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Chapter 9.01 Title, Purpose, and Authority

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.

- | | | |
|-----|------------------------|--|
| 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 |

- | | | |
|-----|------------------|--|
| 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

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.

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

TABLE 9.02.010.A: BASE ZONING DISTRICTS	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
NC	Neighborhood Commercial
Employment Districts	
HMU	Healthcare Mixed-Use
IC	Industrial Conservation
OC	Office Campus
Beach and Oceanfront Districts	
OF	Oceanfront
Public and Semi-Public Districts	
CC	Civic Center
PL	Institutional/Public Lands
OS	Parks and Open Space
Bergamot Area Plan Districts	
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.

TABLE 9.02.010.B: OVERLAY ZONING DISTRICTS	
<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

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

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

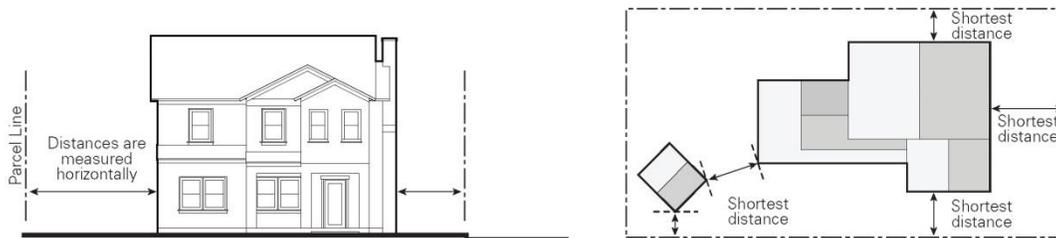
Whenever this Ordinance requires consideration of parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- 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

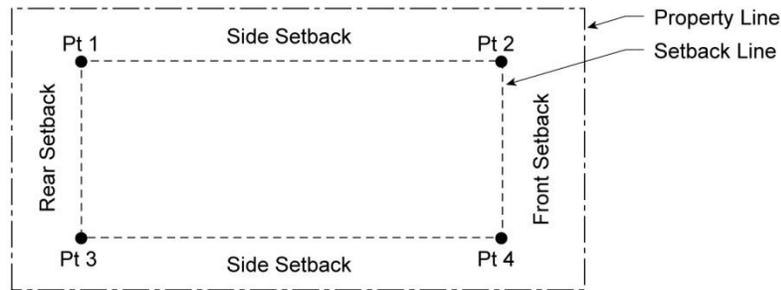
Height shall be the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section.

- 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



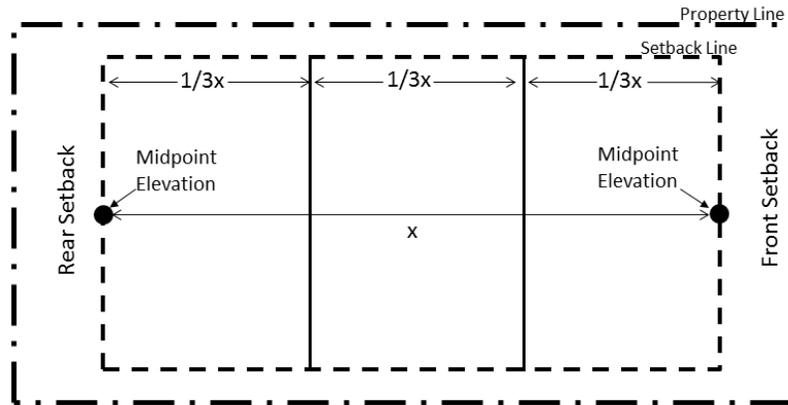
ANG = The average of the elevations of points 1-4

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.

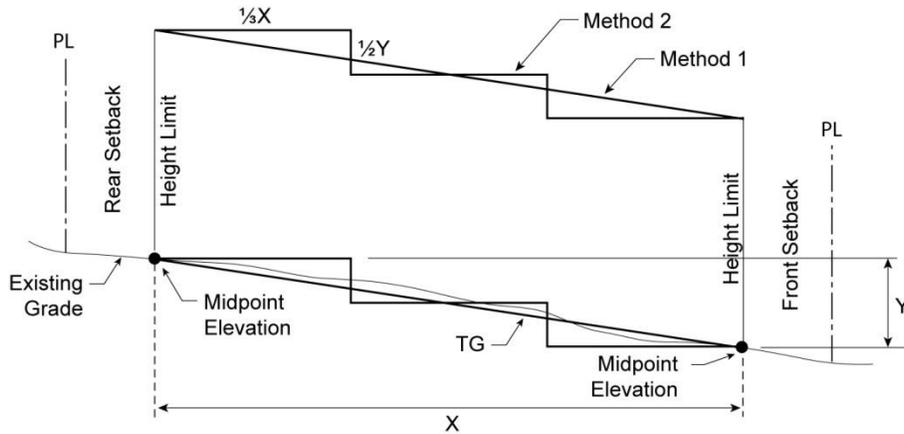
For parcels larger than 30,000 square feet, Segmented Average Natural Grade can be measured with a maximum of four equal segments utilizing the methodology described in this Section 9.04.050(A)(2).

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

Plan View

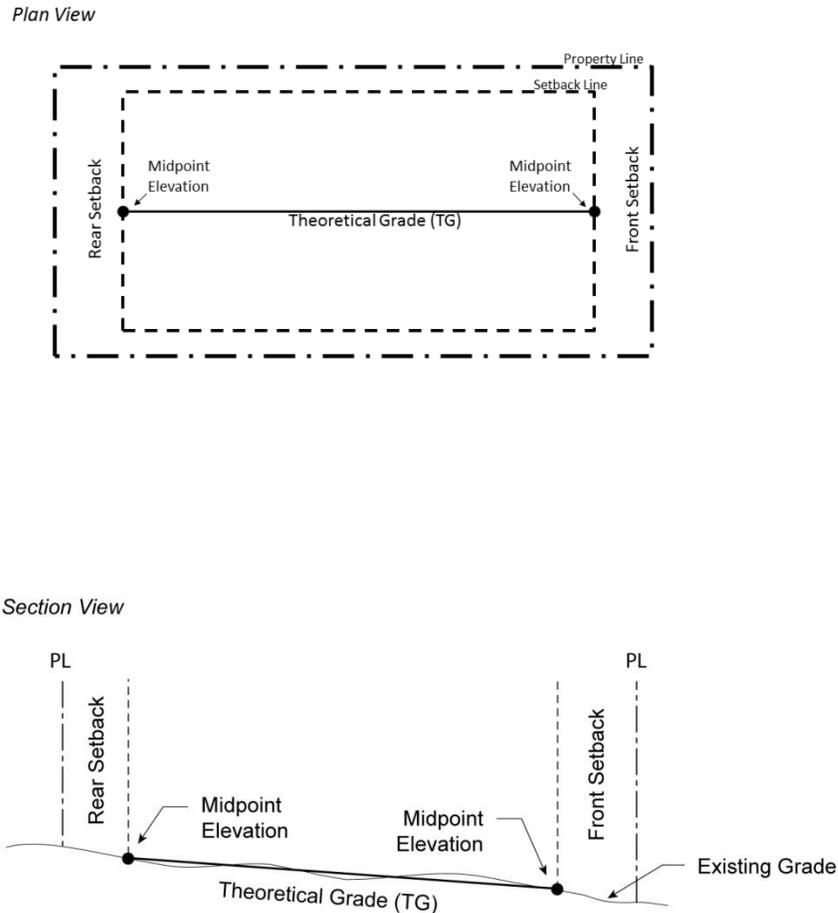


Section View



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



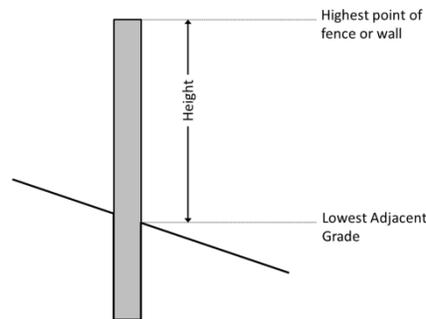
B. Measuring Building Height on Sloped Parcels

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.

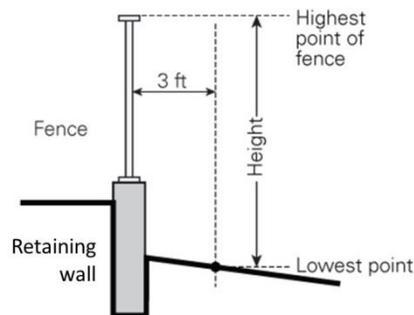
- C. **Measuring First Story Street Wall Height.** Street wall height is measured from finished grade at all points along the sidewalk to all points of the first story wall directly above each point along the sidewalk.
- D. **Measuring Fence, Wall, and Hedge Height.** The height of any fence, wall, or 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

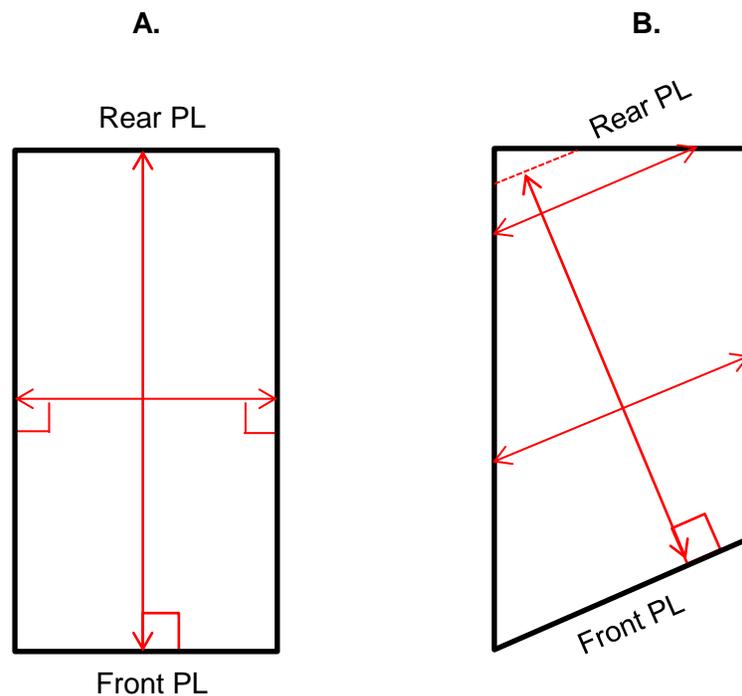
Mezzanines, basements, and attics shall not be counted as stories.

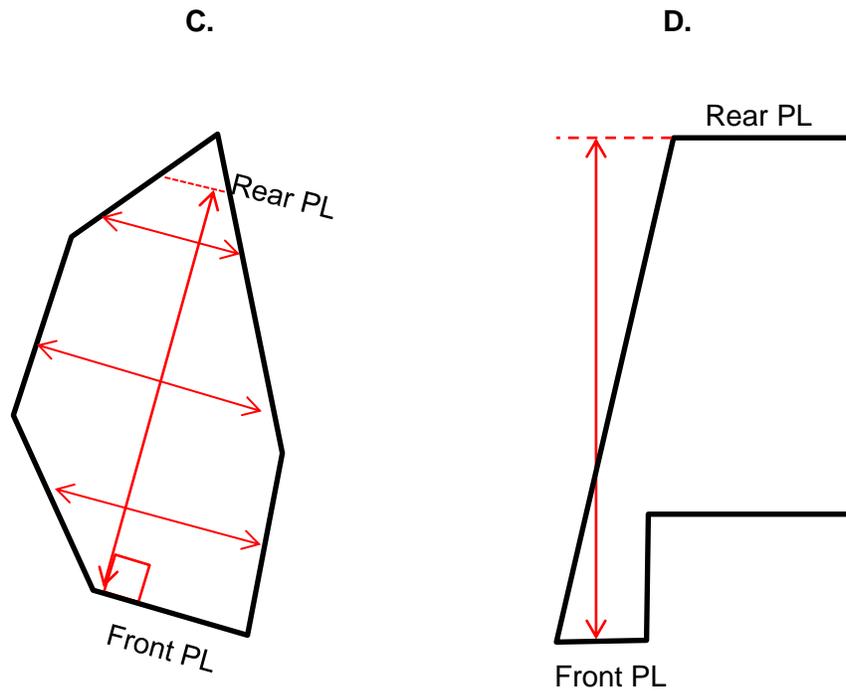
9.04.070 Measuring Parcel Width and Depth

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.

