained on a regular basis, and concealed from view of adjacent properties by planters or decorative screening.
- J. **Vending Machines.** Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in automobile washing facilities, such as refreshments and maps.
- K. **Location of Activities.** All washing, vacuuming, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed service building, except as follows:
1. Hand drying of vehicles.

2. The sale of items from vending machines placed next to the main building in a designated area not to exceed 32 square feet and screened from public view.
- L. **Refuse Storage and Disposal.** A trash and recycling area shall be provided as required by Section 9.21.130, Resource Recovery and Recycling Standards, and the following:
1. All trash and recycled materials shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
 2. Refuse bins shall be provided and placed in a location convenient for customers.
 3. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.
- M. **Hours of Operation.** If located within 100 feet of a Residential District, operation of the Automobile/Vehicle Washing establishment is prohibited prior to 8:00 a.m. or after 10:00 p.m. on weekdays, prior to 9:00 a.m. or after 10:00 p.m. on Saturdays, and prior to 9:00 a.m. or after 9:00 p.m. on Sundays.
- N. **Outdoor Loudspeakers.** There shall be no outdoor loudspeakers or public address systems.
- O. **Queuing of Vehicles.** An on-site queuing plan for service customers shall be provided for the approval of the Parking and Traffic Engineer. On-site driveways may be used for queuing, but may not interfere with access to required parking spaces.
- P. **Water Recycling.** Recycling of water used for vehicle washing shall be maximized. The Public Works Department shall approve recycling systems used at automobile washing facilities.
- Q. **Air Quality.**
1. All mechanical ventilating equipment shall be directed to top-story exhaust vents that face away from any adjacent residential properties.
 2. Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants which would otherwise be emitted.

9.31.090 Bed and Breakfasts

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Type of Residence.** Bed and Breakfasts may only be located and operated in a single unit dwelling that is located on a parcel that conforms to the minimum size required in the district where the facility is located. However, Landmark structures are exempt from the minimum parcel size requirement.
- B. **On-site Owner or Caretaker Required.** An on-site caretaker or owner of the property shall reside in Bed and Breakfast establishments.
- C. **Appearance and Signage.** In all Residential Districts, the exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its original single unit character. A sign

that complies with the applicable requirements for single unit residential structures shall be permitted.

- D. **Number of Rooms.** No more than 2 rooms may be rented unless the floor area of the structure exceeds 4,000 square feet, in which case, a maximum of 4 rental rooms may be permitted. Where a use permit is required by the District regulations, the use permit may further limit the number of rooms.
- E. **Parking.** A Bed and Breakfast establishment is only permitted where the existing primary residential use complies with the off-street parking spaces required by Chapter 9.28, Parking, Loading, and Circulation. Except for City-Designated Historic Resources pursuant to Section 9.28.180(B), parking for the Bed and Breakfast use shall be provided at a ratio of one space per room for rent in addition to the parking required for the primary residential use. Such spaces shall be individually accessible and may not encumber access to a required parking space for the residential use.
- F. **Limitation on Services Provided.** Meals and rental of bedrooms shall only be prepared and served to registered guests. Separate or additional kitchens for guests are prohibited. Alcohol service may be provided subject to the review and approval of a Conditional Use Permit pursuant to Section 9.31.040.
- G. **Limitation on Rental Period.** No room shall be rented to any guest for more than 15 consecutive days.
- H. **Transient Occupancy Tax.** The property owner shall be required to pay all necessary transient occupancy tax pursuant to Chapter 6.88.

9.31.100 Community Assembly

Community Assembly uses shall be located, developed, and operated in compliance with the following standards:

- A. **Minimum Site Area.** Community Assembly uses may only be located on sites with at least 7,500 square feet in area.
- B. **Buffer.** A minimum buffer at least 20 feet in width shall be provided adjacent to any Residential District or use. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities. The minimum buffer requirement may be reduced subject to the review and approval of a Conditional Use Permit pursuant to Chapter 9.41. Any reduced buffer shall still maintain the minimum setback requirement of the district in which the facility is located.
- C. **Landscaping.** The site on which a community assembly use is located shall be landscaped consistent with the standards of Chapter 9.26, Landscaping.
- D. **Outdoor Activity Areas.** Outdoor areas used for recreation, meetings, services or other activities involving groups of persons shall be at least 50 feet from any Residential District or use.
- E. **Parking Area Screening.** Parking areas adjacent to any residential district shall be consistent with the standards of Chapter 9.26, Landscaping.

- F. **Hours of Operation.** Permitted hours of operation are 7:00 a.m. to 10:00 p.m., 7 days a week. Additional hours may be allowed with application for and approval of a Conditional Use Permit.
- G. **Accessory Uses.** Community assembly uses may include administrative offices, kitchen facilities, multi-purpose rooms, storage and other uses that are accessory to the facilities for public or private meetings. Places of worship may provide religious instruction as an accessory use; however, when a full school curriculum comparable to that of the Santa Monica-Malibu Unified School District is offered, the school use shall be separately classified as a Public or Private School.

9.31.110 Congregate and Transitional Housing

Congregate Housing and Transitional Housing shall be subject to the following standards.

- A. **Maximum Density.** When developed as a group residential facility in any Residential District where group residential development is allowed, Congregate and Transitional Housing shall not be subject to the maximum density permitted as long as the maximum number of beds does not exceed 3 times the maximum number of dwelling units that would otherwise be permitted.
- B. **Management Plan.** All facilities shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

9.31.120 Child Care and Early Education Facilities

The provision of child day care and early education in safe and convenient locations is an important policy objective of the City. The purpose of this Section is to ensure the safety of children attending these facilities and to preserve the character of the surrounding neighborhood. Child Care and Early Education Facilities shall be located, developed, and operated in compliance with the standards of this Section.

- A. **Fences and Walls.** Outdoor play areas shall be enclosed by a fence of at least 4 feet in height. In a required front setback the minimum 4-foot height shall be allowed by right. However, the fence height in a required front setback may not exceed 4 feet in height unless permitted through approval of an adjustment consistent with Chapter 9.21.050, Fences, Walls, and Hedges, and Chapter 9.43, Modifications and Waivers. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for controlled points of entry.
- B. **Outdoor Play Area.** For Child Care and Early Education Facilities, outdoor space shall be required for each child older than 2 years in compliance with applicable State requirements. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school, or other public open area in close proximity to the facility.
- C. **Organized Outdoor Activities—Hours.** If the Child Care and Early Education Facility is located within or adjacent to a Residential District, or adjacent to a residential use, organized outdoor

activities shall be limited to the hours of 8:00 a.m. to 8:00 p.m. or sunset, whichever comes first, on weekdays and 9:00 a.m. to 8:00 p.m. or sunset, whichever comes first, on weekends.

- D. **Passenger Loading.** A passenger loading plan shall be required in accordance with Section 9.28.080(C) subject to the approval of the Director.
- E. **State and Other Licensing.** All Child Care and Early Education Facilities shall be State licensed and shall be operated according to all applicable State and local regulations.
- F. **Neighborhood Liaison.** All Child Care and Early Education Facilities shall designate an on-site contact person to serve as a neighborhood liaison to address any neighborhood concerns related to the Child Care and Early Education Facility operation.

9.31.130 Emergency Shelters

The purpose of these standards is to ensure that Emergency Shelters do not adversely impact adjacent parcels or the surrounding neighborhood and will be developed in a manner that protects the health, safety, and general welfare of the nearby residents and businesses while providing for the housing needs of a needy segment of the community. Emergency Shelters shall be located, developed, and operated in compliance with the following standards.

- A. **Lighting.** Adequate external lighting shall be provided for security purposes. Lighting shall comply with Section 9.21.080, Lighting.
- B. **Laundry Facilities.** The shelter shall provide laundry facilities or services adequate for the number of residents.
- C. **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - 1. Central cooking and dining room(s).
 - 2. Recreation room.
 - 3. Counseling center.
 - 4. Child care facilities.
 - 5. Other support services.
- D. **Security.** Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
- E. **Outdoor Activity.** For the purposes of noise abatement in Residential Districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 10:00 p.m.
- F. **Emergency Shelter Provider and Services.** The agency or organization operating the shelter shall comply with the following requirements:
 - 1. Temporary shelter shall be available to residents for no more than 6 months with extensions up to 180 days available if the shelter operator determines that no alternative housing is available.

2. Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider's shelter or shelters.
 3. The provider shall not discriminate in any services provided.
 4. The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility.
 5. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- G. **Maximum Unit Density.** Emergency Shelters that are located in Residential Districts, when not developed in an individual dwelling unit format, shall not be subject to the underlying Zoning District's maximum unit density standard, but the number of beds shall be limited to 3 times the maximum number of dwelling units which would otherwise be permitted on the site.
- H. **Health and Safety Standards.** The shelter for the homeless must comply with all applicable federal and state standards.

9.31.140 Family Day Care, Large

The purpose of these standards is to ensure that Large Family Day Cares in Residential Districts do not adversely impact the adjacent neighborhoods. While Large Family Day Cares are needed by residents of the City, especially in close proximity to their homes in residential neighborhoods, the potential traffic, noise and safety impacts of this use should be regulated in the interest of nearby residents and the children in the day care facility. It is also the intent of this Section to allow Large Family Day Cares in residential surroundings to give children a home environment that is conducive to healthy and safe development. The following standards shall apply to Large Family Day Cares.

- A. **Structures.** A Large Family Day Care shall conform to all property development standards of the Zoning District in which it is located unless otherwise provided in this Section.
- B. **Noise.** The operation of a Large Family Day Care shall comply with noise standards contained in Chapter 4.12, Noise, of the Municipal Code. Noise from the operation of any Large Family Day Care may not exceed that which is customary in residential neighborhoods during daytime hours. Prolonged and abnormally loud noises shall not be considered customary, while the periodic sounds of small groups of children at play shall be considered customary in residential neighborhoods from 8:00 a.m. until 9:00 p.m.
- C. **Hours of Operation.** Large Family Day Cares shall not be limited in hours or days of operation. No outdoor play is allowed before 8:00 a.m. or after 8:00 p.m. or sunset, whichever comes first, on weekdays and 9:00 a.m. to 8:00 p.m. or sunset, whichever comes first, on weekends.
- D. **On-Site Parking.** On-site parking for Large Family Day cares shall not be required except for that required for the residential building in accordance with Chapter 9.28, Parking, Loading, and Circulation.

- E. **Passenger Loading.** Curbside loading shall be presumed adequate for drop-off and pick-up of children. A passenger loading plan shall be required in accordance with Section 9.28.080(C) subject to the approval of the Director.
- F. **Lighting.** Lighting must conform to Section 9.21.080, Lighting. In addition, passenger loading areas may be illuminated. If a passenger loading area is illuminated, the lighting shall be directed away from adjacent properties and of an intensity compatible with the residential neighborhood.
- G. **Screening of Outdoor Play Areas.** A solid fence at least 4 feet in height shall be provided to screen rear setback outdoor play areas of a Large Family Day Care from adjacent residential properties. Fences shall comply with Section 9.21.050, Fences, Walls, and Hedges.
- H. **Residency.** The operator of a Large Family Day Care must be a full-time resident of the dwelling unit in which the day care is located.
- I. **State and Other Licensing.** All Large Family Day Cares shall be State licensed and operated according to all applicable State and local regulations.
- J. **Concentration of Uses.** No more than one Large Family Day Care shall be permitted within 300 linear feet of the property line of any existing Large Family Day Care.

9.31.150 General Markets in Residential Districts

The purpose of this Section is to establish standards for small grocery stores (General Markets) that serve neighborhood residents and are located in Residential Multi-Unit Districts. The standards of this Section are intended to ensure that such stores are compatible with the scale and character of the surrounding neighborhood, and consistent with the goals, objectives, and policies of the General Plan. The following standards apply to General Markets where they are permitted or conditionally permitted in Residential Districts.

