

## Division 1: Introductory Provisions

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## **Chapter 9.01 Title, Purpose, and Authority**

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### **Sections:**

- 9.01.010 Title and Authority
- 9.01.020 Purpose
- 9.01.030 Structure of Zoning Ordinance
- 9.01.040 Applicability
- 9.01.050 Special Development Standards for the Protection and Preservation of Historic Resources
- 9.01.060 Fees

### **9.01.010 Title and Authority**

Divisions 1 through 5 of Article 9 of the Santa Monica Municipal Code shall be known and cited as the “City of Santa Monica Comprehensive Zoning Ordinance,” the “Zoning Ordinance,” or “this Ordinance.”

The City of Santa Monica Comprehensive Zoning Ordinance is adopted pursuant to its corporate powers as a Charter City, California Constitution, Article XI, Sections 5 and 7, and the authority contained in Section 65850 of the California Government Code. In addition, the provisions of this Ordinance relating to the regulation and control of subdivisions are adopted pursuant to the authority contained in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the “Subdivision Map Act,” as may be amended from time to time, and pursuant to the City’s authority to regulate subdivisions not regulated by the Subdivision Map Act as authorized by Government Code Section 66411.

### **9.01.020 Purpose**

The purpose of this Ordinance is to implement the Santa Monica General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare by regulating the location and use of buildings, structures, and land for residential, commercial, industrial, recreational, and other specified uses. More specifically, the Ordinance is adopted to achieve the following objectives:

- A. To provide a precise guide for the physical development of the City in a manner as to progressively achieve the arrangement of land uses integrated with circulation depicted in the Santa Monica General Plan, consistent with the goals and policies of the General Plan.
- B. To protect and enhance the quality of the natural and built environment.
- C. To protect the quality of residential life and activities.
- D. To ensure adequate park and public open space.
- E. To provide stable and desirable residential neighborhoods.
- F. To ensure easy access to coastal resources, well-maintained parks, and attractive streets.

- G. To promote viable commercial and industrial enterprises.
- H. To provide diverse employment opportunities.
- I. To protect and improve tourist and visitor serving facilities and services.
- J. To maintain and foster community identity citywide.
- K. To provide for citizen participation in the development decision-making process.
- L. To preserve and protect housing choices in the community.
- M. To protect and enhance the City's sustainability.
- N. To promote the protection and preservation of the City's historic resources.

### **9.01.030 Structure of Zoning Ordinance**

- A. **Organization of Regulations.** This Ordinance consists of 5 Divisions:
  - 1. Division 1: Introductory Provisions
  - 2. Division 2: Base and Overlay Districts
  - 3. Division 3: General Regulations
  - 4. Division 4: Administration and Permits
  - 5. Division 5: General Terms
- B. **Types of Regulations.** This Ordinance includes four types of regulations that control the use and development of property:
  - 1. **Land Use Regulations.** These regulations specify the land uses that are permitted, conditionally permitted, or specifically prohibited in each Zoning District, and include special requirements, if any, applicable to specific uses. Land use regulations for base Zoning Districts and for Overlay Districts are in Division 2 of this Ordinance. Certain regulations that are applicable to specific land uses in some or all districts are located in Division 3. Regulations governing nonconforming uses are also in Division 3.
  - 2. **Development Standards.** These regulations control the height, bulk, location, and appearance of structures and site improvements on development sites. Development standards for base Zoning Districts and Overlay Districts are in Division 2 of this Ordinance. Certain development standards applicable to some or all districts are in Division 3. These include general site development regulations, performance standards, standards applicable to specific land uses, and regulations for parking, signs, telecommunications facilities, and nonconforming structures.
  - 3. **Administrative Regulations.** These regulations contain detailed procedures for the administration of this Ordinance. They include procedures, processes, standards, and findings for discretionary entitlement applications and other permits. Administrative regulations are in Division 4 of this Ordinance.
  - 4. **General Terms and Use Classifications.** Division 5 provides a list of and definitions for use classifications and a list of terms and definitions used in the Ordinance.

## 9.01.040 Applicability

### A. General Rules for Applicability of Zoning Regulations.

1. ***Applicability to Property.*** This Ordinance shall apply, to the extent permitted by law, to all property within the corporate limits of the City and to property for which applications for annexation and/or subdivisions are submitted to the City, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City or other local, State, or federal agencies. Any governmental agency shall be exempt from the provisions of this Ordinance only to the extent that such property may not be lawfully regulated by the City.
2. ***Compliance with Regulations.*** Except as provided in this Zoning Ordinance, land or buildings may be used and structures may be erected or altered only in accordance with the following provisions:
  - a. No new building shall be erected and no existing building shall be moved, altered, or enlarged, nor shall any land, building or premises be used, designed, or attempted to be used or designed for any purpose or in any manner other than a use listed in this Chapter, as permitted in the district in which the land, building, or premises is located. The lawful use or uses of all buildings, improvements, and premises existing in any district at the time of the adoption of the ordinance codified in this Chapter may be continued except as provided by this Chapter.
  - b. No building shall be erected nor shall any existing building be moved, reconstructed, or structurally altered to exceed in height or floor area the limit established by this Chapter for the district in which such building is located.
  - c. No building shall be erected nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner except in conformity with the property development standards for each district in which such building is located.
  - d. No yard or open space provided adjacent to any building for the purpose of complying with the regulations of this Chapter shall be considered as providing a yard or open space for any other building or structure.
  - e. No parcel or building shall be separated in ownership, or reduced in size in any manner, so that:
    - i. 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;
    - ii. Any yard area is reduced below the minimum required for the district in which the project is located;
    - iii. The parcel fails to comply with any other requirement of this Chapter;
    - iv. 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.