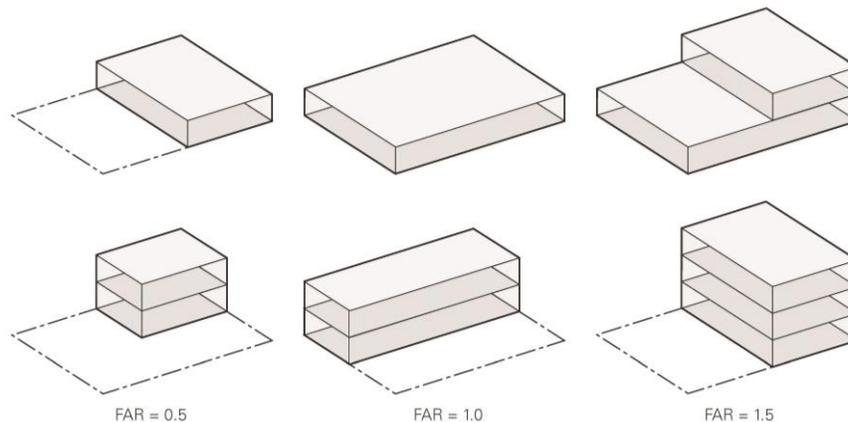
9.04.090 Determining Floor Area Ratio

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

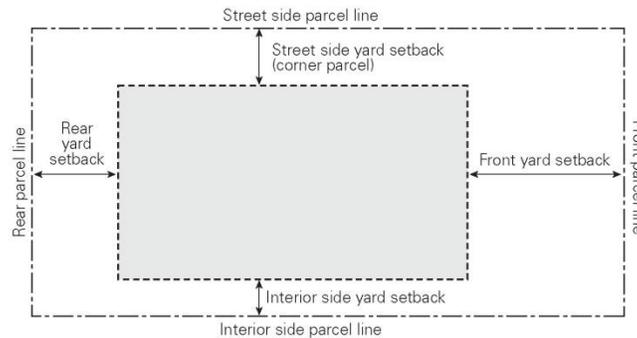
The maximum number of dwelling units allowed on any site shall be determined by dividing the area of the site, including ½ of the area of an abutting rear alley, by the minimum number of square feet for each dwelling unit as required in the Zoning District in which the site is located. However, in the 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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Division 2: Base and Overlay Districts

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Chapter 9.07 Single-Unit Residential District

Sections:

- 9.07.010 Purpose
- 9.07.020 Land Use Regulations
- 9.07.030 Development Standards

9.07.010 Purpose

The purposes of the “Single-Unit Residential” District are to:

- A. Provide for single-unit housing on individual parcels at densities of one unit plus one attached or detached second dwelling unit to suit the spectrum of individual lifestyles and space needs and ensure continued availability of the range of housing opportunities necessary to meet the needs of all segments of the community consistent with the General Plan and State law.
- B. Preserve and protect the existing character and state of the City’s different residential neighborhoods and the quality of life of City residents against potential deleterious impacts related to development - traffic, noise, air quality, and the encroachment of commercial activities.
- C. Ensure adequate light, air, privacy, and open space for each dwelling.
- D. Avoid overburdening public facilities, including sewer, water, electricity, and schools by an influx and increase of people to a degree larger than the City’s geographic limits, tax base, or financial capabilities can reasonably and responsibly accommodate.
- E. Ensure that the scale and design of new development and alterations to existing structures are consistent with the scale, mass, and character of the existing residential neighborhood.
- F. Provide sites for institutional, residential, and neighborhood serving uses such as day care, parks, and community facilities.
- G. Promote the rehabilitation and long-term maintenance of existing structures.

The specific designation and additional purposes of the Single-Unit Residential District are:

R1 Single-Unit Residential. To provide areas for single-unit housing on individual parcels at densities of one unit plus one attached or detached second dwelling unit per legal parcel. In addition to detached single-unit homes and second dwelling units, this District provides for uses such as parks and family day care that may be integrated into a residential environment.

9.07.020 Land Use Regulations

Table 9.07.020 prescribes the land use regulations for Single-Unit Residential District. The regulations for each district are established by the letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The Table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.07.020: LAND USE REGULATIONS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS		
<i>Use Classification</i>	<i>R1</i>	<i>Additional Regulations</i>
Residential Housing Types		
<i>Single-Unit Dwelling</i>	P	
<i>Second Dwelling Unit</i>	P	Section 9.31.300, Second Dwelling Units
<i>Duplex</i>	MUP	Only on parcels having not less than 6,000 square feet of area and a side parcel line of which abuts or is separated by an alley from any R2, R3, or R4 district
Family Day Care		
<i>Large</i>	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	
Residential Facilities		
<i>Residential Care, Limited</i>	P	Section 9.31.270, Residential Care Facilities
<i>Hospice, Limited</i>	P	
Supportive Housing	P	
Transitional Housing	P	
Adult Day Care	CUP	
Child Care and Early Education Facility	CUP	Section 9.31.120, Child Care and Early Education Facilities
Bed and Breakfast	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
Community Gardens	P	
Park and Recreation Facilities, Public	P	

TABLE 9.07.020: LAND USE REGULATIONS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS		
<i>Use Classification</i>	<i>R1</i>	<i>Additional Regulations</i>
Schools, Public or Private	CUP	
City Bikeshare Facility	P	
Utilities, Minor	P	

9.07.030 Development Standards

Table 9.07.030 prescribes the development standards for the Single Unit Residential Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table.

Within the R1 District, special standards apply to a number of specific geographic areas. These areas are delineated as follows:

North of Montana. The area bounded by Montana Avenue, the northern City limits, 26th Street, and Ocean Avenue.

Sunset Park. The area bounded by Lincoln Boulevard, Pico Boulevard, and the City limits to the east and south.

North of Wilshire. The area bounded by Montana Avenue, 21st Court, Wilshire Boulevard, and the City limits to the east.

Expo/Pico. The area bounded by Stewart Avenue, Exposition Boulevard, Centinela Avenue, and Pico Boulevard.

The R1 District requirements are listed in three columns. The first column, “General Standard” (GS) lists the regulations that apply throughout the R1 District unless otherwise specified. The “North of Montana”, “Sunset Park/North of Wilshire”, and “Expo/Pico” columns identify the special standards that apply to development in those areas. Where necessary to provide additional detail, the second, third, fourth, and fifth columns also include a reference to Subsections that follow the table. The sixth column and Additional Standards at the end of the table list and cross-reference additional development requirements applicable to the R1 District.

TABLE 9.07.030: DEVELOPMENT STANDARDS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
Parcel and Density Standards					
Minimum Parcel Area (sq. ft.)	5,000	GS	GS	GS	
Maximum Parcel Area (sq. ft.)	See 9.21.030(B)	GS	GS	GS	

TABLE 9.07.030: DEVELOPMENT STANDARDS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
Minimum Parcel Width (ft.)	50	50 ft.; 100 ft. in specific subarea. See (A)	GS	GS	
Minimum Parcel Depth (ft.)	100	100 ft.; 175 ft. in specific subarea. See (A)	GS	GS	
Maximum Residential Density	1 unit per parcel plus 1 second dwelling unit subject to Section 9.31.300. A duplex may be permitted with MUP as provided in Table 9.07.020.	GS	GS	GS	
Maximum Parcel Coverage (% of Parcel Area)	35%; 50% for one-story structure not exceeding 18 ft. in height	See (B)	See (B)	See (B)	
Building Form and Location					
Maximum Number of Stories	2	GS	GS	GS	
Maximum Building Height (ft.)					
<i>Parcels up to 20,000 sq. ft. in area</i>	28	32. See (C)	GS	GS	
<i>Parcel greater than 20,000 sq. ft. in area and with a front parcel line at least 200 ft. in length</i>	28 ft. for flat roof; 35 ft. for pitched roof	GS	GS	GS	
Minimum Setbacks (ft.)					Section 9.21.110, Projections into Required Setbacks
<i>Front</i>	Per Official Districting Map or 20 ft. if not specified				

TABLE 9.07.030: DEVELOPMENT STANDARDS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
<i>Each Interior Side-Basic Requirement – Structures 18 ft. in height or less</i>	Greater of 10% of parcel width or 3.5 ft. but no more than 15 ft. required.	GS	GS	GS (for all structures up to the maximum height limitation in Expo/Pico)	
<i>Aggregate of Both Interior Sides – Structures over 18 ft. in height</i>	30% of parcel width, but no more than 45 ft. required and at least 10 percent of the parcel width, or a minimum of 3.5 ft., whichever is greater. See (D)	GS	GS	NA	
<i>Rear</i>	25	GS	GS	GS	
<i>Parking</i>	See Section 9.28.070, Location of Parking				
Additional Minimum Stepbacks for Upper Stories					
<i>Front—Any portion of front elevation above 14 ft. in height and exceeding 75% of maximum buildable front elevation*</i>	Average amount equal to 4% of parcel depth but no more than 10 ft. required	Average amount equal to 8% of parcel depth but no more than 12 ft. required	GS	GS	
<i>Rear—Any portion of rear elevation above 14 ft. in height and exceeding 75% of maximum buildable rear elevation*</i>	Average amount equal to 4% of parcel depth but no more than 10 ft. required	30% of parcel depth but no more than 40 ft. required	GS	GS	
<i>Sides—Portions of building above 14 ft. in height and exceeding 50% of maximum buildable side elevation*</i>	1 ft. for every 2 ft. 4 in. of height above 14 ft. and up to 21 ft. (measured from minimum required side setback line)	GS	GS	GS	

TABLE 9.07.030: DEVELOPMENT STANDARDS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
<i>Sides—All portions of buildings exceeding 21 ft. in height</i>	See (E) (measured from minimum required side setback line)	See (E) (measured from minimum required side setback line)	GS	GS	
<i>Roof Decks</i>	Additional 3 ft. from normally required setback	12 ft. from any interior property line. See (F).	GS	GS	
Limitations on Upper-Story Balconies and Roof Decks	NA	Aggregate area may not exceed 400 sq. ft. Must be set back 12 ft. from interior property lines. See (F).	NA	NA	
Openness and Use of Setbacks					
Maximum Front Setback Paving (% of required front setback area)					
<i>Parcels 25 ft. or more in width</i>	50%	40%	GS	GS	
<i>Parcels less than 25 ft. in width</i>	60%	GS	GS	GS	
Special Standards - Building Projections into Required Setbacks	See (G)	See (G)	See (G)	See (G)	Section 9.21.110, Projections into Required Setbacks
Excavation for Lightwells, Stairwells, and Access to Subterranean Garages and Basements	See (H)	See (H)	See (H)	See (H)	
Vehicle Accommodation					
Driveways	On parcels less than 100 ft. in width, no more than one driveway permitted				
Architectural Review					
Architectural Review	See Section 9.07.030(I)				
Additional Standards					
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures				

TABLE 9.07.030: DEVELOPMENT STANDARDS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
Exceptions to Height Limits	Section 9.21.060, Height Exceptions				
Fences and Walls	Section 9.21.050, Fences , Walls, and Hedges				
Home Occupation	Section 9.31.160, Home Occupation				
Landscaping	Chapter 9.26, Landscaping				
Lighting	Section 9.21.080, Lighting				
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation				
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks				
Solar Energy Systems	Section 9.21.150, Solar Energy Systems				
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards				
Private Tennis Courts	Section 9.31.250, Private Tennis Courts				
* As used in this Chapter, the term “maximum buildable elevation” means the maximum potential width or length of the elevation permitted by this Ordinance, which includes the applicable parcel width or length minus the required minimum setback.					