- A. **Location.** No General Market shall be located within 300 linear feet of another General Market in the same Residential District.
- B. **Structure.** A General Market shall be operated completely within an enclosed building. The store shall be located on the ground floor.
- C. **Density Calculation.** The space occupied by a General Market shall be considered a residential unit for the purpose of calculating the density of development on a parcel. The market “unit” may not be used for residential purposes.
- D. **Height, Setback, and Parcel Coverage.** A General Market shall comply with the Tier 1 height, setback, and parcel coverage requirements allowed for the District in which it is located unless the Planning Commission approves a Conditional Use Permit allowing the structure to exceed the maximum height, setback, and parcel coverage requirements for the residential district pursuant to Chapter 9.23, Community Benefits.
- E. **Parking.** General Markets shall meet the requirements of Section 9.28.060, Number of Parking Spaces Required.
- F. **Passenger Loading.** One on-street passenger-loading zone shall be located adjacent to the parcel near the entrance to the store for use by customers who arrive by automobile.

- G. **Off-Street Loading.** One off-street loading area may be used for parking by store customers between the hours of 8:30 a.m. and 6:00 p.m.
- H. **Hours of Operation.** A General Market may only be open for business between the hours of 7:00 a.m. and 11:00 p.m.
- I. **Maximum Size.** No General Market may exceed 2,500 square feet in floor area.
- J. **Alcohol Sales.** Beer and wine sales for off-site consumption shall be permitted subject to the applicable requirements of Section 9.31.040, Alcoholic Beverage Sales.
- K. **Deliveries.** Deliveries shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.

9.31.160 Home Occupation

This Section is intended to allow for home enterprises that are clearly incidental and secondary to the primary residential use of a dwelling unit and compatible with surrounding residential uses. It allows for the gainful employment in the home by any occupant of a dwelling so long as the enterprise does not require frequent customer access or have associated characteristics that would reduce the surrounding residents' enjoyment of their neighborhood. Home occupations shall comply with the standards of this Section.

- A. **Standards.** Home occupations shall be located and operated in compliance with the following standards.
 - 1. The home occupation shall be conducted entirely within a dwelling or accessory building except for horticulture activities or creative activities by artists, which may be conducted outdoors.
 - 2. No portion of any required parking space or structure shall be used for home occupation purposes if such use would preclude compliance with the off-street parking requirements of Chapter 9.28, Parking, Loading, and Circulation.
 - 3. The home occupation shall not alter the appearance of the dwelling unit (by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.) such that the structure may be recognized as serving a nonresidential use.
 - 4. Sale of goods on the premises shall be limited to the products of the home occupation. No other merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises. Mail order businesses that do not involve handling or merchandise or storage in the home are permitted.
 - 5. There shall be no signs other than the address and name of any resident.
 - 6. There shall be no outdoor advertising that identifies the home occupation.
 - 7. No commercial vehicles may be used for delivery of materials, with the exception of reasonable courier services, to or from the premises. No more than one vehicle larger than a three-quarter ton truck may be used in connection with a home occupation and no limousine or other vehicle for hire used in connection with the home-based business shall be kept on the site or parked in the public right-of-way in the vicinity of the site.

8. Parking for any vehicle primarily used in connection with the home occupation shall be provided in addition to parking required for the unit and the property remains in compliance with all other applicable requirements.
9. Activities conducted and equipment, material or hazardous materials used shall be identified on the Zoning Conformance Review application and shall not change the fire safety or occupancy classifications of the premises.
10. No use shall create or cause blight, hazards, or nuisances due to noise, dust, vibration, odors, smoke, glare, electrical interference, or other reasons.
11. No employees other than residents of the dwelling unit shall be allowed to work, gather or congregate on the premises in connection with a home occupation, with the exception of babysitters, domestic staff, or cottage food operations as defined in California Health and Safety Code Section 113758.
12. Where the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored, and sold directly to customers at an off-premises location.
13. There shall be no excessive or unsightly storage of materials or supplies indoors or outdoors for purposes other than those permitted in the residential district in which it is located.
14. The home occupation shall not generate pedestrian or vehicular traffic beyond that ordinarily generated in the residential district in which it is located. A maximum of 6 client visits is allowed during any 24 hour period.
15. The home occupation shall not result in excess use of utilities and public facilities in amounts greater than normally provided for residential use.
16. The home occupation permit shall be valid only for the person to whom it is issued and shall be void when that person moves from the dwelling unit or discontinues the business.

B. Prohibited Home Occupation Uses. The following uses shall not be permitted as home occupations:

1. Ambulance service.
2. Animal hospitals or grooming facilities.
3. Automotive and other vehicle repair (body or mechanical), upholstery, painting or storage.
4. Barber or beauty shops.
5. Carpentry or cabinet making.
6. Contractor storage yards.
7. Dancing schools, exercise and yoga studios, except one-on-one training or teaching that does not exceed 6 clients within 24 hours.
8. Firearms manufacture, sales, or repair.
9. Furniture refinishing or upholstery.

10. Junkyards.
11. Massage establishments, except for a massage technician who is certified by the State of California and meets all other applicable requirements for and holds a valid permit issued under Chapter 6.104 of the Municipal Code.
12. Medical offices, clinics, and laboratories, except for psychologists, speech therapists, acupuncturists, and other professionals with one-on-one counseling, therapy, or treatment that do not exceed 6 clients within 24 hours.
13. Restaurants.
14. Sexually-oriented businesses.
15. Spas and retreat centers.
16. Tattoo studios.
17. Welding or machine operation.
18. Other uses the Director determines to be similar to those listed above, or which by operation or nature are not incidental to or compatible with residential activities.

C. Procedures

1. The establishment of a home occupation requires Zoning Conformance Review, pursuant to the procedures of Chapter 9.38, Zoning Conformance Review, to ensure consistency with all of the standards of this Section. Zoning Conformance Review shall not be required for any existing approved home occupation relocating to another unit on the same parcel.
2. Every operator of a home occupation shall obtain and maintain a business license pursuant to Chapter 6.04 of the Municipal Code.
3. The applicant for a home occupation shall agree in writing to operate the home occupation in conformance with the standards of this Section.

9.31.170 Live-Work Units

A. **Purpose.** This Section establishes regulations and standards for creating and operating Live-Work units as a combined commercial/industrial and residential use. The purposes of these provisions are to:

1. Allow for the creation of cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to continue to work in Santa Monica and contribute to the City's economy;
2. Provide for and make feasible the reuse of existing commercial or industrial buildings and related sites in specified Mixed-Use and Commercial and Employment Districts;
3. Promote conservation and reuse of commercial or industrial buildings;
4. Implement the Land Use and Circulation Element of the General Plan by reducing the number and length of work-related vehicle trips that contribute to traffic congestion, generate greenhouse gas emissions, and degrade air quality;

5. Provide for the health, safety, and livability of persons who reside and work in Live-Work units; and
 6. Ensure that the exterior design of Live-Work buildings is compatible with the exterior design of commercial, industrial, and residential buildings in the area, while maintaining and respecting both the residential and workspace character of live-work buildings.
- B. **Applicability.** Live-Work units may be established through the conversion of existing commercial and industrial buildings or in new construction, where permitted or conditionally permitted in any mixed-use, commercial, or employment district according to the use regulations of Division 2, Base and Overlay Districts, and subject to the requirements of this Section and other applicable requirements of this Ordinance.
- C. **Development Standards.**
1. **Floor Area.** At least 60 percent of the gross floor area of a Live-Work unit must be designated and regularly used for work activities.
 2. **Parking.** Live-Work units shall comply with the requirements of Chapter 9.28, Parking, Loading, and Circulation.
 3. **Open Space.** Common or private on-site open space shall be provided for the use of occupants at a rate of 100 square feet per Live-Work unit. This space may be attached to individual units or located on the roof or adjoining the building in a rear setback.
 4. **Design Guidelines.** In order to accommodate the range of activities associated with Live-Work units, the units shall be designed to comply with the City's Building Code and Fire Code for both commercial and residential space and shall, at minimum, include the following elements unless precluded by existing built conditions:
 - a. High volume ground floor space;
 - b. Floor drains;
 - c. Flooring and finishes that support live-work units;
 - d. Consideration for ventilation including natural ventilation and flexibility for the installation of mechanical or special ventilation if necessary;
 - e. Consideration for storage and disposal of hazardous or toxic materials related to work products;
 - f. Access to loading dock;
 - g. Consideration for additional electrical power; and
 - h. Slop sinks.
- D. **Additional Requirements.**
1. **Permitted Work Activity.** The work activity in a building where Live-Work units are allowed shall be any use permitted by right or use permit in the Zoning District. If a use permit is required, an application shall be required in accordance with Chapter 9.41 in order

to protect the health and safety of persons who reside in a Live-Work unit or in a building which contains one or more Live-Work units.

2. ***Prohibited Uses.***
 - a. The following uses are prohibited in Live-Work units: Automobile/Vehicle Sales and Leasing, Bars/Nightclubs/Lounges, Sexually-Oriented Businesses, Animal Sales and Services, Liquor Stores, Funeral Parlors and Mortuaries, Outdoor Storage as a primary use, and Salvage and Wrecking.
 - b. No use shall be approved where, given the design or proposed design of the Live-Work unit, there would be the potential for adverse health impacts from the proposed use on the people residing in the unit. An example of a potential health impact is the potential for food contamination from uses that generate airborne particulates in a unit with an unenclosed kitchen.
3. ***Business License Required.*** At least one occupant of each Live-Work unit shall maintain a current City business license for a business located in that unit.
4. ***Artist Marketing.*** No more than twelve months from issuance of the building permit, the developer shall meet and confer with the City's Cultural Affairs Manager regarding a marketing plan and within 90 days, shall submit to the City's Cultural Affairs Manager a plan for review and approval within 30 days on how the Live-Work units will be marketed to artists initially and on an ongoing basis. The artist marketing plan shall at a minimum include the following components:
 - a. Designation of an on-site marketing and outreach coordinator;
 - b. Method, manner, and scope of outreach to the artist community including timing of when outreach would begin;
 - c. Strategies for initial and ongoing proactive outreach to the arts community and outreach lists provided by the City;
 - d. Outreach information that can help educate potential applicants to make decisions about applying for units;
 - e. Timeline for lease-up; and
 - f. Sample application.
5. ***Nonresident Employees.*** Up to 3 persons who do not reside in the Live-Work unit may work in the unit unless such employment is expressly prohibited or limited by a Conditional Use Permit. The employment of 4 or more persons who do not reside in the Live-Work unit may be permitted subject to the provision of additional parking spaces and a determination of the Director that the additional parking is sufficient to meet the needs of the additional employees. The employment of any persons who do not reside in the Live-Work unit shall be subject to all applicable Building Code requirements.
6. ***Client and Customer Visits.*** Client and customer visits to Live-Work units are permitted subject to any conditions that may be imposed by a Conditional Use Permit, where such use

permit is required by the regulations of the respective district, in order to ensure compatibility with adjacent commercial or industrial uses or adjacent Residential Districts.

7. **No Separate Sale or Rental of Portions of Unit.** No portion of a Live-Work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises or as a residential space for a person or persons not working in the same unit.
8. **Mixed Occupancies.** If a building contains mixed occupancies of Live-Work units and other nonresidential uses, occupancies other than Live-Work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the Live-Work units and other occupancies, as determined by the Director.
9. **Notice to Occupants Required.** The owner or developer of any building containing Live-Work units shall provide written notice to all occupants and users that the building may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. Subject to State and federal health regulations, noise and other standards shall be those applicable to commercial or industrial properties in the district where the project is located.
10. **Deed Restriction Required.** The owner of each Live-Work unit or each building containing Live-Work rental units shall record a notice on the property specifying the limitations of use and operation included in the use permit.
11. **Hazardous/Toxic Materials.** A Phase I Environmental Assessment for a site proposed for Live-Work occupancy, including but not limited to an expanded site investigation to determine whether lead based paint and asbestos hazards exist, is required to be submitted as part of the application for a use permit. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk. Where the Phase I shows that there are potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to determine if remediation may be required.
12. **On-Premises Sales.** On-premises sales of goods are limited to those produced within the Live-Work unit. Retail sales of goods produced within the Live-Work unit shall be incidental to the primary work use in any building used exclusively for Live-Work occupancy. These provisions shall permit participation in occasional open studio programs and gallery shows.