- f. No lot or 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.
- g. A building or use may cross property lines only if:
  - i. The building site shall be subject to all requirements of this Chapter as though the total area comprised in the site were a single parcel;
  - ii. A covenant by the owner(s) of the parcels shall be filed with the Zoning Administrator 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 Zoning Administrator.
- h. A legally-created parcel of land existing prior to the effective date of this Ordinance having less area, frontage, or dimensions than required by this Ordinance in the zoning district in which the parcel is located, shall be considered a legal conforming parcel.

**B. Relation to Other Regulations.**

- 1. **General.** Where conflict occurs between the provisions of the Ordinance and any other regulations, City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified. See e.g. Section 9.56.270(F) (the State Historic Building Code applies to alterations to historic resources and properties on the Historic Resources Inventory).
- 2. **Permit Streamlining Act.** All actions taken by the decision-making body pursuant to this Ordinance shall be consistent with the provisions of Government Ordinance Section 65920 et seq. (the Permit Streamlining Act) to the extent applicable.
- 3. **Relation to Private Agreements.** Where this Ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, this Ordinance shall control.
- 4. **Relation to Prior Ordinance.** The provisions of this Ordinance supersede all prior Zoning Ordinances codified in Article 9 of the Santa Monica Municipal Code and all prior amendments. No provision of this Ordinance shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Ordinance, unless such validation is specifically authorized by this Ordinance.
- 5. **Application during Local Emergency.** The City Council may authorize a deviation from a provision of this Ordinance during a local emergency declared and ratified under the Santa Monica Municipal Code.

**C. Consistency with the General Plan.** The Zoning Ordinance and any amendment thereto shall be consistent in principle with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan.

**D. Effect on Previously Approved Projects and Projects in Progress.** The following projects shall have a vested right to proceed without complying with this Ordinance:

1. **Previously Approved Development.** The erection, construction, enlargement, demolition, moving, conversion of, and excavation and grading for any building or structure for which a valid permit or building permit was issued prior to the effective date of this Ordinance and which does not subsequently expire. A permit that does not contain an express limit on the time for exercising the permit shall be deemed valid only if a building permit is obtained within one year of the effective date of this Ordinance;
2. **Development Agreement.** Development in accordance with the terms and conditions of a development agreement approved by the City Council pursuant to Chapter 9.60 of the Municipal Code prior to the effective date of this Ordinance; and
3. **Vesting Tentative Maps.** Any residential project for which a vesting tentative map application was determined complete prior to the effective date of this Ordinance.
4. **Applications for Projects in Progress.** Any application for a Planning entitlement, except a Development Agreement application, determined complete on or before April 15, 2015.

**9.01.050 Special Development Standards for the Protection and Preservation of Historic Resources**

In order to preserve and protect historic resources and/or properties on the Historic Resources Inventory in the City through the City’s land use decision-making process, this Ordinance authorizes flexible zoning standards and modifications to development standards for these resources. This Ordinance also establishes heightened review standards before a building or structure over forty (40) years of age can be demolished and imposes a more stringent definition of “demolition” for buildings or structures on the City’s Historic Resources Inventory. These provisions are located in the relevant sections of this Ordinance and are listed below simply as a locational aid.

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|-----|------------------------|--|
| 1.  | Section 9.07.020       | Bed and Breakfast within Designated Landmarks in R1 Only             |
| 2.  | Section 9.08.020       | Bed and Breakfast within Designated Landmarks in R2, R3, and R4 Only |
| 3.  | Section 9.09.020       | Bed and Breakfast within Designated Landmarks in OP Only             |
| 4.  | Section 9.15.020       | Bed and Breakfast within Designated Landmarks in OF Only             |
| 5.  | Section 9.25.030       | Demolition Defined   |
| 6.  | Section 9.25.040       | Requirements for Approval of Demolition Permit                       |
| 7.  | Section 9.27.030(C)    | Replacing Nonconforming Features or Portions of Buildings            |
| 8.  | Section 9.27.030(F)(1) | Demolition and Rebuilding  |
| 9.  | Section 9.27.040(A)    | Damaged Structure Restoration Application                            |
| 10. | Section 9.28.180(B)    | Reduction of Required Parking  |
| 11. | Chapter 9.33           | Historic Resource Disclosure   |
| 12. | Section 9.42.040       | Required Findings for Variances                                      |
| 13. | Chapter 9.43           | Modification and Waivers   |
| 14. | Section 9.48.050       | Unauthorized Demolition of Historic Resources                        |
| 15. | Section 9.52.020       | Definition of Attic  |
| 16. | Section 9.52.020       | Definition of City-Designated Contributing Building or Structure     |
| 17. | Section 9.52.020       | Definition of City-Designated Historic Resource                      |
| 18. | Section 9.52.020       | Definition of City-Designated Landmark                               |
| 19. | Section 9.52.020       | Definition of City-Designated Structure of Merit                     |

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|-----|------------------|--|
| 20. | Section 9.52.020 | Definition of Historic Resource              |
| 21. | Section 9.52.020 | Definition of Historic Resources Inventory   |
| 22. | Section 9.52.020 | Definition of State Historical Building Code |

**9.01.060 Fees**

The City Council shall by resolution establish and from time to time amend a schedule of fees for permits, appeals, amendments, and approvals required or permitted by this Ordinance. Applications processed concurrently shall be subject to separate fees for each application filed unless specifically exempted by the City Council.