- A. **Parcel Width and Depth—Sub-area of North of Montana.** For parcel bounded by the centerlines of First Court Alley, Seventh Street, Montana Place North Alley, and Adelaide Drive, the minimum parcel width is 100 feet and the minimum parcel depth is 175 feet.
- B. **Maximum Parcel Coverage—Specific Areas.**
 - 1. **North of Montana.**
 - a. For parcels with a ground floor parcel coverage of no more than 35 percent, the maximum second floor parcel coverage, including the second floor of all accessory structures, shall not exceed 26 percent of the parcel area. Second floor parcel coverage may be increased up to a maximum of 30 percent of the parcel area if the ground floor square footage is reduced by an equivalent amount. Conversely, the ground floor parcel coverage may be increased to a maximum of 40 percent if an equivalent amount is reduced on the second floor. Parcels with only one-story structures not exceeding eighteen feet in height may have a maximum parcel coverage of 50 percent. For purposes of this subsection, the area in any single story portion of the structure that exceeds the height of the second floor elevation shall count towards second floor parcel coverage, except where the roofline of the single story portion does not exceed eighteen feet in height.

- b. The area of any patio, balcony, roof deck or terrace open on less than two sides shall count towards parcel coverage and shall count for second floor parcel coverage if the floor line is above fourteen feet in height.

2. ***Sunset Park/North of Wilshire.***

- a. For parcels with a ground floor parcel coverage of no more than 35 percent, the maximum second floor parcel coverage, including the second floor of all accessory structures, shall not exceed 26 percent of the parcel area. Second floor parcel coverage may be increased up to a maximum of 30 percent of the parcel area if the ground floor square footage is reduced by an equivalent amount. Conversely, the ground floor parcel coverage may be increased to a maximum of 40 percent if an equivalent amount is reduced on the second floor. Parcels with only one-story structures not exceeding eighteen feet in height may have a maximum parcel coverage of 50 percent. For purposes of this subsection, the area in any single story portion of the structure that exceeds the height of the second floor elevation shall count towards second floor parcel coverage, except where the roofline of the single story portion does not exceed eighteen feet in height.

3. ***Expo/Pico.***

- a. The maximum parcel coverage shall be 40 percent, except that parcel between 3,001 and 5,000 square feet in area may have a parcel coverage of no more than 50 percent, and parcel of 3,000 square feet or smaller may have a parcel coverage of no more than 60 percent.

C. **Maximum Building Height—Additional Standards**

North of Montana. On parcels of less than 20,000 square feet, the maximum building height shall be 32 feet, except that for a parcel with greater than 35 percent parcel coverage, the maximum building height shall be one story, not to exceed 18 feet.

D. **Side Setbacks—Structures over 18 feet in Specific Areas.** In the Sunset Park and North of Wilshire areas, the aggregate and minimum side setback requirement for structures over 18 feet do not apply to the following:

- 1. New structures on parcels that are 45 feet or less in parcel width;
- 2. Additions to existing structures on parcels that are less than 50 feet in width; and
- 3. Any development on parcels that are less than 5,000 square feet in area.
- 4. If modified by the Architectural Review Board in accordance with Section 9.07.030(I)(6)(d) and (7).

E. **Required Stepbacks above Minimum Height**

- 1. ***Additional Side Stepback above 21 Feet in Height.*** Buildings above 21 feet in height shall not project above a plane as defined below:
 - a. ***General Standard.*** No portion of a building, except permitted projections, shall intersect a plane commencing 21 feet in height at the minimum side setback and extending at an angle of 45 degrees from the vertical toward the interior of the site.

The 21 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

- b. *North of Montana.* No portion of the building, except permitted projections, shall intersect a plane commencing 21 feet in height at the minimum side setback and extending at an angle of 30 degrees from the horizontal toward the interior of the parcel. The 21 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

2. **Roof Decks.** Roof decks shall be set back at least 3 feet from the minimum side setback line. The height of any railings or parapets associated with such roof decks shall not exceed the maximum allowable building height for the structure.
3. **Modifications to Required Stepbacks.** Required stepbacks may be modified pursuant to the Chapter 9.43, Modifications and Waivers and, if deemed necessary by the Director, review and approval by the Architectural Review Board.

F. **Standards for Upper Story Balconies and Roof Decks—North of Montana.** In the North of Montana Area, the following limitations apply:

1. **Maximum Area.** The aggregate square footage of second floor balconies, terraces or roof decks shall not exceed 400 square feet.
2. **Setbacks.** Any individual second floor balconies, terraces, or roof decks greater than 50 square feet in area and located in the rear two-thirds of the parcel shall be set back 12 feet from any property line.

G. **Building Projections into Required Setbacks.** Notwithstanding the provisions of Section 9.21.110, Projections into Required Setbacks, the following provisions apply in the R1 District:

1. Exterior stairs and required fire escapes shall not project into the required front or side setback areas in the North of Montana area.
2. Porte cocheres not more than 20 feet long, not more than 14 feet in height including railings or parapets, and open on three sides may project into a required side yard but may not be closer than 3 feet to the parcel line or as required by Building Code.
3. Balconies and porches open on at least two sides with a height of no more than 14 feet, including parapets and railings, that do not exceed 50 percent of the front building width measured at the front façade may project up to 6 feet into the required front setback. Stairs less than 3 feet above finished grade may project an additional 4 feet into the required front setback.

H. **Excavation in Required Setbacks.** In addition to the provisions of Section 9.21.110, Projections into Required Setbacks, the following limitations apply to development in the R1 District.

1. **Basements and Subterranean Garages.** No basement or subterranean garage shall extend into any required yard setback area, except for any basement or garage located beneath an accessory building which is otherwise permitted within a yard area, if such basement, semi-subterranean or subterranean garage is located at least five feet from any property line

2. ***Lightwells and Stairwells.***

- a. *General Standard.* Up to a total of 50 square feet of area in the side and rear setbacks may be utilized for lightwells or stairways to below-grade areas of the main building and any accessory buildings.
- b. *North of Montana.* Side and rear setbacks may be utilized for lightwells or stairways to below-grade areas of the main building and any accessory building provided such excavated area is set back a minimum of 10 percent of the parcel width from the property line.

3. ***Excavation for Access to Subterranean Structures.***

- a. *General Standard.* Excavation in the front setback area for a driveway, stairway, doorway, lightwell, window, or other such element to a subterranean or semi-subterranean garage or basement shall be no deeper than 3 feet below existing grade. The Architectural Review Board may approve a modification to allow excavations to extend into the front setback for parcels with an elevation rise of 5 feet from the front property line to a point 50 feet towards the interior of the site if it finds that topographic conditions necessitate that such excavation be permitted.
- b. *North of Montana.* In the North of Montana Area, no excavation for a driveway, stairway, doorway, lightwell, window, or other such element to a subterranean or semi-subterranean garage or basement shall be permitted in the front setback area. This prohibition shall not be modified by the Architectural Review Board or by the procedures of Chapter 9.43, Modifications and Waivers.

I. **Architectural Review.** No building or structure in the R1 Single-Unit District shall be subject to architectural review pursuant to the provisions of this Chapter except:

1. Properties installing roof or building-mounted parabolic antennae (only with respect to the antennae and screening);
2. Duplexes;
3. Any structure above fourteen feet in height that does not conform to the required yard setbacks for structures above fourteen feet in height;
4. Any structure that does not conform to the limitations on access to subterranean garages and basements;
5. Any development in the North of Montana area with regard to the following conditions only:
 - a. Any development with an aggregate square footage of second floor balconies, terraces or roof decks which exceeds four hundred square feet.
 - b. Any structure with garage doors facing the public street within the front one-half of the parcel which are not setback from the building façade a minimum of five feet and/or are not sixteen feet in width.
 - c. Any structure with balconies or porches open on at least two sides with a maximum height of fourteen feet including parapets and railings, which project into the

- required front yard and which exceed fifty percent of the front building width measured at the front façade.
- d. Any structure with side yard setbacks that do not conform with Section 9.07.030 but which has minimum setbacks for each side yard equal to ten percent of the parcel width.
6. Any development in the North of Wilshire and Sunset Park areas with regard to the following conditions only:
- a. Any structure associated with a new residential building, substantial remodel, or a fifty percent or greater square foot addition to an existing home located on a parcel with a grade differential of 12.5 feet or more between the front and rear parcel lines. The Architectural Review Board may approve projects pursuant to this subdivision (a) of subsection (6) if the following finding of fact is made: the size, mass, and placement of the proposed structure is compatible with improvements in the surrounding neighborhood. No other findings of fact are required.
- b. Any addition of 500 square feet or less, which is regarded as a 3rd story and therefore not otherwise permitted for an existing residential structure, located on a parcel with a grade differential of 12.5 feet or more between the front and rear parcel lines, may be approved if the following findings of fact are made:
- i. The street frontage and overall massing are compatible with the existing scale and neighborhood context;
- ii. The addition does not enlarge the first floor of the existing residence such that a nonconforming condition is expanded; and
- iii. The properties in the immediate neighborhood will not be substantially impacted.
- c. Any structure with garage doors facing the public street which are not set back a minimum of five feet from the front setback line and/or are not sixteen feet in width.
- d. Any structure on a parcel that is fifty feet or more in width that does not comply with Section 9.07.030.
- e. Any structure with balconies or porches open on at least two sides with a maximum height of fourteen feet including parapets and railings, which project into the required front yard and which exceed fifty percent of the front building width measured at the front façade.
7. The Architectural Review Board may approve the design modifications set forth in Section 9.07.030(I)(5) provided all the following findings of fact are made and may approve the design modifications set forth in Section 9.07.030(I)(6)(c)-(6)(e) provided that all of the following findings of fact, except subdivision (e) of this subsection (7), are made:
- a. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape topography, surroundings, or location of the existing improvements or mature landscaping on the site.

- b. The granting of the design modification will not be detrimental nor injurious to the property or improvements in the general vicinity and district in which the property is located.
- c. The granting of the design modification will not impair the integrity and character of this R1 neighborhood, nor impact the light, air, open space, and privacy of adjacent properties.
- d. In the case of additions to buildings in the City's Historic Resources Inventory, the design modification is compatible with the building's historic architectural character, does not result in the removal of historic building features, and the addition is consistent with the Secretary of the Interior Standards for Rehabilitation.
- e. The design modifications also comply with the criteria established in Section 9.55.140.

Any applicant for a development subject to architectural review under these provisions shall provide certification of notice to all owners and commercial and residential tenants of property within a radius of three hundred feet from the exterior boundaries of the property involved in the application, not less than ten days in advance of Architectural Review Board consideration of the matter, which notice and certification thereof shall be in a form satisfactory to the Director.

- 8. Any existing structure that would not comply with the minimum side yard setback of ten percent of the parcel width required by Section 9.07.030 due to the combination of two contiguous parcels into a single building site. The Architectural Review Board may approve a modification to the minimum side yard setback provided the following findings of fact are made:
 - a. Only one of the side yard setbacks for the existing structure would become non-conforming due to the combination of contiguous parcels.
 - b. This non-conforming side yard setback would not physically change.
 - c. The aggregate setback on the combined lots shall be a minimum of thirty percent of the total combined lot width.
 - d. The combined lot width shall not exceed one hundred twenty feet.
 - e. The granting of the design modification will not be detrimental nor injurious to the property or improvements in the general vicinity and district in which the property is located.
- 9. In the event the property owner seeks to re-divide a parcel created through the combination of contiguous lots after the Architectural Review Board has acted pursuant to subsection (8) of this Section, the Architectural Review Board may approve such a re-division provided the following finding of fact is made:
 - a. No construction has taken place since the original combination of parcels.