9.31.180 Manufactured Housing

In addition to complying with all property development standards for the Zoning District in which the manufactured dwellings are to be located, they shall be located, developed, and operated in compliance with the following standards:

- A. **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this Section. Manufactured homes may also be used for temporary uses subject to the approval of a Temporary Use Permit consistent with Chapter 9.44.
- B. **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

1. **Foundation.** A manufactured home shall be built on a foundation system approved by the Director.
2. **Roof Material.** Roof material shall consist of material customarily used for conventional single unit dwellings, such as tile, composition shingles, and wood shakes and shingles. If shingles and/or wood shakes are used, the pitch of the roof shall be not less than 3 inches vertical to 12 inches horizontal.
3. **Siding Material.** Siding material shall consist of exterior material customarily used for conventional single unit dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.
4. **Carport/Garage.** If a carport or enclosed garage is required within the zoning district in which the dwelling unit is to be located, the design and materials of the garage or carport shall be compatible with the main dwelling.
5. **Skirting.** The unit's skirting must extend to the finished grade.

9.31.185 Medical Marijuana Dispensaries

- A. **Purpose.** The purpose of this Subsection is to ensure that the development of Medical Marijuana Dispensaries does not adversely impact adjacent parcels or the surrounding neighborhoods in which they are located and that they will be developed in a manner that protects the health, safety, and general welfare of nearby residents and businesses while providing for the needs of all segments of the community. Medical Marijuana Dispensaries shall be permitted, located, developed, and operated consistent with the following development standards:
- B. **Conditional Use Permit.** Each Medical Marijuana Dispensary shall be subject to the approval of a Conditional Use Permit by the Planning Commission, appealable to the City Council.
- C. **Number and Location.** A maximum of 2 Medical Marijuana Dispensaries no larger than 2,500 square feet shall be permitted. Medical Marijuana Dispensaries are prohibited within 600 feet of a Child Care and Early Education or Family Day Care Facility, park, school, library, Social Service Center, or other Medical Marijuana Dispensary. The distance shall be established on the date of application for the Conditional Use Permit.
- D. **Hours of Operation.** Medical Marijuana Dispensaries may be operated between the hours of 10:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
- E. **Recommendations.** No recommendations for medicinal marijuana shall be issued on-site.
- F. **Delivery.** Delivery of medical marijuana to patients or primary care givers as defined in Health and Safety Code Section 11362.5 et seq. is permitted.
- G. **Source requirement.** Only medical marijuana cultivated in California may be sold in a Dispensary.
- H. **On-site cultivation.** A maximum area of 15% of the total floor area may be used for on-site cultivation of medical marijuana.

I. **Staffing and Security.**

1. **Security Plan.** The dispensary operator shall submit a security plan for review and approval by the Director of Planning with review and comment by the Police Department. The plan shall include but not be limited to provisions for qualified security staffing, alarms, video monitoring, securing cash, controlled customer access, and other similar elements the Director of Planning deems necessary to ensure the security of the site.
2. **Alarm System.** A centrally monitored alarm system shall be installed and maintained in good working order.
3. **Staffing.**
 - a. An on-site supervisor must be present at all times that the Dispensary is in operation.
 - b. **Emergency Contact.** The dispensary operator shall provide the Chief of Police and neighbors within 500 feet of the Dispensary with the name, phone number, and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the Dispensary. The Dispensary shall make a good faith effort to encourage members of the public to call this person to try to solve operating problems, if any, before calls or complaints are made to the City.
 - c. Employees of the establishment shall be at least 21 years of age and patients a minimum of 18 years of age.

J. **Litter.** Outdoor trash receptacles shall be available near the entrances to and exits from the establishment. The premises shall be continuously maintained in a safe, clean, and orderly condition with twice daily litter pick-up within 500 feet of the dispensary.

K. **Required Patron Notification.** Dispensary staff shall notify patrons of the following verbally and through posting of a sign in a conspicuous location readily visible to persons entering the premises:

1. Use of medical marijuana shall be limited to the patient identified on the doctor's recommendation. Secondary sale, barter, or distribution of medical marijuana is a crime and can lead to arrest.
2. Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Dispensary staff shall monitor the site and vicinity to ensure compliance.
3. Forgery of medical documents is a felony crime.
4. Entry into the premises by persons under the age of eighteen is prohibited unless they are a qualified patient and accompanied by a parent or legal guardian.

L. **Prohibited Activities.** There shall be no on-site sales or consumption of alcohol or tobacco.

M. **Inspections.** Dispensary owner shall authorize reasonable City inspection of the property by Santa Monica Code Enforcement and Police staff or other agents or employees of the City to ensure compliance with the conditions of approval imposed by the City in approving this project and will bear the reasonable cost of these inspections as established by Santa Monica Municipal Code Section

2.72.010 and Resolution No. 9905 (CCS) or any successor legislation thereto. These inspections shall be no more intrusive than necessary to ensure compliance with conditions of approval.

- N. **Enforcement Cooperation.** Dispensary management shall use best efforts to assist the police in investigating and prosecuting any violations of this Chapter consistent with constitutional provisions.

9.31.190 Mobile Food Truck Off-Street Venues

- A. **Purpose.** The purpose of this Section is to ensure that off-street food truck venues are compatible with surrounding and adjacent uses and do not create an adverse impact on adjacent properties by reason of noise, parking and litter. The following special conditions shall apply to off-street food truck venues:
- B. **Applicability.** All new off-street food truck venues shall comply with the development standards for the district in which it is located and with this Section.
- C. **Minimum Parcel Size.** 15,000 square feet.
- D. **Maximum Number of Food Trucks.** 1 food truck per 2,000 square feet of parcel area.
- E. **Days and Hours of Operation.** No food truck venues shall operate more than three (3) days per week or before 8:00am or after 11:00pm, including set-up and clean-up. The days and hours of operation of individual food truck venues within these limitations shall be determined on a case-by-case basis, subject to Zoning Administrator approval or Planning Commission approval on appeal.
- F. **Restrooms.** A minimum of one accessible public restroom for men and one for women shall be provided on-site during all hours the food truck venue is in operation.
- G. **Seating area.** A maximum 200 square foot seating area may be provided. Any seating areas must be removed prior to closure of the food truck venue for the day.
- H. **Parking.** A minimum of 2 off-street parking spaces per food truck is required. A minimum of 10 bicycle parking spaces shall also be provided. Barricades shall be placed to prevent vehicles from entering the food truck vending and seating area. The off-street parking layout, bicycle parking and placement of the barricades are subject to the approval of the Planning and Community Development Department.
- I. **Refuse and Recycling.** Refuse and recycling containers shall be provided on-site during all hours of food truck operations. The refuse and recycling plan shall be reviewed and approved by the City's Resource Recovery and Recycling Division. All litter generated by the food truck operation shall be picked up within a minimum of a 300-foot radius of the site prior to closure of the food truck venue.
- J. **Food Truck Venue Operations.** The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted. The operation shall at all times comply with the provisions of the City's Noise Ordinance.
- K. **County Licensing.** Each food truck shall be properly licensed by the Los Angeles County Department of Public Health.

- L. **Maximum Term.** The term of the permit authorized by this Section for food truck venues shall not exceed three (3) years.
- M. **Structures.** No structures requiring a Building Permit may be constructed for food truck venues authorized by this permit.

9.31.200 Outdoor Dining and Seating

Outdoor Dining and Seating shall be designed, located, and operated consistent with the following standards:

- A. **Purpose.** The purpose of this Section is to permit Outdoor Dining and Seating that enhance the pedestrian ambiance of the City and ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives, and policies of the General Plan.
- B. **Applicability.** The provisions of this Section shall apply to all new Outdoor Dining and Seating areas and to all existing Outdoor Dining and Seating areas that are expanded or enlarged by more than 10% in outdoor dining area.
- C. **Procedure.** The establishment of an Outdoor Dining and Seating area requires Zoning Conformance Review, pursuant to the procedures of Chapter 9.38, Zoning Conformance Review, to ensure consistency with all of the standards of this Section unless such review has been conducted in conjunction with discretionary review of the associated commercial use.
- D. **Accessory Use.** Outdoor Dining and Seating shall be conducted as an accessory use to a legally established Eating and Drinking Establishment that is located on the same parcel, a contiguous adjacent parcel, or on public right-of-way immediately adjacent to the tenant space.
- E. **License Agreement.** A license agreement for Outdoor Dining and Seating on the public right-of-way shall be approved in a form required by the City.
- F. **Barriers.** If barriers are provided, they shall be in the manner required by the City.
- G. **Enclosure.** Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the Outdoor Dining and Seating area. Awnings shall be adequately secured, retractable, and shall comply with the Building Code adopted by the City and any applicable design guidelines.
- H. **Fixtures.** The furnishings of the interior of the Outdoor Dining and Seating shall consist only of movable tables, chairs and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
- I. **Compliance with Design Guidelines.** Outdoor Dining and Seating shall comply with all applicable adopted design standards and guidelines, including but not limited to:
 - 1. The Outdoor Dining Guidelines for the Third Street Mall Specific Plan area;
 - 2. The Outdoor Dining Standards for Santa Monica Boulevard and Broadway; and
 - 3. The Outdoor Dining Standards for Ocean Avenue.
- J. **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the sidewalk café on the public sidewalk or right-of-way. Outdoor Dining and Seating shall remain clear of litter at all times.

- K. **Hours of Operation.** The hours of operation of the Outdoor Dining and Seating shall be limited to the hours of operation of the associated restaurant, other eating and drinking establishment, or commercial use.
- L. **Parking.** Where Outdoor Dining and Seating occupy less than 200 square feet of area, additional parking spaces for the associated Eating and Drinking Establishment shall not be required. Parking shall be provided according to the required ratio in Chapter 9.28, Parking, Loading, and Circulation, for any area exceeding 200 square feet dedicated to outdoor dining.

9.31.210 Outdoor Newsstands

Outdoor newsstands shall be designed, located, and operated consistent with the following standards:

- A. **Purpose.** The purpose of this Section is to ensure that outdoor newsstands shall not adversely impact surrounding uses and shall be developed in a manner that enhances and protects the integrity of the Districts in which they are located.
- B. **Maximum Size.** No outdoor newsstand shall exceed 2 feet in depth, 50 feet in length, 8 feet in height, or 149 square feet in total floor area.
- C. **Minimum Distance from Other Outdoor Newsstands.** No outdoor newsstand shall be located closer than 500 feet to the nearest other outdoor newsstand.
- D. **Maintenance and Design.** Outdoor newsstands shall be maintained at all times in a clean, neat and attractive condition and in good repair, shall be constructed of a permanent material to the satisfaction of the Building and Safety Division, and shall be of a design approved by the Architectural Review Board.
- E. **Advertising.** No outdoor newsstand shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of newspapers or periodicals, as approved by the Architectural Review Board and as governed by Chapter 9.61, Signs, of this Ordinance.
- F. **Placement.** No outdoor newsstand shall be placed within 3 feet of any display window of any building abutting the street or in such manner as to impede or interfere with the reasonable use of such window for display purposes, unless such a window is on the indoor portion of a newsstand facility.
- G. **Use.** No outdoor newsstand shall be utilized for the sale, nor for the display for sale, of any article or item other than newspapers, magazines, periodicals and other similar newsprint publications.

9.31.220 Outdoor Retail Display and Sales

Outdoor retail sales shall be located, developed, and operated in compliance with the standards of this Section.

- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 9.31.370, Temporary Uses and Seasonal Sales, and Chapter 9.44, Temporary Use Permits. An encroachment permit is required for any temporary outdoor display and sales within the public right of way; reasonable conditions of approval of such permits may be

imposed to ensure unobstructed pedestrian movement in a minimum clear zone and to maintain clean sidewalks.

B. **Ongoing Outdoor Display and Sales.** The ongoing outdoor display of merchandise shall comply with the following standards.