## Chapter 9.02 Establishment of Zoning Districts

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**Sections:**

- 9.02.010 Establishment of Districts
- 9.02.020 Official Districting Map
- 9.02.030 Zoning District Boundary Determinations

### 9.02.010 Establishment of Districts

The City is divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district and implement the General Plan.

- A. **Base Zoning Districts.** Base Zoning Districts into which the City is divided are established as shown in Table 9.02.010.A, Base Districts.

<b>TABLE 9.02.010.A: BASE ZONING DISTRICTS</b>	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
<b>Single-Unit Residential District</b>	
R1	Single-Unit Residential
<b>Residential Multi-Unit Districts</b>	
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RMH	Residential Mobile Home Park
<b>Ocean Park Neighborhood Districts</b>	
OP1	Ocean Park Single-Unit Residential
OPD	Ocean Park Duplex
OP2	Ocean Park Low Density Residential
OP3	Ocean Park Medium Density Residential
OP4	Ocean Park High Density Residential
<b>Mixed-Use and Commercial Districts</b>	
MUBL	Mixed-Use Boulevard Low
MUB	Mixed-Use Boulevard
GC	General Commercial

<b>TABLE 9.02.010.A: BASE ZONING DISTRICTS</b>	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
NC	Neighborhood Commercial
<b>Employment Districts</b>	
HMU	Healthcare Mixed-Use
IC	Industrial Conservation
OC	Office Campus
<b>Beach and Oceanfront Districts</b>	
OF	Oceanfront
<b>Public and Semi-Public Districts</b>	
CC	Civic Center
PL	Institutional/Public Lands
OS	Parks and Open Space
<b>Bergamot Area Plan Districts</b>	
BTV	Bergamot Transit Village
MUC	Mixed Use Creative
CAC	Conservation-Art Center
CCS	Conservation Creative Sector
PPO	Pedestrian Priority Overlay
RPO	Retail Priority Overlay
Downtown Specific Plan Districts (to be determined as part of Specific Plan process)	
Memorial Park Neighborhood Area Plan Districts (to be determined as part of Area Plan process)	

**B. References to Classes of Base Districts.** Throughout the Ordinance, the following references apply:

1. “R District” or “Residential District” shall include the following Districts: R1 Single-Unit Residential; R2 Low Density Residential; R3 Medium Density Residential; R4 High Density Residential; OP1 Ocean Park Single-Unit Residential; OPD Ocean Park Duplex; OP2 Ocean Park Low Density Residential; OP3 Ocean Park Medium Density Residential; OP4 Ocean Park High Density Residential; or OF Oceanfront.
  - a. “Residential Low-Density District” shall include following Districts: R1 Single-Unit Residential; R2 Low Density Residential; OP1 Ocean Park Single-Unit Residential; OPD Ocean Park Duplex; OP2 Ocean Park Low Density Residential.

- b. “Residential Medium and High-Density Districts” shall include the following Districts: R3 Medium Density Residential; R4 High Density Residential; OP3 Ocean Park Medium Density Residential; OP4 Ocean Park High Density Residential; RMH Residential Mobile Home Park; or OF Oceanfront.
  - 2. “Non-Residential District” shall include any base Zoning District except the Residential Districts specified in Subsection (B1) above.
- C. **Overlay Zoning Districts.** Overlay Zoning Districts, one or more of which may be combined with a base district, are established as shown in Table 9.02.010.B, Overlay Zoning Districts. The regulations of an Overlay District govern in addition to or instead of the standards set forth in the underlying base district as specified in the applicable Sections of this Ordinance.

<b>TABLE 9.02.010.B: OVERLAY ZONING DISTRICTS</b>	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
AC	Activity Center
NC	Neighborhood Conservation
A	Off-Street Parking
B	Beach

**9.02.020 Official Districting Map**

The boundaries of the Zoning Districts established by this Ordinance are not included in this Ordinance but are shown on the Official Districting Map of the City, maintained by the City Clerk. The Official Districting Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the City Council and are hereby incorporated into this Ordinance by reference, together with any amendments hereafter adopted, as though they were fully included here.

**9.02.030 Zoning District Boundary Determinations**

- A. **Uncertainty of Boundaries.** The following rules shall be employed to determine the boundaries of a district as shown on the Official Districting Map of the City:
  - 1. Where a district boundary is indicated as approximately following a street or alley line or parcel line, the centerline of the street or alley or the parcel line shall be the boundary.
  - 2. A district boundary that is indicated as approximately following parcel lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.
  - 3. When property is unsubdivided or where a district boundary divides a parcel, the location of the boundary, unless it is indicated by dimension, shall be determined by the use of the scale appearing on the Official Districting Map of the City.

4. Where any public street or alley is officially vacated or abandoned, the Zoning District regulations applicable to abutting properties shall apply to the former centerline of the vacated or abandoned street or alley.
  5. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned, the district regulations applicable to abutting properties shall apply to the former centerline of the vacated or abandoned right-of-way easement.
  6. The air rights above or the ground rights below any freeway, parkway, highway, street, alley, or easement shall be in the same district as is applicable to the property abutting the freeway, parkway, highway, street, alley, or easement. In cases where a freeway, parkway, highway, street, alley, or easement forms the boundary between districts, the centerline of the right-of-way shall be the boundary.
- B. **Interpretations.** In case of any remaining uncertainty, the Director shall determine the location of the district boundary. The Director's decision may be appealed to the Planning Commission in accordance with the procedures in Section 9.37.130, Appeals. Notwithstanding the forgoing, if the district boundary uncertainty arises in the context of a discretionary permit application, then the location of the boundary shall be determined by the decision-making body for that discretionary permit application.