Chapter 9.08 Multi-Unit Residential Districts

Sections:

9.08.010	Purpose
9.08.020	Land Use Regulations
9.08.030	Development Standards

9.08.010 Purpose

The purposes of the “Multi-Unit Residential” Districts are to:

- A. Provide for a variety of multi-unit housing types to suit the spectrum of individual lifestyles and space needs and ensure continued availability of the range of housing opportunities necessary to sustain a diverse labor force and the meet the needs of all segments of the community consistent with the General Plan.
- B. Preserve and protect the existing character and state of the City’s different residential neighborhoods and the quality of life of City residents against potential impacts related to development - traffic, noise, air quality, and the encroachment of commercial activities.
- C. Ensure adequate light, air, privacy, and open space for each dwelling.
- D. Avoid overburdening public facilities, including sewer, water, electricity, and schools by an influx and increase of people to a degree larger than the City’s geographic limits, tax base, or financial capabilities can reasonably and responsibly accommodate.
- E. Ensure that the scale and design of new development and alterations to existing structures are consistent with the scale, mass, and character of the existing residential neighborhood and provide respectful transitions to minimize impacts on or disruptions to adjacent residential structures.
- F. Provide sites for institutional, residential, and neighborhood serving uses such as day care, parks, community facilities, and neighborhood stores that provide goods and services to support daily life within walking distance of neighborhoods and complement surrounding residential development.

The specific designations and the additional purposes of the Multi-Unit Residential Districts are:

R2 Low Density Residential. This Zoning District is intended to provide areas for a variety of low-density housing types. These include single-unit housing, duplexes and triplexes, low-scale multi-unit housing, townhouses, and courtyard housing with at least 2,000 square feet of parcel area per unit exclusive of City and State density bonuses. In addition to low density residential development, this District provides for uses such as transitional housing or hospice facilities, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

R3 Medium Density Residential. This Zoning District is intended to provide areas for a variety of multi-unit housing types with at least 1,500 square feet of parcel area per unit exclusive of City and State density bonuses or 1,250 square feet of parcel area per unit, not including City and State density bonuses, for projects

that provide identified community benefits. Types of dwelling units include single-unit housing, low- and medium-scale multi-unit housing, townhouses, courtyard housing, and duplexes and triplexes. This District also provides for residential facilities such as transitional housing and hospice facilities, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

R4 High Density Residential. This Zoning District is intended to provide areas for multi-unit housing at greater intensities than other residential districts. Housing types include single-unit housing, three-to four-story multi-unit housing projects, duplexes, and triplexes with at least 1,250 square feet of parcel area per unit exclusive of City and State density bonuses or 900 square feet of parcel area per unit, not including City and State density bonuses for projects that provide identified community benefits. This District also provides for residential facilities such as assisted living, transitional housing, and hospice facilities, hotels, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

9.08.020 Land Use Regulations

Table 9.08.020 prescribes the land use regulations for Multi-Unit Residential Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Use Classification</i> <i>* for uses within specified areas, see 9.08.030(A)</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
Residential Uses				
Residential Housing Types	<i>See sub-classifications below.</i>			
<i>Single Unit Dwelling</i>	P	P	P	

TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Use Classification</i> * for uses within specified areas, see 9.08.030(A)	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>Second Dwelling Unit</i>	P	P	P	Section 9.31.300, Second Dwelling Units
<i>Duplex</i>	P	P	P	
<i>Multiple-Unit Structure</i>	P	P	P	
<i>Senior Citizen Multiple-Unit Residential</i>	P	P	P	
<i>Single-Room Occupancy Housing</i>	P	P	P	
<i>Group Residential</i>	MUP	MUP	MUP	
<i>Congregate Housing</i>	P	P	P	
<i>Senior Group Residential</i>	P	P	P	Section 9.31.310, Senior Group Residential
<i>Elderly and Long-Term Care</i>	CUP	CUP	CUP	
<i>Emergency Shelters</i>	–	CUP	CUP	Section 9.31.130, Emergency Shelters
<i>Family Day Care</i>	<i>See sub-classifications below.</i>			
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	
<i>Residential Facilities</i>	<i>See sub-classifications below.</i>			
<i>Residential Care, General</i>	MUP	MUP	MUP	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	L (2)/MUP	L (2)/MUP	L (2)/MUP	Section 9.31.270, Residential Care Facilities
<i>Hospice, General</i>	MUP	MUP	MUP	
<i>Hospice, Limited</i>	P	P	P	
<i>Supportive Housing</i>	P	P	P	
<i>Transitional Housing</i>	P	P	P	
Public and Semi-Public Uses				
<i>Adult Day Care</i>	CUP	CUP	CUP	
<i>Child Care and Early Education Facilities</i>	CUP	CUP	CUP	Section 9.31.120, Child Care and Early Education Facilities
<i>Community Assembly</i>	CUP	CUP	CUP	
<i>Community Gardens</i>	P	P	P	

TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Use Classification</i> * for uses within specified areas, see 9.08.030(A)	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
Cultural Facilities	CUP	CUP	CUP	Limited to Designated Landmarks
Park and Recreations Facilities, Public	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	
Commercial Uses				
Automobile/Vehicle Sales and Services	See sub-classifications below.			
<i>Automobile Storage Use</i>	CUP (3)	CUP (3)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Automobile/Vehicle Sales and Leasing</i>	L (4)/CUP	L (4)/CUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
Food and Beverage Sales	See sub-classifications below.			
<i>General Market</i>	CUP (5)	CUP (5)	CUP (5)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.150, General Markets in Residential Districts
Lodging	See sub-classifications below.			
<i>Bed and Breakfast</i>	CUP	CUP	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	–	–	CUP	
Mobile Food Truck Off-Street Venues	–	MUP (7)	–	Section 9.31.190, Mobile Food Truck Off-Street Venues
Personal Services, Physical Training	–	L (9)	–	
Retail Sales	See sub-classifications below.			
<i>General Retail Sales, Small-scale</i>	–	CUP (8)	–	
Transportation, Communication, and Utilities Uses				
City Bikeshare Facility	P	P	P	
Utilities, Minor	P	P	P	
Specific Limitations:				
(1)	Reserved			
(2)	Facilities for 6 or fewer residents are permitted by right. Other facilities require approval of a Minor Use Permit.			
(3)	Limited to automobile storage use associated with and adjacent to existing auto dealerships that were legally established before July 6, 2010, and according to the standards of Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage.			
(4)	Auto dealership uses existing as of July 6, 2010 are considered permitted uses. Expansions to existing dealerships in residential zones are subject to approval of a Conditional Use Permit and must conform to the standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage. New auto dealerships and expansions of existing dealerships inconsistent with Section 9.31.070 are prohibited.			
(5)	Only stores up to 2,500 square feet may be allowed with approval of a Conditional Use Permit. Stores must be located at			

TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Use Classification</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>* for uses within specified areas, see 9.08.030(A)</i>				
(6)				least 300 feet from another retail Food and Beverage Services use.
(7)				Reserved
(8)				Mobile Food Truck Off-Street Venues shall only be located on the R3A overlay parcels located between Ocean Park Boulevard and Hill Street along the east side of Neilson Way.
(9)				Limited to bicycle and skate rental facilities along Ocean Front. Other General Retail Sales uses are not permitted.
				Limited to youth-serving studios of less than 3,000 square feet offering performing arts, dance, martial arts, physical exercise, and similar types of instruction in buildings designed and constructed for commercial purposes across an alley from the Downtown district subject to a passenger loading and drop-off plan to be reviewed and approved by the Director.

9.08.030 Development Standards

Table 9.08.030 prescribes the development standards for the Multi-Unit Residential Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table.

TABLE 9.08.030: DEVELOPMENT STANDARDS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Standard</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>* for development standards within specified areas, see 9.08.030(A)</i>				
Parcel and Density Standards				
Minimum Parcel Size (sq. ft.)	5,000	5,000	5,000	
Maximum Parcel Size (sq. ft.)	See 9.21.030(B)(C)	See 9.21.030(B)(C)	See 9.21.030(B)(C)	
Minimum Parcel Width (ft.)	50	50	50	
Minimum Parcel Depth (ft.)	100	100	100	
Minimum Parcel Area (sq. ft.) per Unit				
<i>Tier 1—Base Standard</i>	2,000 (or 4 total units, whichever is less)	1,500 (or 5 total units, whichever is less)	1,250 (or 6 total units, whichever is less)	For parcels consolidated to provide courtyards, the maximum allowable number of units shall be based on the total maximum number of units allowed on each of the parcels prior to consolidation.
<i>Tier 2—With Provision of Community Benefits</i>	NA	1,250	900	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	1,500	1,250	900	

TABLE 9.08.030: DEVELOPMENT STANDARDS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Standard</i> <i>* for development standards within specified areas, see 9.08.030(A)</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
Building Form and Location				
Maximum Number of Stories				
<i>Tier 1—Base Standard</i>	2	2	3	
<i>Tier 2—With Provision of Community Benefits</i>	NA	3	4	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	No limit on number of stories as long as building complies with height limit.			
Maximum Building Height (ft.)				
<i>Tier 1—Base Standard</i>	30. See (B)	30. See (B)	30. See (B)	
<i>Tier 2—With Provision of Community Benefits</i>	NA	40. See (B)	45. See (B)	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	30. See (B)	40. See (B)	45. See (B)	
Maximum Parcel Coverage				
<i>Ground Floor</i>	45	50	50	
<i>Upper Stories (% of allowable ground floor coverage)</i>	90 - 2 nd flr.	90 - 2 nd /3 rd flr.	80 - 2 nd flr. 60 - 3 rd flr. 50 - 4 th flr.	
<i>Additional Stories Authorized for 100% Affordable Housing Projects (% of ground floor coverage)</i>	90	90	50	
Minimum Setbacks				
<i>Front (ft.)</i>	20 See (C)(E)	20 See (C)(E)	20 See (C)(E)	
<i>Interior Side (ft.)—Parcels 50 feet or more in width</i>	8 See (E)	8 See (E)	8 See (E)	
<i>Interior Side (ft.)—Parcels less than 50 ft in width</i>	4, or 16% of parcel width, whichever is greater See (E)	4, or 16% of parcel width, whichever is greater See (E)	4, or 16% of parcel width, whichever is greater See (E)	
<i>Street Side (% of parcel width)</i>	15 See (C)(E)	15 See (C)(E)	15 See (C)(E)	
<i>Rear (ft.)</i>	15	15	15	
Parking	9.28.070 Location of Parking			
Transition Requirements Adjacent to R1 District	See (D)	See (D)	See (D)	

TABLE 9.08.030: DEVELOPMENT STANDARDS—MULTI-UNIT RESIDENTIAL DISTRICTS				
<i>Standard</i> <i>* for development standards within specified areas, see 9.08.030(A)</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
Open Space & Landscaping				
Minimum Outdoor Living Area per Unit (sq. ft.)—Sites with Three or More Units				Section 9.21.090, Outdoor Living Area
<i>Private</i>	60	60	60	
<i>Total</i>	150	150	100	
Courtyards—Parcels over 99 feet in width	No less than 10% of the total parcel area. See (F)	No less than 10% of the total parcel area. See (F)	No less than 10% of the total parcel area. See (F)	
Minimum Planting Area (% of parcel area)	30. See (G)	25. See (G)	20. See (G)	Chapter 9.26, Landscaping
Additional Standards				
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences , Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			
Landscaping	Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation			
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks			
Screening	Section 9.21.140, Screening			
Signs	Chapter 9.61, Signs			
Solar Energy Systems	Section 9.21.150, Solar Energy Systems			
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards			

A. **Development Standards, Specified Areas.** The following development standards shall govern in the areas defined below.