1. ***Permitted Locations and Uses.***

- a. Outdoor display of merchandise is permitted on private property in association with the following uses on the same site, in any district where the use is permitted. Screening and landscaping may be required according to the standards of the District in which the use is located or other Sections of this Ordinance.
 - i. Display of vehicles associated with Automobile/Vehicle Sales and Leasing, subject to the standards of Section 9.31.070, Automobile/Vehicle Sales and Leasing and Storage.
 - ii. Display of plant stock and nursery products associated with Plant Nurseries and Garden Centers.
 - iii. Display of building materials associated with Building Materials Sales and Services.
 - iv. Display of bicycles associated with establishments devoted solely to Bicycle Sales and Service.
- b. Outdoor display and sale of merchandise is permitted on private property in the NC, MUBL, MUB, and GC Districts associated with a permitted Retail Sales use. Such display must be located entirely within the covered or uncovered vestibule, arcade or colonnade area of a retail establishment.
- c. In the Oceanfront District, outdoor display of merchandise is permitted on private property adjacent to either Oceanfront Walk or the streets between The Promenade and Appian Way. Outdoor display shall be accessory and incidental to permitted retail sales establishments. Displayed merchandise may consist of any goods that are sold or rented in the associated retail establishments.

2. ***Standards.***

- a. ***Design and Location.***
 - i. Outdoor display areas shall be located entirely on private property outside any required setback, fire lane, or fire access way. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - ii. The merchandise in the outdoor display and sales area including but not limited to the display racks, tables, and stands, shall not exceed a height of six feet.

- iii. In the NC, MUB, MUBL, and GC Districts, three outdoor displays of merchandise, only one of which can be a garment rack, entirely within the covered or uncovered vestibule, arcade, or colonnade area of a retail establishment is allowed. Such display may not exceed 60 inches in height, 60 inches in width, and 36 inches in depth.
 - iv. The design of all improvements, sales racks, and furniture shall be of a quality to sustain weather and wear, and shall be of commercial-grade materials.
- b. *Operation.*
- i. Hours of outdoor display and sales shall be limited to the hours of operation of the associated commercial establishment.
 - ii. All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the associated business. All sale transactions shall be conducted indoors.
 - iii. Outdoor display and sales areas are exempt from the parking requirements of Chapter 9.38, Parking, Loading, and Circulation but are prohibited in parking lots/areas.
 - iv. All display and sale merchandise, furniture and fixtures and other portable appurtenances shall be removed from outdoors at the end of each business day. No outside storage shall be permitted.
- c. *Maintenance.*
- i. The business or property owner shall maintain the outdoor display and sales area and the adjoining street, curb, gutter and sidewalk in a neat, clean and orderly condition at all times, regardless of the source of the refuse and litter.
 - ii. Activities involving the outdoor display and sales area shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic. Displays must not block California Building Code required areas for tenant space/building ingress/egress.
 - iii. If necessary, the business or property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration and in accordance with prevailing storm water and water quality regulations.
 - iv. Furniture, fixtures, and appurtenances shall be kept clean and in good condition.

9.31.230 Personal Service

The following Personal Services shall be located, developed, and operated in compliance with the following standards:

- A. **Hours of Operation.** Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified.
- B. **Massage Establishments.** Massage establishments, including massage establishments conducted as Accessory Uses, are subject to the requirements listed above, Municipal Code Chapter 6.104, Massage Regulations, and the following standards.
1. **Permits Required.** A Minor Use Permit pursuant to Chapter 9.41, Minor Use Permits & Conditional Use Permits, and a Massage Service Permit pursuant to Section 6.104 of the Municipal Code are required.
 2. **Location.** No such business shall be established or located within 500 feet from any other Massage Establishment.
 3. **Facility Requirements.** Every massage establishment shall maintain facilities meeting the following requirements:
 - a. Minimum lighting shall be provided in accordance with the National Electrical Code, and, in addition, at least one artificial light of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
 - b. Minimum ventilation shall be provided in accordance with the Uniform Building Code.
 - c. Hot and cold running water shall be provided at all times.
 - d. Closed cabinets shall be provided for storage of clean linens.
 - e. Adequate dressing, locker, and toilet facilities shall be provided for patrons.
 - f. A minimum of one wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.
 4. **Accessory Uses.** A massage establishment which functions as an accessory use shall also comply with all requirements for the primary use.
- C. **Tattoo or Body Modification Parlor.**
1. **Purpose and Intent.** It is the purpose and intent of this Section to regulate the operation of facilities that perform tattooing and body modification to provide for the health, safety and welfare of the public and ensure compliance with California Health and Safety Code Section 119300 et seq.
 2. **Registration Required.** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Los Angeles County Department of Health and City code.
 3. **No Persons Under 18.** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by their parent or legal guardian.

9.31.240 Personal Storage

The purpose of this Section is to ensure that Personal Storage establishments do not generate adverse impacts on adjacent properties by reason of parking demand, traffic generation, fire, or safety hazard, visual blight, or use indirectly supportive of illegal or criminal activity. Personal Storage uses shall be located, developed, and operated in compliance with the following standards.

- A. **Applicability.** The provisions of this Section shall apply to all new Personal Storage uses and to all existing facilities at such time as the storage area of the existing business is expanded.
- B. **Business Activity.** The use of Personal Storage facilities by customers shall be limited to inactive storage only. No retail, repair, or other business activity shall be conducted out of the individual rental storage units. No activities other than rental of storage units and pick-up and deposit of storage shall be allowed on the premises. Examples of activities prohibited in said facilities include, but are not limited to the following:
 - 1. Auctions, commercial wholesale or retail sales, or miscellaneous garage sales. An exception is made for auctions required by law to comply with lien sale requirements. During the course of said lien sales, customer vehicles shall not be allowed to obstruct travelways within the Personal Storage facility.
 - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - 4. The establishment of a transfer and storage business.
- C. **Enclosure.** Outdoor storage is prohibited. No boats, trailers, and/or other vehicles shall be parked or otherwise stored outside the storage units except in areas approved for such storage.
- D. **Hazardous Materials.** No caustic, hazardous, toxic or flammable or explosive matter, material, liquid, or object, nor any matter, material, liquid or object that creates obnoxious or offensive dust, odor or fumes shall be stored in a Personal Storage unit.
- E. **Utilities.** Water, gas or telephone service to any rental space is prohibited.
- F. **Habitation.** Human habitation of any rental space is prohibited.
- G. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted in a conspicuous location within the front of each rental unit.

9.31.250 Private Tennis Courts

A private tennis court may be developed in Residential Designations subject to the following requirements:

- A. **Fences and Walls.** A private tennis court shall conform to all property development standards of the residential district in which it is located except that fences and walls surrounding a court may

extend up to a maximum height of 12 feet if the required front and side yard setbacks are complied with. There shall be an opaque screen on all sides located adjacent to public rights-of-way and residentially zoned parcels.

- B. **Minimum Parcel Lot Size.** The minimum parcel lot size on which a private tennis court may be located shall be 10,000 square feet.
- C. **Number of Courts.** There shall be no more than one tennis court for each residential parcel.
- D. **Use of Courts.** A private tennis court shall not be used for commercial purposes and shall be used only by the occupants of property and their invited guests.
- E. **Landscaping.** Adequate landscaping to reduce the impact of the private tennis court or a high fence shall be installed and maintained pursuant to the standards of Chapter 9.26, Landscaping.
- F. **Lighting.** Lights shall not be used after 9:00 p.m. Monday through Friday, and not after 10:00 p.m. Saturday and Sunday. Lighting shall not exceed 0.5 foot candles at the property line and be in conformance with Section 9.21.080, Lighting.

9.31.260 Recycling Facilities

New recycling facilities or existing recycling facilities expanding more than 50% shall be located, developed, and operated in compliance with the following standards:

A. Recycling Collection Facilities.

1. **Size.** Recycling collection facilities shall not exceed a footprint of 350 square feet or occupy more than 3 parking spaces (not including space periodically needed for the removal or exchange of materials or containers).
2. **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.
3. **Location.** Facilities shall not be located within 50 feet of a Residential District.
4. **Setback.** Facilities shall be set back at least 10 feet from any street parcel line and not obstruct pedestrian or vehicular circulation.
5. **Containers.** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Containers shall be of a capacity sufficient to accommodate materials collected in the collection schedule.
6. **Identification.** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
7. **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.
8. **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

9. **Reverse Vending Machines.**
 - a. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
 - b. **Location.** Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.
 - c. **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - d. **Lighting.** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
 - e. **Trash Receptacle.** Machines shall provide a 40 gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.
- B. **Recycling Processing Facility.**
 1. **Location.** New facilities shall not abut a Residential District.
 2. **Screening.** The facility must be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
 3. **Outdoor Storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
 4. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

9.31.270 Residential Care Facilities

- A. **Applicability.** The standards of this Section apply to the following types of Residential Facilities for more than 6 persons, including General Residential Care, General Hospice, and Senior Residential Care facilities for more than 6 persons. Residential Facilities for 6 or fewer residents shall be treated as a residential use and subject only to the same requirements as any permitted residential use of the same housing type in the District in which they are located.
- B. **Location.** Minimum distance from any other Residential Facility shall be 300 feet as specified by State Health and Safety Code Section 1267.9 (b).
- C. **Usable Open Space.** At least 20 square feet of usable open space shall be provided for each person who resides in the facility.

9.31.280 Restaurants, Limited-Service and Take-Out Only

The purpose of this Section is to ensure that Limited-Service and Take-Out Restaurants do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such

demands in one area. Limited-Service and Take-Out Restaurants shall be located, developed, and operated consistent with the following standards.

- A. **Applicability.** The provisions of this Section shall apply to all new Limited-Service and Take-Out Only Restaurants, to any existing such restaurant that is expanded by more than 10 percent of the gross floor area or increase of more than 25 percent of the number of seats.
- B. **Hours of Operation.** When located on a site adjacent to or separated by an alley from any residential district, a Limited-Service or Take-Out Only Restaurant shall not open to the public prior to 6:00 a.m. nor shall it remain open after 10:00 p.m. unless an MUP is obtained. Restaurants in any Downtown District whose entire operation, including parking, is conducted within an enclosed building may be operated 24 hours per day, seven days per week unless the restaurant is located on a site adjacent to a residential district, in which case the restaurant shall not open to the public prior to 6:00 a.m. nor shall it remain open after 10:00 p.m. unless an MUP is obtained.
- C. **Litter.** Employees shall collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers within a radius of 300 hundred feet of the property at least once per business day. On-site trash and recycling containers shall be maintained and kept from overflowing.
- D. **Trash Receptacles.** In addition to the meeting the standards of Section 9.21.130, Resource Recovery and Recycling Standards, one on-site outdoor trash and one recycling receptacle shall be provided for each entrance to the establishment.
- E. **Equipment.** No noise-generating compressors or other such equipment shall be placed on or near the property line adjoining any Residential District or any property used for residential uses.

9.31.290 Restaurants with Entertainment

- A. Restaurants may provide entertainment including but not limited to music, DJs, song, dance, stand-up comedy, and poetry readings for the patrons' enjoyment if they meet the following standards.
 - 1. There is sit down meal service provided at all times while the entertainment is taking place.
 - 2. There is no permanent or temporary dance floor or dance area for patrons.
 - 3. There is no cover charge or minimum drink purchase requirement.
 - 4. The entertainment is provided only in the dining areas.
 - 5. No more than three television screens including video projectors or similar audio/visual devices shall be utilized on the premises. None of these televisions or projection surfaces shall exceed 60 inches measured diagonally. No billiard/pool tables, video games, bowling, darts, and other similar entertainment activities may be provided.
 - 6. Liquor bottle service shall be prohibited. Wine and beer bottle service shall not be available to patrons unless full meal service is provided concurrent with the bottle service. All food items shall be available from the full service menu. Bottle service shall mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer.

7. No organized queuing of patrons at the entry or checking of identification to control entry into and within the establishment shall be permitted. There shall not be any age limitation imposed restricting access to any portion of the restaurant.
 8. The establishment shall not organize or participate in organized “pub-crawl” events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant.
 9. Establishments with amplified music shall comply with Section 4.12.140.
- B. A restaurant with entertainment beyond the scope of these limitations shall also be considered a Bar/Nightclub/Lounge as defined in Chapter 9.51, and such entertainment use shall be prohibited unless a separate Conditional Use Permit for that use has been obtained.

9.31.300 Second Dwelling Units

Second Dwelling Units shall be developed, located, and operated in accord with the following standards.