## Chapter 9.03 Rules for Construction of Language

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### Sections:

- 9.03.010 Purpose
- 9.03.020 Rules for Construction of Language
- 9.03.030 Rules of Interpretation

### 9.03.010 Purpose

The purpose of this Chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter apply throughout the Ordinance, except where the context indicates a different meaning.

### 9.03.020 Rules for Construction of Language

In interpreting the various provisions of this Ordinance, the following rules of construction shall apply:

- A. The particular controls the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 1. “And” indicates that all connected words or provisions shall apply.
  - 2. “And/or” indicates that the connected words or provisions may apply singularly or in any combination.
  - 3. “Or” indicates that the connected words or provisions may apply singularly or in any combination.
  - 4. “Either . . . or” indicates that the connected words or provisions shall apply singularly but not in combination.
- C. In case of conflict between the text and a diagram or graphic, the text controls. Diagrams, graphics, and maps are for illustrative purposes only.
- D. All references to Departments, Committees, Commissions, Boards, or other Public Agencies are to those of the City, unless otherwise indicated.
- E. All references to public officials are to those of the City, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.
- G. Past, present, and future tenses are interchangeable.
- H. The singular number and the plural are interchangeable.

- I. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

**9.03.030 Rules of Interpretation**

Subject to Section 9.37.140 the Director shall make the interpretation for any definition not expressly identified in this Ordinance.

## Chapter 9.04 Rules for Measurement

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### Sections:

9.04.010	Purpose
9.04.020	General Provisions
9.04.030	Fractions
9.04.040	Measuring Distances
9.04.050	Measuring Height
9.04.060	Determining the Number of Stories in a Building
9.04.070	Measuring Parcel Width and Depth
9.04.080	Determining Floor Area
9.04.090	Determining Floor Area Ratio
9.04.100	Determining Residential Parcel Coverage
9.04.110	Determining Parcel Frontage
9.04.120	Determining Residential Density
9.04.130	Determining Setbacks
9.04.140	Measuring Off-Street Parking Landscaping

### 9.04.010 Purpose

The purpose of this Chapter is to explain how various measurements to which this Ordinance refers shall be calculated.

### 9.04.020 General Provisions

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and provide sufficient detail, including relevant dimensions, to allow easy verification upon inspection by the Director.

### 9.04.030 Fractions

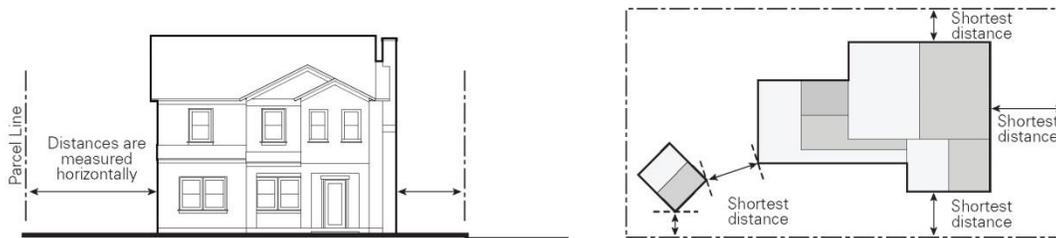
Whenever this Ordinance requires consideration of parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number, and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- B. **Parking Spaces.** Provisions on how to calculate the quantity of parking spaces is detailed in Chapter 9.28.040, Parking, Loading, and Circulation.

### 9.04.040 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a parcel line, the measurement is made at the closest or shortest distance between the two objects. Notwithstanding the above, measurements for non-rectilinear parcels shall be made in accordance with Section 9.04.070(A)(2).
- B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements of distance to a structure are measured to the closest exterior wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. **Measurement of Vehicle Queuing or Travel Areas.** The minimum travel distance for vehicles, such as garage entrance setbacks, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the parcel line of the subject project.

**FIGURE 9.04.040: MEASURE DISTANCES**



### 9.04.050 Measuring Height

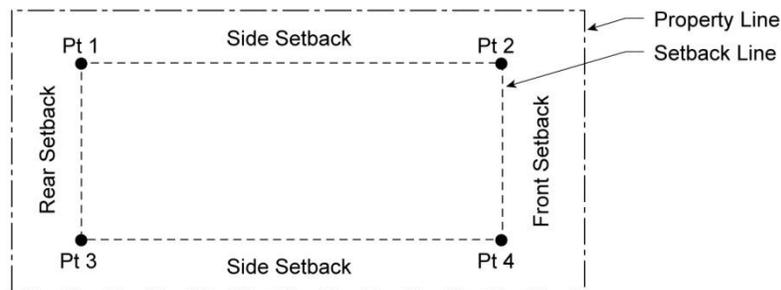
Height shall be the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section.

- A. **Measuring Building Height.** Building height is the vertical distance at any point in a given plane measured from the Average Natural Grade (ANG), Segmented Average Natural Grade (SANG), or Theoretical Grade (TG). Any of these methodologies can be utilized, except on sloped parcels as described in Section 9.04.050(B), only SANG and TG are authorized.
  - 1. **ANG.** Average Natural Grade is the average elevation of the ground level of the parcel surface as measured at the intersection of the minimum rear and front setback lines (or

parcel lines if no setbacks are required) with the minimum side setback lines (or parcel lines if no setbacks are required) of the parcel.