1. For Multi-Unit Residential District parcels located north of the Pier and west of Ocean Avenue, the following development standards shall apply in lieu of the corresponding land use regulations specified in Table 9.08.020 and development standards specified in Table 9.08.030:

a. **Uses.**

i. **Permitted Uses:** One Single-Unit Dwelling per lot placed on a permanent foundation (including Manufactured Housing); Second Dwelling Unit; Single-Room Occupancy Housing; Congregate Housing; Senior Citizen

- Multiple-Unit Residential; Senior Group Residential; Family Day Care, Small; Supportive Housing; Transitional Housing; Hospice, Limited; One-story accessory building and structures up to fourteen feet in height; Public parks and playgrounds.
- ii. **Uses Subject to Minor Use Permits:** Hospice, General; One-story accessory living quarters up to fourteen feet in height on parcels having a minimum area of 10,000 SF.
 - iii. **Conditionally Permitted Uses:** Bed and Breakfast; Day Care Center; Group Residential; Residential Care Facility; Offices and meeting rooms for charitable, youth, and welfare organizations; Schools.
- b. **Maximum Building Height.** Maximum building height shall be forty feet, except that:
- i. No portion of the building may project beyond the site view envelope. The site view envelope is a theoretical plane beginning mid-point at the minimum required beach setback line and extending to a height of thirty feet, and then running parallel with the side parcel lines to a point located five feet in height above the top of the Palisades bluff immediately behind the pedestrian railing.
 - ii. No portion of the building above twenty-three feet for a flat roof, and thirty feet for a pitched roof may exceed thirty feet in width. Multiple projections above twenty-three feet for a flat roof and thirty feet for a pitched roof shall be separated by a minimum twenty-foot wide unobstructed view corridor. No projections, connections, or mechanical equipment may be placed in the view corridor.
- c. **Maximum Unit Density.** For parcels four thousand square feet or more, the maximum unit density shall be one dwelling unit for each one thousand five hundred square feet of parcel area, or four total units, whichever is less. For parcels less than four thousand square feet, no dwelling units shall be permitted, except that one dwelling unit may be permitted on any legal parcel which existed on September 8, 1988. No more than one dwelling unit shall be permitted on a parcel forty feet or less in width
- d. **Maximum Parcel Coverage.** Fifty percent of the parcel area.
- e. **Front Yard Setback.** The minimum required front yard setback shall be either twenty feet or shall comply with the minimum front yard setback for the district as set forth in the Official Districting Map, whichever area is greater. At least thirty percent of the building elevation above fourteen feet in height shall provide an additional five-foot average setback from the minimum required front yard setback.
- f. **Beach Rear Yard Setback.** Twenty-five feet.

- g. **Side Yard Setback.** The minimum required side yard setback shall be determined in accordance with the following formula, except that for lots of less than fifty feet in width, the minimum required side yard shall be ten percent of the parcel width, but in any event not less than four feet:

$$5' + (\text{stories} \times \text{lot width}) / 50'$$

At least twenty-five percent of the side elevation above fourteen feet in height shall provide an additional four-foot average setback from the minimum required side yard setback.

- h. **Minimum Parcel Size.** Five thousand square feet. Each parcel shall contain a minimum depth of one hundred feet and a minimum width of fifty feet, except that parcels existing on September 8, 1988 shall not be subject to this requirement.
- i. **Development Review.** Except for projects listed in Section 9.40.020(B), a development review permit shall be required for any development of ten thousand square feet or more in floor area.
- j. **View Corridor.** A structure with seventy square feet or more of frontage parallel to Pacific Coast Highway shall provide an unobstructed view corridor between Pacific Coast Highway and the ocean. The view corridor shall be a minimum of twenty feet in width and forty feet in height measured from the property line parallel to the Pacific Coast Highway.
- k. **Parking.** Uncovered parking may be located in the front half of the parcel and within the minimum required front yard setback.
- l. **Private Open Space.** Any project containing four or more residential dwelling units shall provide the following minimum open space: one hundred square feet per unit for projects with four or five units, and fifty square feet per unit for projects of six units or more. For purposes of this requirement, “residential dwelling unit” shall mean any unit three hundred seventy-six square feet in area or larger. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.

- 2. For Multi-Unit Residential District parcels bounded by Neilson Way to the east, Ocean Park Boulevard to the south, Barnard Way to the west, and up to and including the parcels on the north side of Wadsworth Avenue to the north, the following development standards shall apply in lieu of the corresponding land use regulations specified in Table 9.08.020 and development standards specified in Table 9.08.030:

- a. **Uses.**

- i. **Permitted Uses:** One Single Unit Dwelling per parcel on a permanent foundation (including Manufactured Housing); One Duplex (including a detached second unit when located on a parcel containing one Single Unit Dwelling) on any legal parcel that existed on August 31, 1975; Family Day Care, Small; Family Day Care, Large; Hospice, Limited; Supportive Housing, Transitional Housing; Public Parks and Playgrounds.

- ii. **Uses Subject to Minor Use Permits:** One-story accessory living quarters up to fourteen feet in height on parcels having a minimum area of 10,000 SF; Hospice, General.
 - iii. **Conditionally Permitted Uses:** One-story accessory buildings over fourteen feet in height or two-story accessory buildings up to a maximum of twenty-four feet.
 - b. **Maximum Building Height.** Two stories, not to exceed twenty-three feet for a flat roof or thirty feet for a pitched roof. A “pitched roof” is defined as a roof with at least two sides having no less than one foot of vertical rise for every three feet of horizontal run. The walls of the building may not exceed the maximum height required for a flat roof. There shall be no limitation on the number of stories of any affordable house project, as long as the building height does not exceed the maximum number of feet permitted in this Section.
 - c. **Maximum Unit Density.** A minimum of fifteen hundred square feet of parcel area for each dwelling unit, or four units total, whichever is less. However, one duplex shall be permitted on any legal parcel that existed on August 31, 1975.
 - d. **Maximum Parcel Coverage.** Sixty percent of the parcel area.
 - e. **Minimum Parcel Size.** Three thousand square feet. Each parcel shall have a minimum depth of one hundred feet and a minimum width of thirty feet, except that parcels already developed and existing on September 8, 1988, shall not be subject to this requirement.
 - f. **Front Yard Setback.** Ten feet.
 - g. **Rear Yard Setback.** Fifteen feet.
 - h. **Side Yard Setback.** The minimum required side yard setback shall be determined in accordance with the following formula, except that for lots of less than fifty feet in width, the minimum required side yard setback shall be ten percent of the parcel width, but in any event not less than four feet:
$$5' + (\text{stories} \times \text{lot width}) / 50'$$
 - i. **Front Yard Paving.** No more than fifty percent of the area of the required front yard setback, including driveways, shall be paved.
 - j. **Private Open Space.** Any project containing four or more residential dwelling units shall provide the following minimum open space: one hundred square feet per unit for projects with four or five units, and fifty square feet per unit for projects of six units or more. For purposes of this requirement, “residential dwelling unit” shall mean any unit three hundred seventy-six square feet in area or larger. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.
3. For Multi-Unit Residential District parcels bounded by Appian Way to the east, Vicente Terrace to the south, Ocean Front Walk to the west, and Seaside Terrace to the north, the following development standards shall apply in lieu of the corresponding land use

regulations specified in Table 9.08.020 and development standards specified in Table 9.08.030:

- a. **Uses.**
 - i. **Permitted Uses:** Single-Unit Dwellings placed on a permanent foundation (including Manufactured Housing); Multi-Unit Dwellings; Single-Room Occupancy Housing; Congregate Housing; Senior Citizen Multiple-Unit Residential; Senior Group Residential; Family Day Care, Small; Supportive Housing; Transitional Housing; Hospice, Limited; One-story accessory building and structures up to fourteen feet in height; Public parks and playgrounds.
 - ii. **Uses Subject to Minor Use Permits:** One-story accessory living quarters up to fourteen feet in height on parcels having a minimum area of 10,000 SF; Hospice, General.
 - iii. **Conditionally Permitted Uses:** Bed and Breakfast; Day Care Center; Group Residential; Residential Care Facility; Community Assembly; Emergency Shelter; One-story accessory buildings over fourteen feet in height or two-story accessory buildings up to a maximum of twenty-four feet; Offices and meeting rooms for charitable, youth, and welfare organizations; Schools; Convenience Market; Bicycle and skate rental facilities; Underground parking structures provided the parcel was occupied by a surface parking lot at the time of adoption of this Chapter, the parcel is not adjacent to a parcel in the NC District, the ground level above the underground parking structure is used for residential or public park and open space uses, the structure is associated with an adjacent commercially zoned parcel, and the vehicle access to the underground parking is from the commercially zoned parcel and as far from the residentially zoned parcel as is reasonably possible.
- b. **Maximum Building Height.** Two stories, not to exceed thirty feet, except that there shall be no limitation on the number of stories of any affordable housing project, as long as the building height does not exceed thirty feet.
- c. **Maximum Floor Area Ratio.** 1.0.
- d. **Maximum Unit Density.** For projects on parcels of four thousand square feet or more, one dwelling unit for each one thousand five hundred square feet of parcel area shall be permitted, or five units total, whichever is less. For parcels less than four thousand square feet, no dwelling units shall be permitted, except that one dwelling unit may be permitted if a single-unit dwelling existed on the parcel on September 8, 1988.
- e. **Maximum Parcel Coverage.** Fifty percent of the parcel area.
- f. **Minimum Parcel Size.** Five thousand square feet. Each parcel shall contain a minimum depth of one hundred feet and a minimum width of fifty feet, except that parcels existing on September 8, 1988 shall not be subject to this requirement.

- g. **Front Yard Setback.** The minimum required front yard setback shall be either twenty feet, or shall comply with the minimum front yard setback for the district as set forth in the Official Districting Map, whichever area is greater.
- h. **Rear Yard Setback.** Fifteen feet.
- i. **Side Yard Setback.** The minimum required side yard setback shall be determined in accordance with the following formula, except that for lots of less than fifty feet in width, the minimum required side yard setback shall be ten percent of the parcel width, but in any event not less than four feet:
$$5' + (\text{stories} \times \text{lot width}) / 50'$$
- j. **Development Review.** Except for projects listed in Section 9.40.020(B), a development review permit shall be required for any development of ten thousand square feet or more in floor area.
- k. **Private Open Space.** Any project containing four or more residential dwelling units shall provide the following minimum open space: one hundred square feet per unit for projects with four or five units, and fifty square feet per unit for projects of six units or more. For purposes of this requirement, “residential dwelling unit” shall mean any unit three hundred seventy-six square feet in area or larger. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.
- l. **Upper-Level Setback Requirements.**
 - i. **Additional Front Setback Over Fourteen Feet in Height.** For new structures or additions to existing structures, any portion of the front building elevation above fourteen feet exceeding seventy-five percent of the maximum buildable front elevation shall be stepped back from the front setback line an additional average amount equal to four percent of parcel depth, but in no case resulting in a requirement setback greater than ten feet. As used in this Section, “maximum buildable elevation” shall mean the maximum potential length of the elevation permitted under these regulations, which includes parcel width or length (as applicable), minus required minimum setbacks.
 - ii. **Additional Side Setback Over Fourteen Feet in Height.** For new structures or additions to existing structures, any portion of the side building elevation above fourteen feet exceeding fifty percent of the maximum buildable side elevation shall be stepped back from the side setback line an additional average amount equal to six percent of parcel width, but in no case resulting in a required setback greater than ten feet.
 - iii. The upper-level setback requirements may be modified subject to the review and approval of the Architectural Review Board if the Board finds that the modification will not be detrimental to the property, adjoining properties, or the general area in which the property is located, and the objectives of the setback requirements are satisfied by the provision of

alternative setbacks or other features which reduce effective mass to a degree comparable to the relevant standard requirement.

B. **Additional Stepback at Upper Stories.** The maximum building height shall not exceed 30 feet in the R2 District, 40 feet in the R3 District, and 45 feet in the R4 District, and shall be subject to the following standards:

1. **R2 District.** No portion of the building volume above 23 feet shall encroach into a daylight plane starting at 23 feet above the front setback line and sloping upward at a 45-degree angle toward the rear of the parcel. The 23 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.
2. **R3 District.** No portion of the building volume above 35 feet shall encroach into a daylight plane starting at 35 feet above the front setback line and sloping upward at a 45-degree angle toward the rear of the parcel. The 35 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.
3. **R4 District.** No portion of the building volume above 40 feet shall encroach into a daylight plane starting at 40 feet above the front setback line and sloping upward at a 45-degree angle toward the rear of the parcel. The 40 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.
4. The covered portion of all stories above the second story in any multi-unit structure shall be set back an average of 10 feet from the second floor front façade.

C. **Front and Side Setbacks.**

1. The front yard setback on Arcadia Terrace and Seaview Terrace shall be 30 feet measured from the center line of the walkway.
2. In the R2, R3, and R4 Districts, the street side setback shall be at least 15 percent of the parcel width but no less than 6 feet and is not required to exceed 10 feet.
3. Where a corner parcel in an R2, R3, or R4 District abuts a parcel in an R1 District, the street side setback shall be at least half of the required front setback in the adjacent R1 District.