- A. **Purpose.** The purpose of this Section is to:
1. Allow Second Dwelling Units as an accessory use to Single Unit Dwellings, consistent with California Government Code Section 65852.2;
 2. Allow for an increase in the supply of affordable housing in the City; and
 3. Maintain the single unit character of neighborhoods in the City.
- B. **Permit Requirements.**
1. **Zoning Conformance Review.** A Second Dwelling Unit that conforms to all standards of this Section not to exceed 650 square feet of floor area is permitted by right. A Zoning Conformance Review shall be conducted to verify compliance with all applicable standards.
- C. **Location.** A Second Dwelling Unit may be established on any legal parcel that contains 4,000 square feet or more in any District where a primary Single Unit Dwelling has been previously established or is proposed to be established in conjunction with construction of the Second Dwelling Unit. Only one Second Dwelling Unit is permitted per parcel.
- D. **Type of Unit and Relation to Main Dwelling.** The Second Dwelling Unit shall provide separate, independent living quarters for one household. The Second Dwelling Unit may be attached, detached, or located within the living area of the primary Single Unit Dwelling on the parcel, subject to the standards of this Section.
- E. **Conversion of Existing Structures.**
1. **Garage Conversions.** Conversion of all or a portion of a garage to a Second Dwelling Unit is not permitted, unless alternate parking for the primary dwelling is provided that meets the requirements of Chapter 9.28, Parking, Loading, and Circulation, and the District within which the parcel is located.
 2. **Conversion of Existing Floor Area of the Main Dwelling.** The creation of a second unit through conversion of part of the existing floor area of the main dwelling shall be allowed, provided it does not result in the floor area of the main dwelling being less than 150 percent

of the floor area of the second unit, or in violation of the standards of the California Building Code.

3. ***Conversion of an Existing House to a Second Dwelling Unit.*** In cases in which an existing Single Unit Dwelling has an area 650 square feet or less, the Review Authority may approve the construction of one additional residence that is intended to be the primary residence (a Single Unit Dwelling) on the property. The existing residence, which is intended to become the lawful Second Dwelling Unit, must comply with all the requirements of this Section. The primary residence shall be constructed in accordance with the provisions of the applicable District standards and other requirements of this Ordinance.
- F. **Development Standards.** A Second Dwelling Unit shall conform to the height, setbacks, parcel coverage and other zoning requirements of the District in which it is located, other requirements of this Ordinance, and other applicable City codes.
1. ***Attached Second Units.*** A Second Dwelling Unit that is attached to the primary dwelling shall comply with all the property development standards for the primary dwelling.
 2. ***Detached Second Units.*** A detached Second Dwelling Unit shall not exceed one story or a maximum of 14 feet in height unless it is located within a new or existing 2 story accessory structure that complies with all requirements applicable to accessory structures in Section 9.21.020, Accessory Buildings and Structures.
- G. **Design Standards.** The exterior design of the Second Dwelling Unit, including building forms, materials, colors, exterior finishes, and landscaping, shall be compatible with the primary single unit dwelling.
1. The second unit shall be clearly subordinate to the main dwelling unit on the parcel in terms of size, location and appearance.
 2. The entrance to the second unit shall not be on the front or street side setback unless it is a shared entrance with the primary unit.
- H. **Parking.** One on-site parking space, which may be unenclosed, shall be provided for the Second Dwelling Unit. This space shall comply with all development standards set forth in Chapter 9.28, Parking, Loading, and Circulation, and the requirements for the District. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit. Required parking for the primary Single Unit Dwelling may not be removed for the creation of a Second Dwelling Unit or allocated to meet the parking requirement for the Second Dwelling Unit unless replacement parking is provided in accord with this Ordinance.
- I. **Owner Occupancy, Rental, and Sale Limitations.** Either the primary Single Unit Dwelling or the Second Dwelling Unit shall be owner-occupied. Either unit may be rented but both may not be rented at the same time. A Second Dwelling Unit shall not be offered for sale separately from the primary dwelling unit.

9.31.310 Senior Group Residential

The purpose of this Section is to ensure that Senior Group Residential developments do not adversely impact adjacent parcels or the surrounding neighborhood and are developed in a manner that protects the health,

safety, and general welfare of nearby residents, while providing for the housing needs of an important segment of the community. Senior Group Residential uses shall be located, developed, and operated in compliance with the following standards.

- A. **Maximum Number of Private Living Quarters.** If the building contains a common kitchen, dining and living space, adequate to serve all residents, the total number of private living quarters may exceed the maximum density that is otherwise is permitted by standards applicable to residential development in the Zoning District where the project is located.
- B. **Kitchen Facilities.** Private living quarters may have one-wall efficiency kitchen facilities, excluding an oven and dishwasher.
- C. **Laundry Facilities.** The development shall provide laundry facilities or services adequate to meet the needs of all residents.
- D. **Common Facilities.** In addition to the required central cooking facility, dining room, and living space, the development may provide facilities such as the following for the exclusive use of the senior citizen residents:
 - 1. Beauty salon and barber shop;
 - 2. Small pharmacy;
 - 3. Recreation room; and
 - 4. Library.
- E. **Security.** Parking garages, surface parking, and private and common areas located outside the building shall be designed to protect the security of residents, guests and employees by controlling access to the facilities by other persons. Adequate external lighting shall be provided for security purposes and shall meet the requirements of Section 9.21.080.
- F. **Minimum Age.** Residential occupancy shall be limited as provided in Health and Safety Code Section 1569.2(k).
- G. **Minimum Private Living Quarters Size.** Private living quarters constructed after the effective date of this Ordinance shall include at least 410 square feet of floor area.
- H. **Outdoor Living Area.** Any project containing 4 or more private living quarters shall provide the following minimum open space: 100 square feet per living quarter for projects with 4 or 5 private living quarters, and 50 square feet per living quarter for projects of 6 private living quarters or more. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.

9.31.320 Service Stations

The purpose of this Section is to ensure that Service Stations do not result in adverse impacts on adjacent land uses, especially residential uses. While Service Stations are needed by residents, visitors and employees in the City, the traffic, glare and patterns of use associated with Service Stations, particularly those open 24 hours per day, may be incompatible with nearby uses, specifically with residential uses. Convenience Markets in Service Stations may cause greater impacts because they are more likely to serve people passing through the

City from other communities than nearby residents and they tend to attract a higher incidence of crime. The regulations of this Section are intended to protect the health, safety and general welfare of the City and its residents consistent with the goals, objectives and policies of the General Plan. Service Stations shall be located, developed, and operated in compliance with the following standards.

- A. **Applicability.** Except as specifically identified, the provisions of this Section apply to all new Service Stations and to all existing Service Stations at such time as existing stations come before the City for an expansion of 10 percent or greater in floor area, the reconfiguration of existing pumps, addition of new pumps, or new canopy structures.
- B. **Minimum Parcel Size.** The minimum parcel size for development of a Service Station is 15,000 square feet.
- C. **Minimum Street Frontage.** Each parcel shall have a minimum street frontage of 100 feet on each abutting street.
- D. **Setbacks.** No building or structure shall be located within 30 feet of any public right-of-way or within 20 feet of any interior parcel line.
- E. **Gasoline Pumps.** Gasoline pumps shall be located at least 15 feet from any property line and a minimum of 20 feet from any public right-of-way.
- F. **Canopies.** Canopies shall be located at least 5 feet from any property line.
- G. **Screening.** Service Stations shall be separated from an adjacent property by a decorative masonry wall of not less than 6 feet in height. Materials, textures, colors and design of all walls shall be compatible with the design of the Service Station design and adjacent properties. Required screening walls shall comply with Section 9.21.180, Hazardous Visual Obstructions.
- H. **Paving.** The site shall be entirely paved, except for buildings and landscaping.
- I. **Landscaping.** The Service Station site shall be landscaped consistent with Chapter 9.26, Landscaping, and the following standards:
 - 1. A minimum of 15 percent of the site shall be landscaped. A planting strip at least 3 feet wide shall be provided along all interior parcel lines, non-driveway street frontages, and adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berms shall be provided and maintained in the planters at a height of not less than 3 feet above the average adjacent grade.
 - 2. A landscaped planter at least 150 square feet in area shall be provided at the intersection of 2 property lines at a street corner.
 - 3. All existing street trees shall be preserved or replaced where missing, as required by the City, and driveways and vehicle approaches shall be designed so as not to necessitate the removal of any existing street trees.
- J. **Driveways.** For new Service Stations, no more than one driveway with a maximum width of 35 feet shall be permitted on any one street frontage and shall be located as follows: driveways shall not be located closer than 50 feet from a street intersection, 15 feet from a residential property line or alley,

nor as to otherwise interfere with the movement and safety of vehicular and pedestrian traffic, subject to the approval of the Director.

- K. **Lubrication Bays and Wash Racks.** All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within 50 feet of a residentially zoned property.
- L. **Parking.** Parking shall be provided according to the standards of Chapter 9.28, Parking, Loading, and Circulation, and the following:
1. Customer and employee parking shall not be utilized for automobile repair, finishing work or storage of vehicles.
 2. Vehicles in the process of being serviced may be parked on the premises for a maximum period of 2 weeks, but additional parking spaces shall be provided for this purpose.
 3. No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways or alleys.
 4. No vehicle may be parked on the premises for the purpose of offering it for sale.
- M. **Air and Water.** Each Service Station shall provide air and water to customers without charge and at a convenient location during hours when gasoline is dispensed.
- N. **Restrooms.** Each Service Station shall provide a men's and women's public restroom accessible to the general public including persons with disabilities during all hours the Service Station is open to the public. Restrooms shall be attached to a structure on site with entrances or signage clearly visible from the gasoline service area or cashier station and concealed from view of adjacent properties by planters of decorative screening and shall be maintained on a regular basis.
- O. **Vending Machines.** Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in Service Stations, such as refreshments and maps.
- P. **Convenience Markets.** Convenience Markets may be permitted on the site of a Service Station subject to the following development standards:
1. The Convenience Market shall be designed with materials compatible with the Service Station and surrounding properties.
 2. Arcade or game machines or other coin-operated electronic machines are prohibited.
 3. Unless otherwise provided by the decision-making body, if the Service Station is within one hundred feet of a residential district, Convenience Market operation shall be prohibited between the hours of 10 p.m and 6 a.m.
- Q. **Location of Activities.** All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:
1. The dispensing of petroleum products, water, and air from pump islands;
 2. Replacement service activities such as wiper blades, fuses, radiator caps, and lamps;
 3. Minor repair work taking less than one hour to perform;

4. The sale of items from vending machines placed next to the principal building in a designated area not to exceed 32 square feet and screened from public view;
 5. The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each island shall not exceed 12 square feet and that the products shall be enclosed in a specially designed case; and
 6. Motor vehicle products displayed along the front of the building and within 36 inches of the building, limited to five feet in height and not more than 10 feet in length.
- R. **Refuse Storage and Disposal.** Trash areas shall be provided and screened as required by Section 9.21.130, Resource Recovery and Recycling Standards, and according to the following:
1. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
 2. Refuse bins shall be provided and placed in a location convenient for customers.
 3. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles may be stored outside the main building.
- S. **Equipment Rental.** Rental of equipment such as trailers and trucks as an accessory use shall be permitted subject to the following restrictions:
1. The rental equipment does not occupy or interfere with the required parking for the automobile Service Station;
 2. The rental of the equipment is clearly incidental and secondary to the main activity on the site; and
 3. The merchandise is screened from view on at least 3 sides by a solid opaque impact-resistant wall not less than 3 feet and not more than 8 feet in height and on the fourth side by a solid opaque impact-resistant gate not less than 5 feet or more than 8 feet in height.
- T. **Security Plan.** A security plan shall be developed by the applicant and approved by the City Chief of Police prior to issuance of a building permit.

9.31.330 Single Room Occupancy Structures

Single Room Occupancy (SRO) structures shall be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO unit shall be designed to accommodate a maximum of 2 persons.
- B. **Minimum Size.** An SRO unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 375 square feet.
- C. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.

- D. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- F. **Closet.** Each SRO unit shall have a separate closet.
- G. **Common Area.** 4 square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- H. **Tenancy.** Tenancy of SRO units shall be for 30 or more days.
- I. **Facility management.** An SRO structure with 10 or more units shall provide full-time on-site management. An SRO structure with fewer than 10 units shall provide a management office on-site.