**FIGURE 9.04.050.A.1: AVERAGE NATURAL GRADE HEIGHT MEASUREMENTS**

Plan View



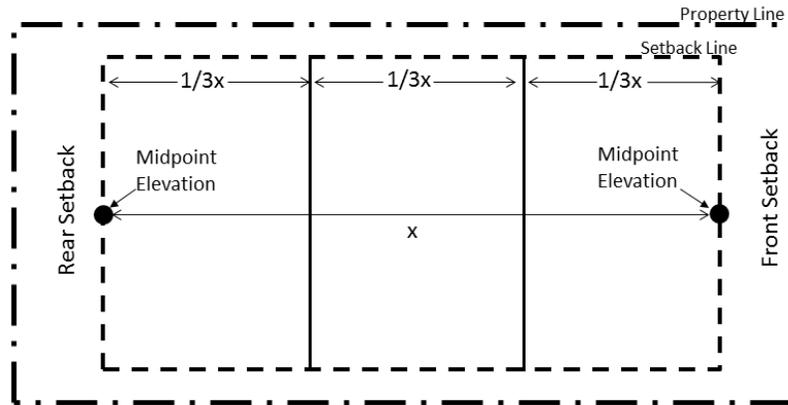
ANG = The average of the elevations of points 1-4

2. **SANG.** Segmented Average Natural Grade is measured from the elevation levels of three equal segments between the front setback line and rear setback line. The three equal segments shall be created by drawing imaginary lines connecting opposite side setback lines (or parcel lines if no setbacks are required) at 1/3 increments of the depth of the parcel from the front setback line to the rear setback line (or parcel lines if no setbacks are required). The elevation for the front 1/3 segment shall be equal to the elevation of the midpoint of the front setback line (or parcel line if no setback is required). The elevation for the rear 1/3 segment shall be equal to the elevation of the midpoint of the rear setback line (or parcel line if no setback is required). The elevation of the middle 1/3 segment shall equal the halfway elevation between the front and rear 1/3 segments.

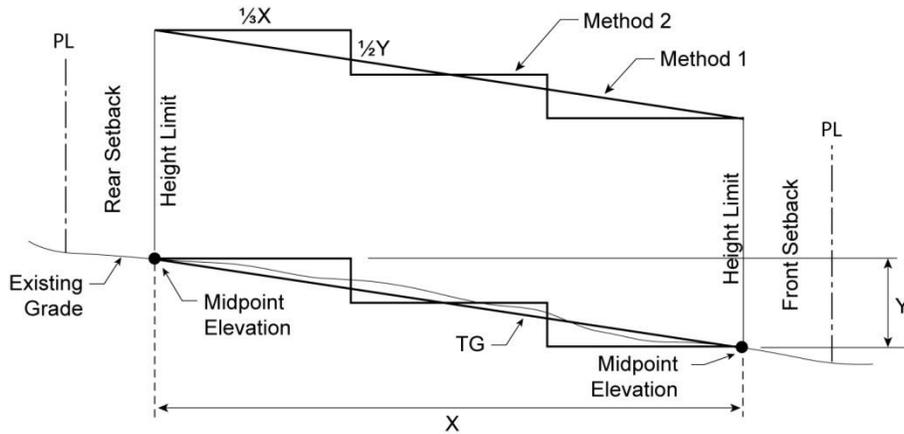
For parcels larger than 30,000 square feet, Segmented Average Natural Grade can be measured with a maximum of four equal segments utilizing the methodology described in this Section 9.04.050(A)(2).