D. **Transition Requirements Adjacent to R1 District.** Where an R2, R3, or R4 District adjoins an R1, the following standards apply:

1. The maximum height within 25 feet of an R1 District is 23 feet for a building with a flat roof. A building with a pitched roof may be built to the maximum height.
2. The building setback from an R1 District boundary shall be 10 feet for interior side setbacks and 20 feet for rear setbacks.
3. A landscaped planting area, a minimum of 5 feet in width, shall be provided along all R1 District boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.

E. **Special Project Design and Development Standards.** The new construction of or new addition to a principal building shall comply with the following standards:

1. Street-facing pedestrian entries shall not be located below grade, and any excavation to access the entry shall be prohibited.

2. An additional five-foot setback beyond the minimum front yard setback set forth in Section 9.08.030 is required for at least twenty-five percent of the width of the front façade. This setback shall be fully integrated into the building through balconies, decks, or other elements that articulate the front of the building.
3. All required setbacks set forth in Section 9.08.030 shall be open to the sky except for permitted architectural projections contained in Section 9.21.110.
4. Mezzanines shall be concealed within the building and shall not appear as an additional story on the exterior building façade.
5. An additional two-foot average side yard setback from the minimum requirement set forth in Section 9.08.030 shall be provided at each story. Setback areas greater than five feet in depth from the minimum side yard setback, or the area used to comply with the additional setback requirements of this Section, shall not be used to satisfy compliance with this requirement.
6. The allocation of allowable parcel coverage area shall be distributed to provide clear delineation between individual units through: changes in wall plane, in plan or section; use of additional setbacks; use of decks or balconies; or other architectural and spatial manipulation. A change in plane to differentiate individual units shall be a minimum of twelve inches. However, more than one but no more than three units may be grouped together for the purpose of providing a shared entry, balcony or other common exterior space.

F. **Courtyards.** Parcels having a width greater than ninety-nine feet and located in the R2, R3, or R4 District shall provide a courtyard on the lot. Courtyards shall comply with the following design criteria:

1. Courtyards shall be no less than ten percent of the total lot area and in no case less than one thousand square feet with a minimum width and length of eighteen feet measured parallel to the front and side parcel lines. Required setback area shall not count toward the minimum width and length or one thousand square foot requirement.
2. Courtyards shall be open to the sky, but may include permitted projections set forth in Section 9.21.110 for side yard projections. If mechanical or utility equipment is placed in the courtyard, it shall be screened visually and acoustically and shall not encroach into the minimum courtyard area.
3. A minimum of 50% of the courtyard's perimeter shall be enclosed by a building.
4. Courtyards shall be visible and accessible from the sidewalk and each ground floor unit. Courtyards shall be visible from the street with a minimum ten foot wide opening that is open to the sky. For openings less than 18 feet in width into courtyards, the depth of the opening shall not exceed twice the width of the opening.
5. At least 50% of courtyard areas shall be planted pursuant to Sections 9.26.060 and 9.26.070. Planting shall be at grade or in finished planters not exceeding 18 inches above finished grade. At least one canopy tree in a tree well providing a minimum soil volume pursuant to Section 9.26.050(A)(3) shall be planted in all courtyards.
6. The majority of primary entrances to all ground floor units shall be accessed from the street frontage or courtyard.

- G. **Planting Areas.** The following areas shall be landscaped and may count toward the total area of site landscaping required by Table 9.08.030.
1. ***Setback Areas Adjacent to Streets.*** All visible portions of a required setback area adjacent to a street that are not used for driveways or walks shall be dedicated for planting areas or landscaping. These areas shall be planted with the appropriate number and sizes of trees as necessary to provide shade and to increase a project's energy efficiency. Recreational vehicles, utility trailers, unmounted camper tops, boats, cars, trucks, motorcycles, or other vehicles shall not be parked or stored within a required planting or landscape area.
 2. ***Interior Side Setback Areas.*** At least 50 percent of each required setback area shall be planting area, except that for parcels less than 50 feet in width, 50 percent of any one interior side setback area shall be planted.
 3. ***Adjacent to R1 Districts.*** A continuous planting area having a minimum width of 5 feet is provided along interior parcel lines when an R2, R3, or R4 District is adjacent to an R1 District.

Chapter 9.09 Ocean Park Neighborhood Districts

Sections:

- 9.09.010 Purpose
- 9.09.020 Land Use Regulations
- 9.09.030 Development Standards

9.09.010 Purpose

The purposes of the “Ocean Park Neighborhood” Districts are to:

- A. Maintain the Ocean Park neighborhood as an eclectic residential neighborhood that maintains its identity as a beach-oriented community in the middle of a thriving urban environment.
- B. Ensure that the scale and design of new or rehabilitated development is sensitive to the scale and massing of existing adjacent structures and with the surrounding neighborhood context.
- C. Provide for the maintenance and continuation of a mixture of residential building types that range from older single-unit homes, duplexes, and triplexes to multi-unit housing.
- D. Protect the quality of life of neighborhood residents against potential impacts related to development - traffic, noise, air quality, and the encroachment of commercial activities.
- E. Ensure adequate light, air, privacy, and open space for each dwelling.
- F. Avoid overburdening public facilities, including sewer, water, electricity, and schools, by an influx and increase of people to a degree larger than the City’s geographic limits, tax base, or financial capabilities can reasonably and responsibly accommodate.
- G. Provide sites for institutional, residential, and neighborhood serving uses such as day care, parks, community facilities, and neighborhood stores that provide goods and services to support daily life within walking distance of neighborhoods and complement surrounding residential development.

The specific designations and the additional purposes of the Ocean Park Districts are:

OP1 Ocean Park Single Unit Residential. This Zoning District is intended to maintain areas where single unit housing predominates. This District allows for single unit housing on individual parcels at densities of one unit plus one second dwelling per legal parcel. In addition to detached single unit homes and second dwelling units, this District provides for uses such as parks and family day care that may be appropriate in a residential environment.

OPD Ocean Park Duplex Residential. This Zoning District is intended to maintain areas where single unit and duplex residential uses predominate and is in particular, intended to preserve the unique characteristics of the Copeland Court walk street. In addition to detached single unit homes and duplexes at a maximum density of two units on an individual parcel, this District provides for uses such as parks and family day care, transitional housing, hospice facilities, and neighborhood serving uses such as childcare and community facilities that may be appropriate in a residential environment.

OP2 Ocean Park Low Density Residential. This Zoning District is intended to provide a variety of low density housing types that reflects the distinct identity of the Ocean Park neighborhood. These types include single unit housing, duplexes and triplexes, townhouses, and courtyard housing with at least 2,000 square feet of parcel area per unit exclusive of City and State density bonuses. In addition to low density residential development, this District provides for uses such as transitional housing or hospice facilities, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

OP3 Ocean Park Medium Density Residential. This Zoning District is intended to maintain a variety of multi-unit housing types with at least 1,500 square feet of parcel area per unit or 1,250 square feet of parcel area per unit for projects that provide identified community benefits. Types of dwelling units include low- and medium-scale single-unit housing, multi-unit housing, townhouses, courtyard housing, and duplexes and triplexes. This District also provides for residential facilities such as transitional housing and hospice facilities, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

OP4 Ocean Park High Density Residential. This Zoning District is intended to provide areas for multi-unit housing at greater intensities than other Ocean Park Neighborhood districts. Housing types include single-unit housing, three-to four-story multi-unit housing projects, duplexes, and triplexes with at least 1,250 square feet of parcel area per unit or 900 square feet of parcel area per unit for projects that provide identified community benefits. This District also provides residential facilities such as assisted living, transitional housing, and hospice facilities, family day care, hotels, and neighborhood-serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

9.09.020 Land Use Regulations

Table 9.09.020 prescribes the land use regulations for Ocean Park Neighborhood Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.09.020: LAND USE REGULATIONS—OCEAN PARK NEIGHBORHOOD DISTRICTS						
<i>Use Classification</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
Residential Uses						
Residential Housing Types	<i>See sub-classifications below.</i>					
<i>Single Unit Dwelling</i>	P	P	P	P	P	
<i>Second Dwelling Unit</i>	P	P	P	P	P	Section 9.31.300, Second Dwelling Units
<i>Duplex</i>	–	P	P	P	P	
<i>Multiple-Unit Structure</i>	–	–	P	P	P	
<i>Senior Citizen Multiple-Unit Residential</i>	–	–	P	P	P	
<i>Single-Room Occupancy Housing</i>	–	–	P	P	P	
<i>Group Residential</i>	–	–	MUP	MUP	MUP	
<i>Congregate Housing</i>	–	–	P	P	P	
<i>Senior Group Residential</i>	–	L (2)	P	P	P	Section 9.31.310, Senior Group Residential
Elderly and Long-Term Care	–	–	CUP	CUP	CUP	
Emergency Shelters	–	–	CUP	CUP	CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>					
<i>Large</i>	P	P	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	P	P	
Residential Facilities	<i>See sub-classifications below.</i>					
<i>Residential Care, General</i>	–	–	MUP	MUP	MUP	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	L (2)	L (2)	L (3)/MUP	L (3)/MUP	L (3)/MUP	Section 9.31.270, Residential Care Facilities
<i>Hospice, General</i>	–	MUP	MUP	MUP	MUP	
<i>Hospice, Limited</i>	P	P	P	P	P	
Supportive Housing	P	P	P	P	P	

TABLE 9.09.020: LAND USE REGULATIONS—OCEAN PARK NEIGHBORHOOD DISTRICTS						
<i>Use Classification</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
Transitional Housing	P	P	P	P	P	
Public and Semi-Public Uses						
Adult Day Care	CUP	CUP	CUP	CUP	CUP	
Child Care and Early Education Facilities	CUP	CUP	CUP	CUP	CUP	Section 9.31.120, Child Care and Early Education Facilities
Community Assembly	–	–	CUP	CUP	CUP	
Community Gardens	P	P	P	P	P	
Cultural Facilities	–	CUP	CUP	CUP	CUP	Limited to Designated Landmarks
Park and Recreations Facilities, Public	P	P	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	CUP	CUP	
Commercial Uses						
Food and Beverage Sales	See sub-classifications below.					
<i>General Market</i>	–	–	CUP (4)	CUP (4)	CUP (4)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.150, General Markets in Residential Districts
Lodging	See sub-classifications below.					
<i>Bed and Breakfast</i>	–	–	CUP	CUP	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	-	-	-	-	CUP	
Transportation, Communication, and Utilities Uses						
City Bikeshare Facility	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	
Specific Limitations:						
(1) Reserved						
(2) Limited to facilities for 6 or fewer residents; facilities for more than 6 residents not permitted.						
(3) Limited to facilities for 6 or fewer residents. Facilities for more than 6 residents require a Minor Use Permit.						
(4) Only stores up to 2,500 square feet may be allowed with approval of a Conditional Use Permit. Stores must be located at least 300 feet from a commercial district with a Food and Beverage Service use.						

9.09.030 Development Standards

Table 9.09.030 prescribes development standards for Ocean Park Neighborhood Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to subsections that directly follow the table.

TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS						
<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
Parcel and Density Standards						
Minimum Parcel Size (sq. ft.)	4,000	5,000	5,000	5,000	5,000	
Maximum Parcel Size (sq. ft.)	See 9.21.030 (B)	See 9.21.030 (B)	See 9.21.030 (B)	See 9.21.030 (B)	See 9.21.030 (B)	
Minimum Parcel Width (ft.)	25	50	50	50	50	
Minimum Parcel Depth (ft.)	80	100	100	100	100	
Minimum Parcel Area (sq. ft.) per Unit						
<i>Tier 1—Base Standard</i>	N/A	2 units per parcel	2,000	1,500	1,250	See (A)
Building Form and Location						
Maximum Number of Stories						
<i>Tier 1—Base Standard</i>	2	2	2 See (B)	2	3	
<i>100% Affordable Housing Projects</i>	2	No limit to stories.				
Maximum Building Height (ft.)						
<i>Base Standard—Flat Roofs; Roofs Pitched Less Than 1:3</i>	20	23	23 See (B)	23	35	
<i>Pitched Roofs</i>	27	30	30 See (B)	30	35	The walls of the building may not exceed the maximum height required for a flat roof.
Maximum Parcel Coverage (% of Parcel Area)						
<i>Tier 1—Base Standard</i>	50	50	50	50	50	55% for parcels less than 35 ft. in width in OP1

TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS						
<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
<i>100% Affordable Housing Projects</i>	60	60	60	60	60	
Minimum Setbacks (ft.)						
<i>Front</i>	15 [10, if average of adjacent dwelling (s) is 10 ft. or less]	30 measured from the centerline of the walkway	20 [15, if average of adjacent dwelling (s) is 10 ft. or less]	20 [10, if average of adjacent dwelling (s) is 10 ft. or less]	15 [10, if average of adjacent dwelling(s) is 10 ft. or less]	Except for OPD, a one-story covered or uncovered porch open on three sides may encroach six feet into the required front setback if the roof does not exceed a height of 14 feet and the porch width does not exceed 40% of the building width at the front of the building.
<i>Side—Blank walls and walls containing secondary windows on parcels less than 50 ft. in width</i>	Greater of 4 ft. or 10% of parcel width					3 feet for parcels less than 35 ft. in width in OP1
<i>Side— Blank walls and walls containing secondary windows on parcels 50 ft. or more in width</i>	See formula in. See (C)					
<i>Side—Walls containing primary windows on parcels less than 50 ft. in width</i>	8 ft. setback from property line. 12 ft. of separation must be maintained between primary window and any adjacent structures					3 feet for parcels less than 35 ft. in width in OP1
<i>Side—Walls containing primary windows on parcels 50 ft. or more in width</i>	12 ft. See (C)					
<i>Street side--Parcels less than 50 ft. in width</i>	Greater of 4 ft. or 10% of parcel width	See formula in (C)				3 feet for parcels less than 35 ft. in width in OP1
<i>Street Side –Parcels 50 ft. or more in width</i>	See (C)	10 ft. See (C)				
<i>Rear</i>	10	15	15	15	15	
<i>Parking</i>	Section 9.28.070, Location of Parking					
<i>Minimum Spacing between Buildings (ft.) – Buildings facing each other on the same lot</i>	–	See (D)	See (D)	See (D)	See (D)	

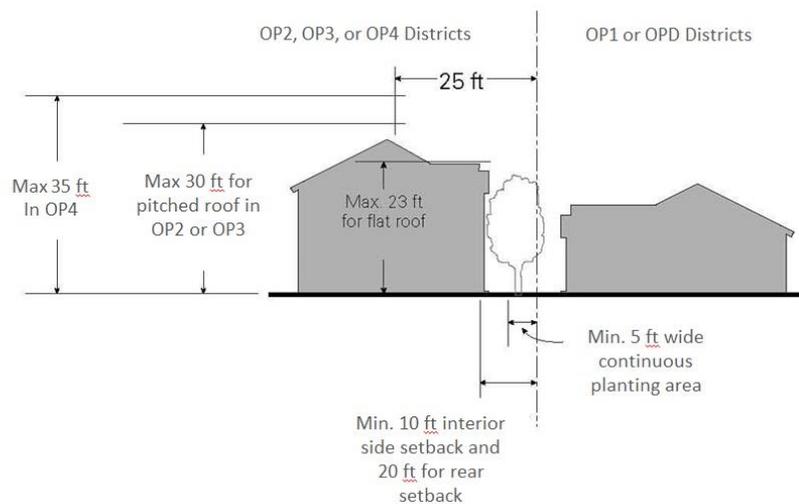
TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS						
<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
Transition Requirements Adjacent to OP1 or OPD Districts	–	–	See (F)	See (F)	See (F)	
Open Space & Landscaping						
Minimum Outdoor Living Area (sq. ft.) per Dwelling Unit						Section 9.21.090, Outdoor Living Area
<i>Private</i>	NA	60	60	60	60	Required only of projects with 2 or more units.
<i>Total</i>	NA	150	150	150	100	Required only of projects with 2 or more units.
Minimum Planting Area (% of parcel area)	25	25	25	25	20	See (G), Chapter 9.26, Landscaping. Required only of projects with 2 or more units.
Additional Standards						
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures					
Exceptions to Height Limits	Section 9.21.060, Height Exceptions					
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges					
Home Occupation	Section 9.31.160, Home Occupation					
Landscaping	Section 9.09.030 (G), Chapter 9.26, Landscaping					
Lighting	Section 9.21.080, Lighting					
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation					
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks					
Screening	Section 9.21.140, Screening					
Solar Energy Systems	Section 9.21.150, Solar Energy Systems					
Trash Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards					

- A. **Maximum Density.** The following additional rules apply to the maximum residential density:
1. **Calculation of Units—Remainder Parcel Area.** An additional unit is allowed on a parcel if, after calculating the allowed number of units based on the minimum required parcel area per unit stated in Table 9.09.030 for the respective district, the excess parcel area equals or exceeds the following:
 - a. 1,000 square feet in OP2.
 - b. 750 square feet in OP3.

- c. 625 square feet in OP4.
 2. **Parcels Less Than 4,000 Square Feet.** No more than one dwelling unit shall be permitted on a parcel 4,000 square feet or less in area.
 3. **Parcels over 10,000 Square Feet—OP2 District.** In the OP2 District, the maximum density on parcel that have an area of 10,000 square feet or more or a combined street frontage of 100 feet or more shall be one dwelling unit for each 2,500 square feet of combined lot area, except where 100 percent of the proposed units are deed restricted for very low, low, middle, and/or moderate income housing, in which case the density shall be one unit for each 2,000 square feet of parcel area.
 4. **Parcels over 15,000 Square Feet—OP3 District.** In the OP3 District, the maximum density on parcel that have an area of 15,000 square feet or more or exceed a combined street frontage of 150 feet shall be one dwelling unit for each 2,000 square feet (OP3) of combined parcel area, except where 100 percent of the proposed units are deed restricted for very low, low, middle, and/or moderate income housing, in which case the density shall be one unit for each 1,500 square feet of parcel area.
- B. **Maximum Height on Sloped Parcels—OP2 District.** In the OP2 District, on upslope parcel where the change in elevation is 10 feet or greater from the finished surface of the sidewalk adjacent to the property line to the required rear setback line, the maximum allowable height for structures is:
1. One story and 14 feet in height for the first 15 feet of horizontal distance on the parcel measured from the front parcel line.
 2. 2 stories and 18 feet for a flat roof or 23 feet for a pitched roof for that portion of the structure located between 15.1 feet and 30 feet from the front parcel line.
 3. The maximum permitted height for structures beyond 30 feet from the front parcel line shall be 2 stories and 23 feet for a flat roof or 30 feet for structures with a pitched roof.
 4. The finished grade shall be no more than three feet below or above the theoretical grade line at any point adjacent to a building if excavation occurs. An opening to a garage may remain unexcavated.
- C. **Front and Side Setbacks.**
1. The front yard setback on Copeland Court shall be 30 feet measured from the center line of the walkway.
 2. The following formula shall be used to determine the required side setback for blank walls and walls containing secondary windows. In the OP1 District, this formula shall also be used to determine the required street side setback on lot parcels 50 feet or more in width. In the OP2, OP3, and OP4 districts, it shall be used to determine the required street side setback on parcels less than 50 feet in width. The setback is calculated as follows:
$$\text{Setback (ft.)} = 5 + \frac{(\text{stories} \times \text{parcel width})}{50}$$
 3. Within the required side setback area for corner parcels 50 feet or greater in width, covered or uncovered stairways or porches not exceeding 35 percent of the building frontage on the street side may encroach up to 5 feet into the required side setback.

4. Within the required side or street side setback area for parcels 50 feet or greater in width, the second floor side setback above a primary window shall not project more than 2 feet into the required side setback.
- D. **Building Spacing.** Buildings that face each other on the same lot shall be separated by the following minimum distances:
1. 15 feet if one building has primary windows facing the other.
 2. 25 feet when the windows of primary spaces in both buildings face each other on the ground or second level, except 15 feet when they are visually separated by a solid wall or opaque fence over five feet six inches in height.
 3. 10 feet when secondary windows face each other or when a secondary window faces a blank wall.
- E. **Roof Decks.** The handrail surrounding a roof deck shall be set back a minimum of three feet from the edge of the building at the side and rear yards.
- F. **Transition Requirements Adjacent to OP1 or OPD District.** Where an OP2, OP3 or OP4 District adjoins an OP1 or OPD District, the following standards apply:
1. The maximum height within 25 feet of an OP1 or OPD District is 23 feet for a building with a flat roof and 27 feet for a building with a pitched roof.
 2. The building setback from an OP1 or OPD District boundary shall be 10 feet for interior side setbacks and 20 feet for rear setbacks.
 3. A landscaped planting area, a minimum of 5 feet in width, shall be provided along all OP1 or OPD district boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.

FIGURE 9.09.030.D: TRANSITION REQUIREMENTS ADJACENT TO OP1 OR OPD DISTRICT—OCEAN PARK NEIGHBORHOOD DISTRICT



- G. **Planting Areas.** The following areas shall be landscaped, and may count toward the total area of site landscaping required by Table 9.09.030.
1. ***Setback Areas Adjoining Streets.*** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall be planting area or landscape. Recreational vehicles, utility trailers, un-mounted camper tops, boats, cars, trucks, motorcycles, or other vehicles shall not be parked or stored within a required planting or landscape area.
 2. ***Interior Setback Areas.*** At least 50 percent of each required interior side setback and rear setback shall be planting area having a minimum width of 7.5 feet adjoining a side or rear parcel line. The width of a required planting area may be reduced to 3 feet in one side or rear setback areas adjoining a driveway or patio, and a nonresidential accessory structure may occupy a portion of the planting area in a rear setback area.
 3. ***Adjoining OP1 and OPD Districts.*** A continuous planting area having a minimum width of 5 feet shall be provided along interior parcel lines when an OP2, OP3, or OP4 District adjoins an OP1 or OPD district.

Chapter 9.10 Downtown Districts

Development standards for the Downtown Districts will be developed through a Specific Plan process. Until such time the Specific Plan is adopted for these Downtown Districts, the existing Bayside District Specific Plan and applicable land use designations established in the 1984 Land Use and Circulation Element, as amended, continue to apply to the Downtown Core. Properties located outside of the Downtown Core shall be governed by the Mixed Use Boulevard land use designation of the 2010 Land Use and Circulation Element and the standards of this Zoning Ordinance.

Chapter 9.11 Mixed-Use and Commercial Districts

Sections:

- 9.11.010 Purpose
- 9.11.020 Land Use Regulations
- 9.11.030 Development Standards

9.11.010 Purpose

The purposes of the “Mixed-Use and Commercial” Districts are to:

- A. Transform auto-oriented boulevards and corridors into vibrant, diverse, and attractive corridors that support a mix of predominantly residential uses along with pedestrian and neighborhood serving uses in order to achieve an active social environment within a revitalized streetscape.
- B. Promote infill development, intensification, and reuse of currently underused sites consistent with the General Plan.
- C. Increase housing for all income levels along boulevards and encourage a mix of uses that promotes convenience, economic vitality, fiscal stability, and a pleasant quality of life.
- D. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character along commercial and mixed-use corridors.
- E. Provide appropriate buffers and transition standards between commercial and residential uses to preserve both commercial and mixed-use feasibility and residential quality and provide a sensitive transition between the commercial uses and neighboring residences.

The specific designations and the additional purposes of the Mixed-Use and Commercial Districts are:

MUBL Mixed-Use Boulevard Low. This Zoning District is intended to facilitate the transformation of Sections of boulevards into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent low density neighborhoods. Allowable ground floor uses include active, local-serving retail, open spaces such as plazas, service-oriented commercial uses, and residential and hotel uses in limited areas. Residential development for all income levels is the predominant use above the first floor.