9.31.340 Small-Scale Facility (Commercial Entertainment and Recreation), Game Arcades

The noise and loitering commonly associated with game arcades tend to decrease compatibility with adjacent and surrounding uses. In order to mitigate the impacts of this use on other land uses, specific location limitations, development standards, and provisions shall be imposed on arcades and video machines. The following performance standards shall apply to game arcades.

- A. **Applicability.** Arcades shall be permitted only in the OF District with approval of a Minor Use Permit and only in the following two locations: on the Santa Monica Pier and fronting on the Promenade. A Minor Use Permit shall also be required for existing arcades at such a time as those arcades apply for City permits for expansion or remodeling or any other development requiring a permit from the City or within one year of the date of adoption of this Ordinance.
- B. **Number of Machines.** Four or fewer arcade or game machines shall be permitted in any commercial business. More than four arcade or game machines for any commercial business constitutes an arcade which shall be subject to the standards and provisions in this Section.
- C. **Noise Attenuation Requirements.**
 - 1. Any arcade building or tenant space shall be constructed to achieve a minimum sound transmission class (STC) sound rating of 50 between the arcade and any adjacent use that shares a common wall or floor-ceiling assembly.
 - 2. All arcades shall comply with the City's noise ordinance, Chapter 4.12.
- D. **Maximum Number of Machines.** The number of arcade or game machines shall not exceed one machine per each thirty square feet of floor area.
- E. **Adult Supervision/Surveillance.** All arcade and game machines and all areas of the business shall be readily observed at all times by an adult supervisor of the arcade either by direct observation from a raised dais or through a video camera monitoring system approved by the Santa Monica Police

Department with cameras positioned so that the supervisor can observe all areas of the arcade simultaneously on a multi-screen monitor. If a video camera monitoring system is utilized, it shall be installed so that the monitoring supervisor is visible from the main arcade area and a sign shall be displayed at all entries to the arcade informing patrons that a video monitoring system is in use. In addition to the required supervision from a raised dais or video camera monitoring system, an adult supervisor shall be present in the main arcade area at all times that the arcade is open. If the number of arcade and game machines exceeds forty, there shall be two such adult supervisors present in the main arcade area.

- F. **Lighting.** The arcade shall be fully and adequately lighted for easy observation of all areas of the premises.
- G. **Bicycle Racks.** A bicycle storage rack or racks accommodating a minimum of four bicycles shall be maintained adjacent to the arcade building and off the public sidewalk to adequately accommodate bicycles utilized by arcade patrons.
- H. **Restrooms.** Each arcade shall provide at least one public restroom accessible to the disabled.
- I. **Hours of Operation.** The hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m., every day of the week, except that game arcades on the Pier existing as of December 14, 1999 may operate Monday through Sunday from 8:00 a.m. to 2:00 a.m.
- J. **Smoking and Drinking.** No alcoholic beverages or cigarettes shall be sold or consumed on the premises and there shall be no smoking within the arcade. Appropriate notification shall be displayed within the premises.
- K. **Litter.** The premises shall be continuously maintained in a safe, clean and orderly condition.

9.31.350 Social Service Centers

The purpose of this Section is to ensure that the development of Social Service Centers does not adversely impact adjacent parcels or the surrounding neighborhoods in which they are located, and that they will be developed in a manner that protects the health, safety, and general welfare of nearby residents and businesses, while providing for the needs of all segments of the community. Social Service Centers shall be located, developed, and operated consistent with the following development standards:

- A. **Waiting Areas.** Each center shall include indoor waiting and intake areas for clients.
- B. **Hours of Operation.** Centers may be operated between the hours of 8:00 a.m. and 8:00 p.m.
- C. **Security.**
 - 1. **Security Plan.** The center operator shall submit a security plan for approval to the Director. The plan shall include provisions for security staffing, alarms, and other elements the Director deems necessary to ensure the security of the site.
 - 2. **Alarm System.** A centrally monitored alarm system shall be installed and maintained in good working order.
 - 3. **Staffing.** On-site supervision must be provided at all times that the center is in operation.

4. **Emergency Contact.** The center operator shall provide the Chief of Police with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the center. The center shall make a good faith effort to encourage members of the public to call this person to try to solve operating problems, if any, before calls or complaints are made to the City.
- D. **Litter.** Outdoor trash receptacles shall be available near the entrances to and exits from the establishment. The premises shall be continuously maintained in a safe, clean and orderly condition.
- E. **Prohibited Activities.** Patrons must immediately leave the site if not awaiting for or receiving services, and no consumption of alcoholic beverages is allowed on the premises. The Operator shall post a sign detailing these requirements.

9.31.360 Swap Meets

- A. **Purpose and Applicability.** The purpose of this Section is to permit outdoor swap meets, antique markets, and similar multi-vendor open-air ventures while ensuring that they do not result in an adverse impact on adjacent land uses, especially surrounding residential uses. These requirements are not applicable to outdoor sales conducted in conjunction with an existing retail business (See Section 9.31.220, Outdoor Retail Display and Sales).
- B. **Location.** Outdoor markets may be permitted in Public/Semi-Public Districts subject to approval of a Minor Use Permit and compliance with the requirements of this Section.
- C. **Duration of Use.** Outdoor markets may only operate once per month for no more than 2 consecutive days.
- D. **Food Sales.** Food sales may be provided as an ancillary service to the event subject to compliance with all City and County regulations. There shall be no alcohol sales.
- E. **Hours of Operation.** The hours of operation shall not exceed 8:00 a.m. to 7:00 p.m. each day of the event. Setup shall begin no earlier than 5:00 a.m. and all clean-up shall be concluded no later than 7:00 p.m. However, the actual hours of operation and set-up/clean-up times for the event may be modified to ensure that the use is compatible with the surrounding neighborhood.
- F. **Music/Noise.** No amplified music or public address system shall be audible beyond the property boundaries. Any use of amplified speakers shall be directed away from nearby residential uses.
- G. **Parking.** A parking and circulation plan shall be approved by the Transportation Management Division to ensure the surrounding neighborhood is not adversely impacted by vehicular traffic related to the event.
- H. **Sanitary Facilities.** A minimum of 4 portable sanitary facilities shall be located on-site and remain open for public use throughout the duration of the event.
- I. **Security.** Private security shall be provided during all hours that the event is open to the public. The number or security personnel required shall be determined based on the anticipated number or participants and customers and the physical layout of the site.
- J. **Signage.** Signage for the purpose of advertising the event shall be reviewed by the Architectural Review Board pursuant to Chapter 9.55.

- K. **Solid Waste and Litter.** Dumpsters, trash cans, and recycling bins shall be provided for the proper disposal of litter. There shall be personnel assigned to clean-up litter throughout the duration of the event.
- L. **Temporary Structures.** Temporary structures shall not be permitted with the exception of portable canopies for the purpose of shading individual vendors and dealers.

9.31.370 Temporary Uses and Seasonal Sales

- A. This Section establishes standards and requirements for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur. Temporary uses shall require approval of a Temporary Use Permit pursuant to Chapter 9.44 with the following exceptions:
 - 1. Seasonal sales of holiday-related items such as Christmas trees, pumpkins and similar items that have a duration of not more than 45 consecutive calendar days and are conducted in conjunction with an established retail commercial business holding a valid City business license or conducted by a school or place of worship;
 - 2. Temporary carnivals, fairs, and festivals with a duration of not more than 3 days when conducted by a school or place of worship on land owned by the school or place of worship;
 - 3. Art displays under the sponsorship of any recognized art organization or accredited school on any parking lot in any commercial or industrial district provided that the art display is on a Saturday, Sunday, or holiday when the place or places of business, which have control of the parking lot are not open of business on the day the art display is to occur.
 - 4. Trailers that provide residences for security personnel associated with any approved construction site.
 - 5. Construction offices where approved construction projects are being diligently completed.
 - 6. Yard sales limited to two per calendar year, for each dwelling unit, for a maximum of two days each.
 - 7. Events which occur in theaters, meeting halls, or other permanent public assembly facilities.
 - 8. Private social gatherings in private residences.
- B. **Temporary Uses Requiring a Temporary Use Permit.** Temporary uses may be permitted with the approval of a Temporary Use Permit, pursuant to Chapter 9.44, Temporary Use Permits, subject to compliance with the standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
 - 1. **Stand-Alone Seasonal Sales.** Seasonal sales of holiday related items such as Christmas trees, pumpkins, and similar items conducted for a period not to exceed 45 consecutive calendar days.
 - 2. **Temporary Outdoor Sales.** Temporary outdoor sales conducted by an established retail commercial business holding a valid City business license—including, but not limited to,

grand opening events, sidewalk sales, and other special sales events subject to the following standards:

- a. Temporary outdoor sales shall be conducted by an established retail commercial business holding a valid City business license for the same site.
 - b. Outdoor display and sales areas must be located on a paved or concrete area on the same parcel as the structure(s) containing the business with which the temporary sale is associated.
 - c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - d. *Number of Events.* No more than 4 events shall be allowed on any one site within any 12-month period, except sidewalk sales located on the public right of way shall be limited to 2 events for periods not exceeding 3 consecutive days each within any 12-month period. In addition, Business Improvement Districts and Areas shall be allowed 2 sidewalk sales located on the public right of way for periods not exceeding 3 consecutive days each within any 12-month period.
3. ***Special Events.*** Other short term special events, outdoor sales, art sales, and displays that do not exceed 3 consecutive days, may be permitted in accordance with the following standards:
- a. *Location.* Events are limited to non-residential districts.
 - b. *Number of Events.* No more than 4 events shall be allowed on any one site within any 12-month period.
 - c. *Recreational Special Events.* Short-term recreational special events shall be part of an existing Commercial Recreation or Personal Service use located on the same site.
 - d. *Carnivals, Fairs, and Festival Events.* Carnivals, fairs, and festival events are also subject to the following standards:
 - i. *Location.* Events are limited to areas within commercial or employment districts, or on land owned by a school or place of worship.
 - ii. *Time Limit.* When located adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
4. ***Other Temporary Uses.*** The following temporary uses may also be permitted subject to the approval of a Temporary Use Permit when conducted for a period not to exceed 45 consecutive calendar days:
- a. Circuses and carnivals subject to compliance with Article 6 of the Municipal Code;
 - b. Fairs, festivals, and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities;

- c. Off-site contractors' construction yards;
 - d. Similar temporary uses, which the Director has determined will be compatible with the purposes of the district and surrounding land uses.
- C. **Temporary Uses Requiring a Minor Use Permit.** Other special events, temporary uses, outdoor sales, and displays that exceed 45 consecutive calendar days shall require the approval of a Minor Use Permit pursuant to Chapter 9.41 Minor Use Permits & Conditional Use Permits.

Chapter 9.32 Telecommunications Facilities

Note: These provisions will be revised to be consistent with a pending decision by the Federal Communication Commission on rules and regulations for distributed antenna systems, small cell installations, and wireless communications facilities.

Sections:

- 9.32.010 Nonparabolic Antenna Definitions
- 9.32.020 Nonparabolic Antennas—Applicability
- 9.32.030 Nonparabolic Noncommercial Antennas—Purpose
- 9.32.040 Nonparabolic Noncommercial Antennas—Regulations and Design Standards
- 9.32.050 Nonparabolic Commercial Antennas—Purpose
- 9.32.060 Nonparabolic Commercial Antennas—Regulations and Design Standards
- 9.32.070 Parabolic Antennas—Purpose
- 9.32.080 Parabolic Antennas—Applicability
- 9.32.090 Parabolic Antenna Definitions
- 9.32.100 TVRO Parabolic Antennas Located in Residential Districts
- 9.32.110 Modification of Regulations and Design Standards in Residential Districts
- 9.32.120 Parabolic Antennas Located in Non-Residential Districts
- 9.32.130 Modification of Regulations and Design Standards in Non-Residential Districts
- 9.32.140 Satellite Uplink Antennas

9.32.010 Nonparabolic Antenna Definitions

The following words or phrases shall have the following meanings when used in this Chapter:

- A. **Antenna Array.** A group of antenna elements on the same geometric plane.
- B. **Antenna, Commercial.** An antenna in any Zoning District used in conjunction with a business, commercial enterprise, trade, calling, vocation, profession, occupation or means of livelihood, whether or not carried on for gain or profit, including, but not limited to, public utilities, cellular telephone communications or privately owned or publicly supported AM or FM radio stations not otherwise exempt from the provisions of this Ordinance, cable television operations or television broadcast stations, but excluding Federal Communications Commission (FCC) licensed amateur radio stations and standard television receive only nonparabolic antennas.
- C. **Antenna Element.** Individual components of an individual antenna.
- D. **Antenna Height.** The distance from the grade of the property at the base of the antenna or, in the case of a roof mounted antenna, from the grade at the exterior base of the building, to the highest point of the antenna and its associated support structure when fully extended.
- E. **Antenna, Noncommercial.** An antenna in any Zoning District not used in conjunction with a business, commercial enterprise, trade, calling, vocation, profession, occupation, or means of livelihood, including, but not limited to, FCC licensed amateur radio stations and standard television receive only parabolic antennas.