**FIGURE 9.04.050.A.2: SEGMENTED AVERAGE NATURAL GRADE HEIGHT MEASUREMENTS**

Plan View

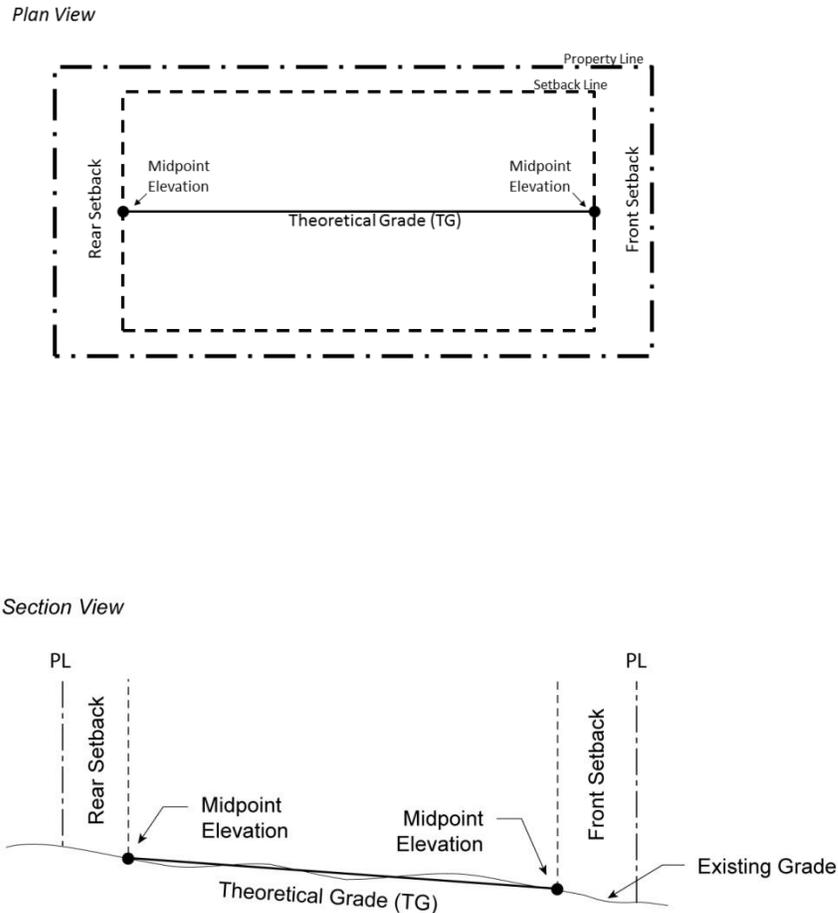


Section View



3. **TG.** Theoretical Grade is an imaginary line from the midpoint of the parcel on the front setback line to the midpoint of the parcel on the rear setback line (or parcel lines if no setbacks are required).

**FIGURE 9.04.050.A.3: THEORETICAL GRADE HEIGHT MEASUREMENTS**



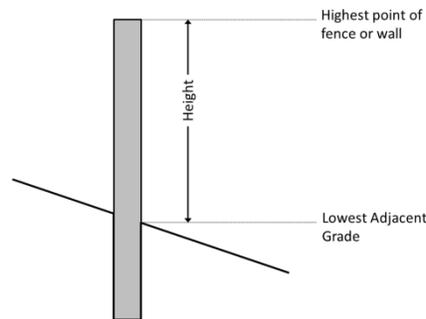
**B. Measuring Building Height on Sloped Parcels**

1. **Sloped Parcels, Front to Back:** On parcels with a grade change of 10% or more between the midpoint of the minimum front setback line and the midpoint of the minimum rear setback line (or parcel lines if no setbacks are required), heights shall be measured either from Theoretical Grade or from Segmented Average Natural Grade.
2. **Sloped Parcels, Side to Side:** On parcels with a grade change of 10% or more between the midpoint of the minimum side setback line and the midpoint of the opposite side setback line (or parcel lines if no setbacks are required) AND with a grade change of a greater percentage than the slope from the midpoint of the minimum front setback line and the midpoint of the minimum rear setback line, heights shall be measured from the Theoretical

Grade line between the midpoint of the minimum side setback line and the midpoint of the opposite side setback line or from Segmented Average Natural Grade.

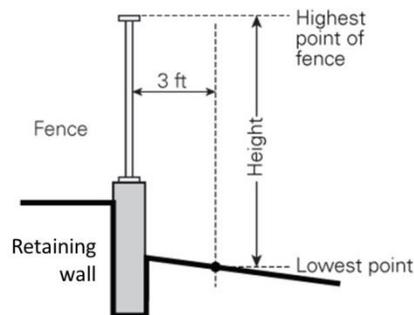
- C. **Measuring First Story Street Wall Height.** Street wall height is measured from finished grade at all points along the sidewalk to all points of the first story wall directly above each point along the sidewalk.
- D. **Measuring Fence, Wall, and Hedge Height.** The height of any fence, wall, or hedge shall be measured from the lowest finished grade adjacent to either side of the fence, wall, or hedge. The height shall be measured in a continuum at each point along the fence, wall, or hedge. In the case of fences, walls, or hedges that are parallel to and within 5 feet of a public sidewalk or other public way, grade shall be the elevation of the closest point on the sidewalk or public way.

**FIGURE 9.04.050.D.1: MEASURING HEIGHT OF FENCES OR WALLS**



1. **Measuring the Height of Fences on Retaining Walls.** Notwithstanding the above, the height of a fence that is on top of a retaining wall is measured from the lowest existing grade point within a 3 foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.

**FIGURE 9.04.050.D.2: MEASURING HEIGHT OF FENCES ON RETAINING WALLS**



**9.04.060 Determining the Number of Stories in a Building**

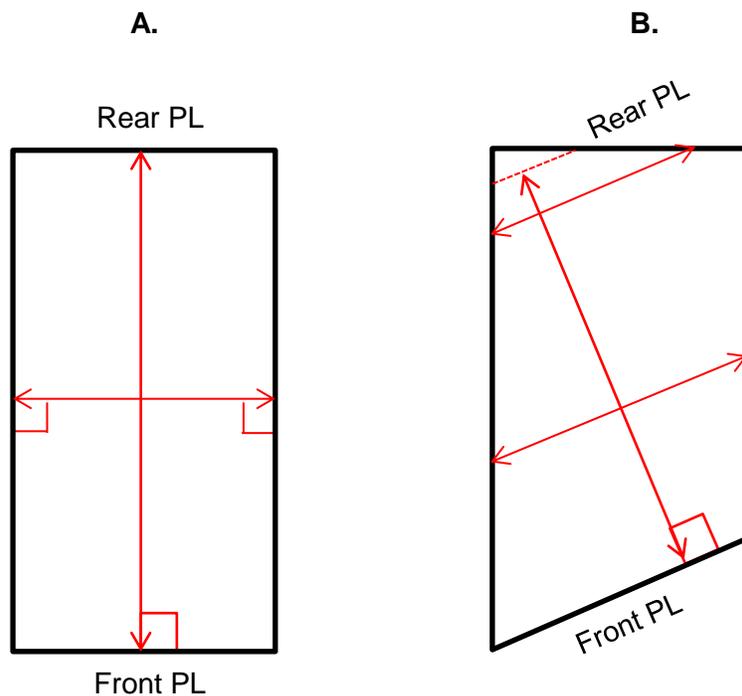
Mezzanines, basements, and attics shall not be counted as stories.