- F. **Antenna, Nonparabolic.** An individual array or group of arrays used to transmit and/or receive electromagnetic signals, including, but not limited to, radio waves related to amateur radio stations licensed by the FCC and microwaves related to cellular telephone communications.
- G. **Antenna Structure.** An antenna array and its associated support structure, such as a mast or tower, but not to include a suspended simple wire antenna, that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.
- H. **Antenna Structure, Freestanding.** An antenna structure that is not attached to a building, fence or other such structure.
- I. **Antenna, TVRO Nonparabolic.** A television receive-only nonparabolic antenna. A standard roof mounted antenna array and its associated support structure, that is used solely to receive broadcast television signals.
- J. **Antenna, Vertical Whip.** A pole or single element vertical antenna no more than 3 inches in diameter, and its associated support structure.

9.32.020 Nonparabolic Antennas—Applicability

- A. A nonparabolic antenna that is in existence as of the effective date of the Ordinance, as amended, may continue in existence at the current height and location and need not comply with the design standards unless the following occurs:
 - 1. In the case of a roof mounted antenna, if the antenna is replaced with one that is larger in any of its dimensions, the antenna structure shall then comply with the applicable regulations and design standards.
 - 2. In the case of a noncommercial freestanding antenna structure, if an existing antenna is replaced with one that is larger in any of its dimensions, the antenna structure shall then comply with the regulations and design standards contained in Section 9.32.040.
- B. No additional or structural alterations may be made to a nonconforming antenna structure that would increase its nonconformity with the applicable regulations and design standards.

9.32.030 Nonparabolic Noncommercial Antennas—Purpose

- A. The City desires to allow nonparabolic noncommercial antennas in all areas of the City, subject only to limited and reasonable regulations which are permitted by Federal law in order to prevent such antennas from adversely affecting the public health, safety, welfare or aesthetic interests.
- B. The City Council finds that amateur radio operators provide an important public service by participating in local, regional and statewide emergency and disaster preparedness programs, in facilitating international disaster relief programs, and in fostering international goodwill and understanding. The City Council finds, however, that antennas and antenna structures related to FCC licensed amateur radio communications may be aesthetically unsightly and visually obtrusive.
- C. The City Council recognizes that because of the important public service provided by amateur radio operators, the FCC has partially preempted local regulation of amateur radio antennas. Federal regulations specify that local regulations concerning the placement, screening or height of antennas for amateur radio communications must reasonably accommodate amateur communications and

constitute the minimum practicable regulation necessary to accomplish the local agency's legitimate purpose.

- D. The City Council finds that the regulations and design standards set forth in this Part reasonably accommodates FCC licensed amateur radio communications and constitute the minimum practicable regulation necessary to protect the public health, safety and aesthetic interests.

9.32.040 Nonparabolic Noncommercial Antennas—Regulations and Design Standards

- A. A noncommercial nonparabolic antenna shall be installed, modified, and maintained in accordance with the following standards:
1. One roof mounted TVRO nonparabolic antenna per residential unit and up to 4 roof mounted nonparabolic antennas related to a FCC licensed amateur radio station shall be permitted for each parcel. One of the roof mounted TVRO nonparabolic antennas per parcel may extend up to 25 feet above the roofline, but all other additional TVRO nonparabolic antennas shall extend no more than 15 feet above the roofline. One roof mounted vertical whip antenna related to a FCC licensed amateur radio station may extend up to 25 feet above the roofline; however, all other roof mounted antennas related to a FCC licensed amateur radio station shall extend no more than 15 feet above the roofline.
 2. One freestanding antenna structure related to a FCC licensed amateur radio station measuring up to 66 feet in height or 15 feet above the height limit of the District in which it is located, whichever height is greater, shall be permitted per parcel. For purposes of this Section, antenna structures shall be measured to the highest horizontal antenna element. A freestanding antenna structure exceeding 50 feet in height shall be retractable to 35 feet. A single vertical element may extend 15 feet beyond these height limits.
 3. No portion of an antenna, including the array in any position, or of an antenna structure shall be located between the face of the main building and any public street or in any required front or side setback.
 4. The support structure shall be located a minimum of 10 feet from the rear property line. Neither an antenna nor an antenna structure shall extend beyond the property line of the parcel on which it is located.
 5. Roof mounted antennas or antenna structures shall be located at or to the rear of the centerline of a building.
 6. An antenna structure shall be finished in a color to blend in with its immediate surroundings, to reduce glare, and to minimize its visual intrusiveness and negative aesthetic impact.
 7. The display of any sign or any other graphics on an antenna or antenna structure is prohibited, except for public safety warnings, which warnings must be placed no higher than 8 feet above the base of the antenna structure.
 8. A building permit shall be obtained prior to the installation of an antenna structure, pursuant to the requirements of the Building Code.
- B. Unless a finding is made that a proposed antenna poses an actual threat to the public health or safety, the Director, or the Planning Commission on appeal, shall have the authority to grant a Use Permit

to modify the regulations and design standards of Subsection (A) paragraphs (1), (2), (3), (4), or (5) of this Section, if topographical conditions, nearby tall structures or other factors unreasonably obstruct or otherwise unreasonably interfere with effective transmission or reception of the type desired and the cause of such obstruction or interference was not created by the applicant. An application for a Use Permit may be reviewed upon payment of a nominal fee, the amount of which may be established from time to time by the City Council by ordinance or resolution. As a condition of approval of a Use Permit to modify the design standard of Subsection (A) paragraph (2) of this Section, an antenna structure shall be required to be retractable to 35 feet. In cases where topographical conditions surrounding the antenna structure or the presence of nearby tall structures physically impede retracting an antenna to 35 feet, the Director, or the Planning Commission on appeal, may allow an antenna structure to be retracted to a height greater than 35 feet.

9.32.050 Nonparabolic Commercial Antennas—Purpose

- A. The City desires to allow nonparabolic commercial antennas, including those associated with cellular telephone communications, in appropriate areas of the City, subject only to limited and reasonable regulations which are permitted by State law in order to prevent such antennas from adversely affecting the public health, safety, welfare, or aesthetic interests.
- B. The City recognizes that the California Public Utilities Commission (CPUC) has delegated its authority to regulate the location and design of cellular telephone facilities to local governments, except in those instances when there is a clear conflict with the State interest in having a reliable and widespread cellular telephone service. Moreover, the CPUC has retained jurisdiction to preempt local authority to regulate cellular telephone service in those instances of clear conflict with the State interest.
- C. The City Council finds, however, that commercial antennas and antenna structures, including those antennas related to cellular telephone communications, may be aesthetically unsightly and be visually obtrusive. The City Council finds that the regulations and design standards set forth in this Part allow nonparabolic commercial antennas, including those associated with cellular telephone communications, in appropriate areas of the City, and that they are necessary to protect the public health, safety, welfare, and aesthetic interests. Further, the City Council finds that these regulations and design standards promote, and are not in conflict with, the State interest in having a reliable and widespread cellular telephone service.

9.32.060 Nonparabolic Commercial Antennas—Regulations and Design Standards

- A. Commercial antennas shall be installed, modified and maintained in accordance with the following standards:
 - 1. No commercial antenna shall be located in a Residential District.
 - 2. Commercial antennas may be located in all other Districts, except that the installation of freestanding antenna structures which allow the attachment of antennas shall be prohibited in the Neighborhood Commercial Districts along Montana Avenue and Main Street and in Oceanfront Districts.

3. One roof mounted TVRO nonparabolic antenna structure and one freestanding antenna structure for each 7,500 square feet of parcel area, and in the case of mixed use or residential development, one TVRO nonparabolic antenna per residential dwelling unit, shall be permitted per parcel. The number of antennas attached to a single support structure shall be determined by the structural integrity of the support structure.
 4. No freestanding antenna structure shall extend beyond 15 feet above the height limit of the District.
 5. A freestanding antenna structure shall not be located between the face of the main building and any public street or in any required front or side setback.
 6. One roof mounted TVRO nonparabolic antenna and one vertical whip antenna of up to 25 feet above the roofline shall be permitted per parcel. Additional TVRO nonparabolic antennas or other nonparabolic antennas shall not extend beyond 15 feet above the roofline. All roofmounted antennas shall be located or screened so as to minimize pedestrian level view from public streets or from any neighboring residential uses.
 7. The display of any sign or any other graphics on an antenna, antenna structure or screening is prohibited, except for public safety warnings, which warnings must be placed no higher than 8 feet above the base of the antenna structure or screening.
 8. An antenna structure shall be finished in a color to blend in with its immediate surroundings, to reduce glare, and to minimize its visual intrusiveness and negative aesthetic impact.
 9. A building permit shall be obtained prior to the installation of an antenna structure, pursuant to the requirements of the Building Code.
- B. Unless a finding is made that a proposed antenna poses an actual threat to the public health or safety, the Director, or the Planning Commission on appeal, may approve a Minor Use Permit to modify the regulations and design standards of Subsection (A)(1) through (6) of this Section, if topographical conditions, nearby tall structures or other factors unreasonably obstruct or otherwise unreasonably interfere with effective transmission or reception of the type desired and the cause of such obstruction or interference was not created by the applicant.

9.32.070 Parabolic Antennas—Purpose

- A. The City desires to allow television receive only (TVRO) parabolic antennas in all districts of the City and to allow other parabolic antennas in appropriate districts of the City, subject only to limited and reasonable regulations which are permitted by Federal and State law in order to prevent such antennas from adversely affecting the public health, safety, welfare or aesthetic interests.
- B. The City Council finds that, typically, parabolic antennas are larger in size, surface area and weight than nonparabolic antennas. Therefore, parabolic antennas pose a unique threat to the structural safety of buildings to which they are mounted or braced and to the public safety because of wind loadings and seismic activity. These threats necessitate careful attention to the location, height, and installation of parabolic antennas in order to avoid injury to persons and property from fallen or windblown antennas. Moreover, parabolic antennas, because of their larger size and surface area, are aesthetically unsightly and have a greater negative visual impact than nonparabolic antennas; parabolic antennas may be visually obtrusive and block views from neighboring properties.

- C. The City Council recognizes, however, that the FCC has partially preempted local regulation of TVRO parabolic antennas. Local regulations concerning the location, screening, size or height of TVRO parabolic antennas must have reasonable and clearly defined health, safety and aesthetic objectives, may not unreasonably limit or prevent satellite television signal reception, and may not impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the antenna.
- D. The City Council recognizes, further, that the California Public Utilities Commission (CPUC) has delegated to local governments its authority to regulate the location and design of cellular telephone facilities, including parabolic microwave antennas, except in those instances when a clear conflict exists with the State interest in having a reliable and widespread cellular telephone service. Moreover, the CPUC has retained jurisdiction to preempt local authority to regulate cellular telephone service in those instances of clear conflict with the State interest.
- E. The City Council finds that the regulations and design standards set forth in this Part are necessary to protect the public health, safety, welfare and aesthetic interests and that they neither unreasonably limit or prevent satellite television signal reception, nor conflict with the State interest in having a reliable and widespread cellular telephone service. The City Council finds, further, that these regulations and design standards do not impose costs on the users of television receiving only parabolic antennas that are excessive in light of the purchase and installation costs of such equipment.

9.32.080 Parabolic Antennas—Applicability

This Section shall apply to any parabolic antenna installed or modified on or after the effective date of the Ordinance codified in this Section, as amended, and to any parabolic antenna previously installed without undergoing review and approval by the Director or previously installed without a building permit. Any such parabolic antenna shall immediately be made conforming to the regulations and design standards. Any other parabolic antenna installed prior to the effective date of said Ordinance, as amended, which does not conform to the regulations and design standards stated herein shall be made conforming within 6 months after the effective date of said Ordinance.

9.32.090 Parabolic Antenna Definitions

The following words or phrases shall have the following meanings when used in this Chapter:

- A. **Antenna, Commercial.** An antenna in any zoning district used in conjunction with any business, commercial enterprise, trade, calling, vocation, profession, occupation, or means of livelihood, whether or not carried on for gain or profit, including but not limited to public utilities, cellular telephone communications or privately owned or publicly supported AM or FM radio stations, unless otherwise exempt from the provisions of this Ordinance, cable television operations or television broadcast stations, but excluding TVRO parabolic antennas.
- B. **Antenna, Ground Mounted Parabolic.** A parabolic antenna, the weight of which is fully or partially supported by an approved platform, framework, pole, or other structural system, which system is affixed or placed directly on or in the ground.

- C. **Antenna Height.** The vertical distance between the highest point of a parabolic antenna when actuated to its most vertical position and the grade below, for a ground mounted parabolic antenna, and to the roof below for a rooftop parabolic antenna.
- D. **Antenna, Microwave Relay Parabolic.** A transmitting and receiving antenna, typically parabolic, disc or double convex shaped with an active element external to the disc, that communicates by line of sight with another similar antenna or a geosynchronous orbiting satellite.
- E. **Antenna, Noncommercial.** A television receive only parabolic antenna in any District.
- F. **Antenna, Parabolic.** A parabolic, semi-parabolic, disc, convex or double-convex shaped accessory structure, including, but not limited to, a main dish and covering, feedhorn, receiving element, structural supports and all other components thereof, which transmits and/or receives television signals or electromagnetic waves by line of sight with another similar antenna or a geosynchronous or orbiting satellite.
- G. **Antenna, Rooftop Parabolic.** A parabolic antenna which extends above the roofline of a building and which is affixed through the use of an approved framework or other structural system to one or more structural members of a building or to the roof of a building.
- H. **Antenna, Satellite Uplink.** A commercial parabolic antenna which receives and transmits electromagnetic waves by line of sight with geosynchronous orbiting satellites.
- I. **Antenna, TVRO Parabolic.** Television receive only parabolic antenna.
- J. **Screening.** The effect of locating a parabolic antenna behind a building, wall, fence, landscaping, berm, and/or other specially designed device so that view of the antenna from adjoining and nearby public street rights-of-way and private properties is precluded or minimized.

9.32.100 TVRO Parabolic Antennas Located in Residential Districts

- A. **Regulations and Design Standards.** Only TVRO parabolic antennas shall be permitted in Residential Districts; no commercial parabolic antenna shall be permitted in any Residential District. TVRO parabolic antennas located in residential districts shall be installed, modified, and maintained in accordance with the following standards:
 - 1. One antenna shall be permitted per parcel, except that parcels in excess of 7,500 square feet shall be permitted an additional antenna for each additional 7,500 square feet of parcel area.
 - 2. The diameter of a TVRO antenna shall not exceed 12 feet.
 - 3. The antenna shall not be located in the front half of the parcel.
 - 4. The antenna height shall not exceed 15 feet for ground mounted antennas, nor, in the case of rooftop antennas, extend beyond 15 feet above the roofline.
 - 5. Ground mounted antennas shall comply with all setback requirements specified within the district for one story accessory buildings. The permitted height of such antennas shall not exceed that height as provided in (4) of this Section.

6. If located in the R1, OP1, OPD, or Oceanfront Districts the antenna shall be ground mounted; rooftop antennas may be permitted in other Residential Districts; however, antennas shall not be closer than 10 feet to the property line.
 7. The antenna shall be finished in a color to blend in with the immediate surroundings, to reduce glare, and to minimize its visual intrusiveness and negative aesthetic impact.
 8. The antenna shall be screened in a manner consistent with Section 9.32.090(J); however, any screening required by the City shall not unreasonably obstruct or otherwise unreasonably interfere with reception.
 9. The antenna shall be located so as to prevent obstruction of the antenna's reception window from potential permitted development on adjoining parcels.
 10. A building permit shall be obtained prior to installation of an antenna pursuant to the requirements of the Building Code.
 11. The display of any sign or any other graphics on an antenna is prohibited except for public safety warnings, which warnings must be placed no higher than eight feet above the base of the antenna.
- B. Notwithstanding Subsection (A) of this Section, one rooftop TVRO parabolic antenna of less than 24 inches in diameter and extending no more than 5 feet above the roofline may be permitted per parcel, or in the case of Residential Multi-Unit developments, one such antenna shall be permitted per residential dwelling unit. In the alternative, one such antenna per parcel, or in the case of multi-Residential Multi-Unit developments, one such antenna per residential dwelling unit, may be located in any rear setback provided the height above grade does not exceed 6 feet. Antennas permitted per this Subsection must comply with the regulations and design standards of Subsections (3), (7), (8), (9), (10) and (11) of Section (A) above; however, public safety warning signs must be placed no higher than 4 feet above the base of the antenna.

9.32.110 Modification of Regulations and Design Standards in Residential Districts

- A. Unless a finding is made that a proposed parabolic antenna poses an actual threat to the public health or safety, the Director, or the Planning Commission on appeal, shall have the authority as set forth in Subsection (B) of this Section to grant a Minor Use Permit to modify the regulations and design standards of Section 9.32.100.
- B. An application for a Minor Use Permit may be approved in whole or in part to modify the regulations and design standards of Subsection (A) paragraphs (1), (2), (3), (4), (5), (6) or (8) and of Subsection (B) of Section 9.32.100:
1. In cases where locating the antenna in conformance with the provisions of this Section would unreasonably obstruct or otherwise unreasonably interfere with reception and the cause of such obstruction or interference was not created by the applicant;
 2. In cases where compliance with the design standards would impose costs that are excessive in light of the purchase and installation costs of the antenna.

9.32.120 Parabolic Antennas Located in Non-Residential Districts

- A. **Regulations and Design Standards.** Any parabolic antenna located in any Non-Residential District shall be installed, modified, and maintained in accordance with the following standards:
1. Only one TVRO and 2 microwave antennas shall be permitted per parcel, except that parcels in excess of 7,500 hundred square feet shall be permitted an additional antenna of each type for each additional 7,500 square feet of parcel area.
 2. The diameter of a TVRO parabolic antenna shall not exceed 12 feet and the diameter of a microwave relay parabolic antenna shall not exceed 4 ½ feet.
 3. Ground mounted antennas shall comply with all setback requirements specified within the district for one story accessory buildings. The permitted height of such antennas shall not exceed that height specified in Subsection (A) paragraph (4) of this Section.
 4. The antenna height shall not exceed 15 feet for ground mounted antennas, nor, in the case of rooftop antennas, extend beyond 15 feet above the roofline.
 5. The antenna shall be screened in a manner consistent with Section 9.32.090(J); however, any screening required by the City shall not unreasonably obstruct or otherwise unreasonably interfere with reception.
 6. The antenna shall be finished in a color to blend in with the immediate surroundings, to reduce glare, and to minimize its visual intrusiveness and negative aesthetic impact.
 7. The antenna shall be located so as to prevent obstruction of the antenna's reception window from potential permitted development on adjoining parcels.
 8. A building permit shall be obtained prior to installation of an antenna pursuant to the requirements of the Building Code.
 9. The display of any sign or any other graphics on an antenna is prohibited except for public safety warnings, which warnings must be placed no higher than eight feet above the base of the antenna.
- B. Notwithstanding Subsection (A) of this Section, one rooftop TVRO parabolic antenna of less than 24 inches in diameter and extending no more than 5 feet above the roofline shall be permitted per parcel, or in the case of residential or mixed use developments, one such antenna shall be permitted per residential dwelling unit. In the alternative, one such antenna per parcel, or in the case of residential or mixed use developments, one such antenna per residential dwelling unit may be located in any rear setback, provided the height above grade does not exceed 6 feet. Antennas permitted per this Subsection must comply with the regulations and design standards of Subsection (A) paragraphs (3), (5), (6), (7), (8) and (9) of this Section; however, public safety warning signs must be placed no higher than 4 feet above the base of the antenna.

9.32.130 Modification of Regulations and Design Standards in Non-Residential Districts

- A. Unless a finding is made that a proposed antenna poses an actual threat to the public health or safety, the Director, or the Planning Commission on appeal, shall have the authority as set forth in

Subsection (b) of this Section to grant a Minor Use Permit to modify the regulations and design standards of Section 9.04.10.06.160.

- B. An application for a Minor Use Permit may be approved in whole or in part to modify the design standards of Subsection (A) paragraphs (1), (2), (3), (4), (5), or (7) and of Subsection (B) of Section 9.32.120:
1. In cases where locating the antenna in conformance with the provisions of this Section would unreasonably obstruct or otherwise unreasonably interfere with reception and the cause of such obstruction or interference was not created by the applicant;
 2. In cases where compliance with the design standards impose unreasonably excessive costs in relation to the purchase and installation costs of the antenna;
 3. In cases where the technical needs of cable television or telecommunications operators are demonstrated to require modification of the regulations and design standards.

9.32.140 Satellite Uplink Antennas

The installation of any satellite uplink antenna shall be subject to review and approval of a Minor Use Permit as set forth in Section 9.32.130.

Chapter 9.33 Historic Resource Disclosure

Sections:

- 9.33.010 Purpose
- 9.33.020 Disclosure of Historic Resources
- 9.33.030 Remedies

9.33.010 Purpose

- A. “Buyer” means a transferee in a real property transaction, and includes a person who executes an offer to purchase real property from a seller through an agent, or who seeks the services of an agent with the object of entering into a real property transaction. “Buyer” includes vendee or lessee.
- B. “Offer to purchase” means a written contract executed by a buyer acting through a selling agent which becomes the contract for the sale of the real property upon acceptance by the seller.
- C. “Owner” means any person, co-partnership, association, corporation, or fiduciary having legal or equitable title or any interest in real property.
- D. “Real property transaction” means a transaction for the sale of real property in which an agent is employed by one or more of the principals to act in that transaction, and includes a listing or an offer to purchase.
- E. “Sale” means a transaction for the transfer of real property from the seller to the buyer and includes exchanges of real property between the seller and buyer, transactions for the creation of a real property sales contract within the meaning of California Civil Code Section 2985, and transactions for the creation of a leasehold exceeding one year’s duration.
- F. “Selling agent” means a listing agent who acts alone, or an agent who acts in cooperation with a listing agent, and who sells or finds and obtains a buyer for the real property, or an agent who locates property for a buyer or who finds a buyer for a property for which no listing exists and presents an offer to purchase to the seller.

9.33.020 Disclosure of Historic Resources

If real property is a City-Designated Historic Resource or has been identified in the City’s Historic Resource Inventory or any update thereto, the owner or the selling agent of the real property shall, in any real property transaction, provide the buyer of the real property with notice informing the buyer of the property’s historic status. The owner or the selling agent shall provide the notice to the buyer within the time specified by contract for seller to provide buyer with any and all seller disclosures. The buyer shall execute a receipt therefor as furnished by the City and said receipt shall be delivered to the City Clerk as evidence of compliance with the provisions of this Chapter upon removal of all buyer contingencies, or within 7 days of title transfer.

9.33.030 Remedies

If any disclosure required to be made by this Chapter is delivered after the execution of an offer to purchase, the buyer shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate his or her offer by delivery of a written notice of termination to the owner or selling agent. Any person who violates the provisions of this Chapter shall be subject to the penalties and remedies specified in Chapter 1.08. In addition, a buyer who does not receive the notice required by Section 9.33.020 may bring a civil action for damages.

Chapter 9.34 Reserved

Chapter 9.35 Reserved