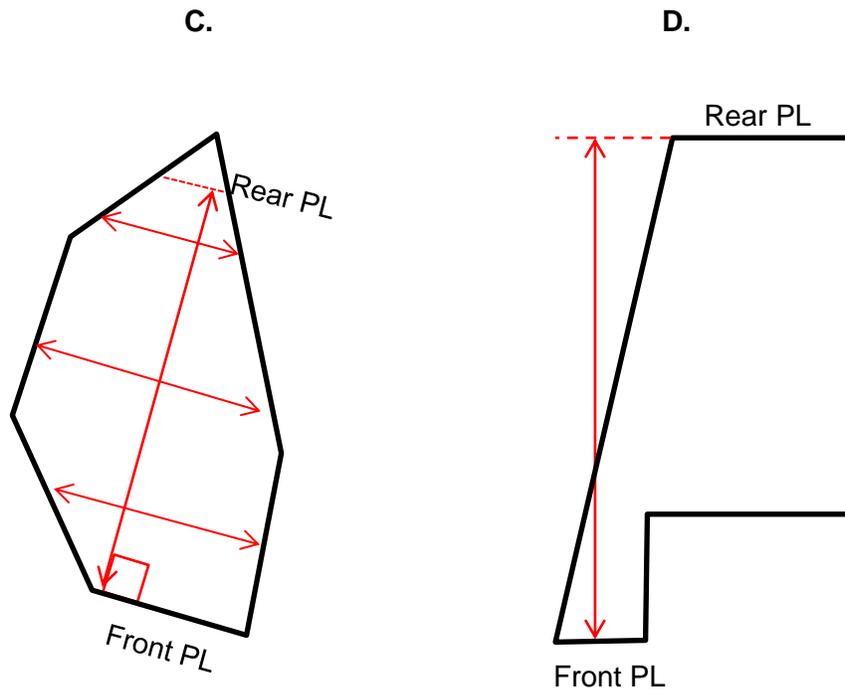
**9.04.070 Measuring Parcel Width and Depth**

**A. Parcel Width.**

1. **Rectilinear Parcels.** Parcel width shall be determined by measuring the distance between side parcel lines. The measurement shall be determined by the length of a straight line drawn at right angles to the side parcel lines and parallel with both the front and rear parcel lines (see illustration A).
2. **Non-rectilinear Parcels.** A series of measurements based on the location of the side parcel lines shall be required to determine varying parcel widths at any given locations on the parcel. Once the side and rear parcel lines of a non-rectilinear parcel are established (see definitions of “side parcel line” and “rear parcel line”), a series of measurements shall be made parallel to the front parcel line (see illustrations B and C).

**FIGURE 9.04.070: MEASURING PARCEL WIDTH AND DEPTH**





- B. **Parcel Depth.** The longest perpendicular length between a front and rear parcel line or an imaginary extension of a rear parcel line as necessary for non-rectilinear parcels (see illustration D).

#### 9.04.080 Determining Floor Area

The floor area of a building is the total gross horizontal areas of all floors of a building, including usable basements and all other areas measured from the interior face of the exterior walls or, in the case of a shared wall, from the centerline of a wall separating the two buildings. Floor area also includes unenclosed decks, balconies, porches, and platforms used for commercial or restaurant activity. In addition to calculating floor area ratio, floor area shall be used to determine parking requirements and all relevant impact fees including but not limited to affordable housing fees, transportation impact fees, childcare linkage fees, cultural arts fees, and parks and recreation fees.

- A. **Included in Floor Area.** Floor area is deemed to include:
1. The actual floor space of all habitable rooms on all levels and mezzanines, interior balconies, lofts, and closets;
  2. Restrooms, lounges, lobbies, kitchens, storage areas, and interior hallways and corridors;
  3. Portions of basements that meet Building Code requirements for habitable space;
  4. Enclosed and roofed porches and balconies;
  5. Interior courtyards, atria, paseos, walkways and corridors that are fully enclosed;

6. Storage and equipment spaces that are roofed and enclosed on all sides; and
  7. Covered parking at or above grade.
- B. Excluded from Floor Area.** Floor area does not include:
1. Stairways and stairwells;
  2. Elevators, elevator equipment rooms, and elevator shafts;
  3. Ramps to a subterranean or semi-subterranean parking structure or ramps between floors of a parking structure provided the ramp does not accommodate parking;
  4. Loading spaces and docks used exclusively for loading and unloading as required by Section 9.28.080;
  5. Unenclosed decks, balconies, porches, and platforms not used for commercial or restaurant activity;
  6. Covered and uncovered courtyards, arcades, atria, paseos, walkways, and corridors located at or near the street level and are accessible to the general public provided they are not used as sales, display, storage, service, or production areas;
  7. Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is 5 feet or less;
  8. Semi-subterranean parking areas that meet the following criteria:
    - a. The parking area is located below finished grade along a minimum of one street frontage;
    - b. The portions of the parking area located above finished grade are a result of the site's slope and cannot feasibly be fully subterranean due to geological or physical site constraints; and
    - c. The facades of any of the visible portions of the parking area located above finished grade are appropriately treated and landscaped.
  9. Mechanical equipment rooms, electrical rooms, telecommunication equipment rooms, and similar space located below grade;
  10. Enclosures constructed pursuant to Section 9.31.060, Automobile Repair, Major and Minor, for outdoor hoists in existence on the adoption of Ordinance Number 1452 (CCS); and
  11. Attics.

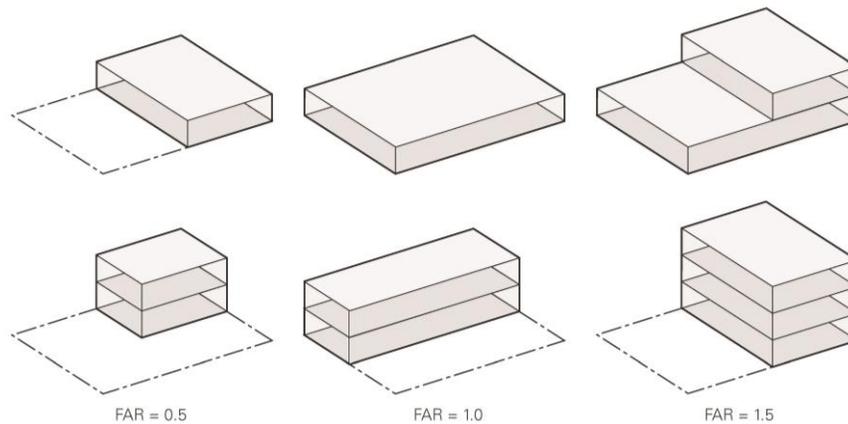
#### **9.04.090 Determining Floor Area Ratio**

Floor Area Ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all principal and accessory buildings on a site to the site area. To calculate FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0. For parcels containing one or more zoning designations, only that portion zoned for commercial or industrial use shall be used as parcel area when calculating floor area ratio.

A. **Floor Area Ratio Exclusions**

1. Floor area devoted to basements.
2. Unenclosed decks, balconies, porches, plazas, outdoor dining areas provided the dining areas have no more than a 42-inch high barrier surrounding the dining area and is visible from the public right of way, and other open spaces.

**FIGURE 9.04.090: DETERMINING FLOOR AREA RATIO**



**9.04.100 Determining Residential Parcel Coverage**

Parcel coverage is the ratio of the total footprint area of all structures on a parcel to the parcel area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, and roofed porches, shall be summed in order to calculate parcel coverage. The following structures shall be included in the calculation:

- A. The area of a parcel directly covered by the footprint of all buildings or structures on the parcel;
- B. The area of a parcel directly below any upper portion of a building or structure that is cantilevered beyond the edge of the first level of a building or structure except for permitted projections as specified in Section 9.21.110; and
- C. The area of a parcel directly below those portions of any balcony, stairway, porch, platform, or deck that is enclosed on at least three sides.

**9.04.110 Determining Parcel Frontage**

- A. **Corner Parcel.** The front of a parcel is the narrowest dimension of the parcel with street frontage. For corner parcels with equal street frontage dimensions, the front of the parcel is the street frontage that is consistent with the prevailing street frontage orientations along the block where the corner parcel is located.

- B. **Through Parcel (Double Frontage Parcel).** The front setback borders the street primarily used as frontage by the majority of neighboring parcels.

**9.04.120 Determining Residential Density**

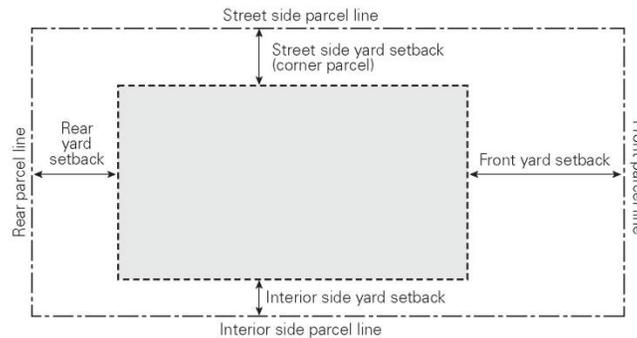
The maximum number of dwelling units allowed on any site shall be determined by dividing the area of the site, including ½ of the area of an abutting rear alley, by the minimum number of square feet for each dwelling unit as required in the Zoning District in which the site is located. However, in the R2, R3, and R4 districts, no portion of the rear alley shall be used to calculate the area of the site except for 100% Affordable Housing Projects.

**9.04.130 Determining Setbacks**

A line defining a required setback is parallel to and at the specified distance from the corresponding property line. For non-rectilinear parcels, setbacks shall be determined in accordance with the standards for measuring parcel width and depth in Section 9.04.070. The following special regulations for determining setbacks apply when a parcel abuts an alley or walkstreet.

- A. **Side Parcel Line Abutting an Alley.** If a side parcel line abuts an alley, the setback shall be considered an interior side setback rather than a street side setback.
- B. **Rear Parcel Line Abutting an Alley.** Where a rear parcel line abuts an alley, the rear setback shall be measured from the center line of the alley.
- C. **Rear Parcel Line Abutting a Walkstreet.** Where a rear parcel line abuts a walkstreet, the rear setback shall be measured from the center line of the walkstreet.

**FIGURE 09.04.130: DETERMINING SETBACKS**



**9.04.140 Measuring Off-Street Parking Landscaping**

For the purpose of calculating required landscaping for off-street parking facilities, parking areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any parking related paved areas. Parking area does not include enclosed vehicle storage areas.

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