MUB Mixed-Use Boulevard. This Zoning District is intended to facilitate the transformation of underutilized and auto-oriented Sections of boulevards into vibrant, diverse, and attractive pedestrian friendly mixed-use boulevards that support local-serving retail and a diversity of housing types. The Mixed-Use Boulevard District provides an environment that will accommodate affordable, workforce, and market-rate housing, stepping down in height and mass when adjacent to residential neighborhoods, as well as a variety of local-serving uses. Allowable ground floor uses include local-serving retail uses, ground floor open spaces such as small parks and plazas, service-oriented commercial uses, and some small-scale office uses. Residential development for all income levels is the predominant use above the first floor in certain locations.

In parts of the District, especially along the south side of Wilshire, medical and dental offices are allowed on all floors.

GC General Commercial. This Zoning District is intended to maintain areas for affordable and market rate housing and a broad range of commercial uses that provide necessary daily services such as auto sales and auto repair, convenience retail, hotels, hardware stores, and small restaurants while respecting adjacent residential neighborhoods and established neighborhood commercial areas.

NC Neighborhood Commercial. This Zoning District is intended to maintain and enhance small-scale neighborhood shopping districts that provide daily goods and services easily accessible from surrounding residential neighborhoods while also serving a sub-regional role. This District provides for a scale and character of development that is pedestrian-oriented and which tends to attract and promote a walk-in clientele. Development within this District should maximize human-scaled elements while providing a sensitive transition between these uses and neighboring residential areas. Ground floor uses include active, local-serving retail and service commercial uses such as small restaurants, laundromats, dry cleaners, beauty/barber shops, and clothing and grocery stores. Uses above the ground floor include residential, commercial, and local-serving office uses. This District is comprised of four geographic areas:

Main Street. Main Street is a neighborhood commercial street that is home to many boutiques, restaurants, and neighborhood-serving businesses. Main Street has both local and regional appeal, providing an eclectic mix of activities that is unique to Southern California.

Ocean Park Boulevard. Ocean Park Boulevard is a local-serving boulevard with two vibrant, neighborhood-serving commercial areas. The boulevard is a complete street for pedestrians, bicycles, transit, and autos, with an enhanced streetscape and dining, retail, and service needs within walking distance of the Sunset Park and Pico neighborhoods.

Pico Boulevard. Pico Boulevard is a local-serving, commercial boulevard that provides an enhanced environment for pedestrians and includes a wider choice of local-serving retail, expanded mobility, and shared parking.

Montana Avenue. Montana Avenue serves as a local, commercial, and entertainment street that also draws regional visitors who enjoy its many cafes and boutique stores.

9.11.020 Land Use Regulations

Table 9.11.020 prescribes the land use regulations for Mixed-Use and Commercial Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“-” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS					
<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
Residential Uses					
Residential Housing Types	<i>See sub-classifications below.</i>				
<i>Single Unit Dwelling</i>	P	P	P	P	
<i>Duplex</i>	L	L	L	L	
<i>Multiple-Unit Structure</i>	P	P	P	P	
<i>Senior Citizen Multiple-Unit Residential</i>	P	P	P	P	
<i>Single-Room Occupancy Housing</i>	P	P	P	P	
<i>Group Residential</i>	MUP	MUP	MUP	MUP	
<i>Congregate Housing</i>	P	P	P	P	
<i>Senior Group Residential</i>	P	P	P	P	Section 9.31.310, Senior Group Residential
Elderly and Long-Term Care	P	P	P	-	
Emergency Shelters	L (3)/CUP	L (3)/CUP	L (3)/CUP	L (3)/CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>				
<i>Large</i>	P	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	P	
Residential Facilities	<i>See sub-classifications below.</i>				
<i>Residential Care, General</i>	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Hospice, General</i>	P	P	P	P	
<i>Hospice, Limited</i>	P	P	P	P	

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS					
<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Public and Semi-Public Uses					
Adult Day Care	P	P	P	L (2)/CUP	
Child Care and Early Education Facilities	P	P	P	L (2)/CUP	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	CUP	CUP	P	CUP	
Community Assembly	L (18)/CUP	L (18)/CUP	L (18)/CUP	L (18)/CUP	
Community Gardens	P	P	P	P	
Cultural Facilities	P	P	P	L (2)/CUP	
Hospitals and Clinics	–	P	CUP	–	
Park and Recreation Facilities, Public	P	P	P	P	
Public Safety Facilities	P	P	P	CUP	
Schools, Public or Private	P	CUP	CUP	P	
Social Service Centers	P	P	P	P	Section 9.31.350, Social Service Centers
Commercial Uses					
Animal Care, Sales, and Services	<i>See sub-classifications below.</i>				
<i>Grooming and Pet Stores</i>	P	P	P	L (2)/CUP	No more than 10 dogs or cats may be kept overnight
<i>Pet Day Care Services</i>	MUP	MUP	MUP	MUP	
<i>Veterinary Services</i>	MUP	MUP	MUP	MUP	
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>				
<i>Alternative Fuels and Recharging Facilities</i>	CUP	CUP	CUP	CUP	
<i>Automobile Rental</i>	CUP	MUP	MUP	–	Section 9.31.050, Automobile Rental
<i>Automobile Storage Use</i>	L (4)/CUP	–	–	–	
<i>New Automobile/Vehicle Sales and Leasing</i>	–	–	CUP (6)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Additions 7,500 square feet or less to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010</i>	L (5)/MUP	L (5)/MUP	L (5)/MUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS					
<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
<i>Additions larger than 7,500 square feet to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010</i>	CUP (5)	CUP (5)	CUP (5)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Automobile/Vehicle Repair, Major</i>	–	–	CUP	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Minor</i>	CUP	–	CUP	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile/Vehicle Washing</i>	–	–	CUP	–	Section 9.31.080, Automobile/Vehicle Washing
<i>Service Station</i>	CUP	CUP	MUP	–	Section 9.31.320, Service Stations
<i>Towing and Impound</i>	–	–	CUP	–	
Banks and Financial Institutions	<i>See sub-classifications below.</i>				
<i>Banks and Credit Unions</i>	L (2)/CUP	L (2)/CUP	L (2)/CUP	L (2)/CUP	
<i>Check Cashing Businesses</i>	–	–	–	–	
Business Services	P	P	P	L (2)/CUP	
Commercial Entertainment and Recreation	<i>See sub-classifications below.</i>				
<i>Cinemas</i>	L (7)	–	–	L (7)	
<i>Theaters</i>	L (8)/CUP	L (8)/CUP	L (8)/CUP	L (8)/CUP	
<i>Convention and Conference Centers</i>	–	CUP	CUP	–	
<i>Large-Scale Facility</i>	CUP	CUP	CUP	-	
<i>Small-Scale Facility</i>	L (9)/CUP	L (9)/CUP	L (9)/CUP	CUP (16)	Section 9.31.340, Small-Scale Facility, Game Arcades
Eating and Drinking Establishments	<i>See sub-classifications below.</i>				
<i>Bars/Nightclubs/Lounges</i>	CUP	CUP	CUP	-	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Full-Service, Limited Service & Take-out, (2,500 square feet and smaller, including Outdoor Dining and Seating)</i>	P	P	P	L (10)(11)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS					
<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
<i>Restaurants, Full-Service, Limited Service & Take-out, (2,501 – 5,000 square feet, including Outdoor Dining and Seating)</i>	MUP	MUP	MUP	MUP (10)(11)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service & Take-out, (greater than 5,000 square feet, including Outdoor Dining and Seating)</i>	CUP	CUP	CUP	CUP (10)(11)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
Equipment Rental	–	P	P	–	
Food and Beverage Sales	<i>See sub-classifications below.</i>				
<i>Convenience Market</i>	CUP	CUP	CUP	CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	CUP	CUP	CUP	CUP	
<i>General Market</i>	L (12)/CUP	L (12)/CUP	L (12)/CUP	L (12)/CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Liquor Stores</i>	CUP	CUP	CUP	CUP	Section 9.31.040, Alcoholic Beverage Sales
Funeral Parlors and Mortuaries	–	CUP	CUP	–	
Instructional Services	P	P	P	P	
Live-Work	L (14)	L (14)	L (14)	PL (14)	Section 9.31.170, Live-Work
Lodging	<i>See sub-classifications below.</i>				
<i>Bed and Breakfast</i>	MUP	MUP	MUP	MUP	Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	CUP	CUP	CUP	–	
Maintenance and Repair Services	P	P	P	L (2)/CUP	
Nurseries and Garden Centers	P	P	P	P	Section 9.31.220, Outdoor Retail Display and Sales
Offices	<i>See sub-classifications below.</i>				
<i>Business and Professional</i>	L (21)/CUP	L (21)/CUP	L (21)/CUP	L (21)/CUP	

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS					
<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
<i>Creative</i>	L (21)/CUP	L (21)/CUP	L (21)/CUP	L (21)/CUP	
<i>Medical and Dental</i>	L (21)/CUP	L (21)/CUP	L (21)/CUP	L (21)/CUP	
<i>Walk-In Clientele</i>	L (21)/CUP	L (21)/CUP	L (21)/CUP	L (21)/CUP	
Outdoor Newsstands	MUP	MUP	MUP	MUP	Section 9.31.210, Outdoor Newsstands
Parking, Public or Private	CUP	CUP	CUP	CUP	
Personal Services	<i>See sub-classifications below.</i>				
<i>General Personal Services</i>	P	P	P	L (2)/CUP	Section 9.31.230, Personal Service
<i>Personal Services, Physical Training</i>	L (20)	L (20)	L (20)	L (2)(20)/CUP	
<i>Tattoo or Body Modification Parlor</i>	MUP	MUP	MUP	MUP	Section 9.31.230, Personal Service
Retail Sales	<i>See sub-classifications below.</i>				
<i>Building Materials Sales and Services</i>	–	–	CUP	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Small-scale</i>	P	P	P	L (2)/CUP	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Medium-scale</i>	CUP	CUP	P	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Large-scale</i>	–	–	CUP	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>Medical Marijuana Dispensaries</i>	CUP (15)	CUP (15)	CUP (15)	–	Section 9.31.185, Medical Marijuana Dispensaries
<i>Pawn Shops</i>	–	–	–	–	
<i>Swap Meets</i>	–	–	CUP	–	Section 9.31.360, Swap Meets
Industrial Uses					
Artist's Studio	P	P	P	P	
Commercial Kitchens	–	–	CUP	–	
Media Production	<i>See sub-classifications below.</i>				
<i>Support Facilities</i>	L (21)/CUP	L (21)/CUP	L (21)/CUP	L (21)/CUP	
Transportation, Communication, and Utilities Uses					
Bus/Rail Passenger Stations	P	P	P	P	

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS					
<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
City Bikeshare Facility	P	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>				
<i>Antennas and Transmission Towers</i>	–	–	CUP	–	
<i>Equipment within Buildings</i>	–	–	P	–	
Light Fleet-Based Services	–	–	CUP	–	
Utilities, Major	–	L (13)	L (13)	–	
Utilities, Minor	P	P	P	P	
Specific Limitations:					
(1)	Reserved				
(2)	Limited to facilities with no more than 7,500 square feet of floor area and/or 40 linear feet of ground floor street frontage; greater area and/or width requires approval of a Conditional Use Permit.				
(3)	Limited to shelters containing less than 55 beds; Conditional Use Permit required for emergency shelters with 55 or more beds.				
(4)	Limited to automobile storage use associated with existing automobile dealerships selling new vehicles; otherwise, requires Conditional Use Permit.				
(5)	Auto dealerships existing as of July 6, 2010 are considered permitted uses. Expansions to existing dealerships conforming to the Urban Auto Dealership Format standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage are permitted. Expansions to existing dealerships that do not conform to the Urban Auto Dealership Format standards shall require a MUP or CUP.				
(6)	New auto dealerships may be allowed, subject to approval of a Conditional Use Permit, only on sites with frontage on Santa Monica Boulevard between Lincoln Boulevard and 20 th Street on Lincoln Boulevard between Interstate 10 and Santa Monica Boulevard. In other locations, new automobile dealerships are not permitted.				
(7)	Limited to existing cinema buildings. New cinemas are not permitted.				
(8)	Limited to theaters with 75 or fewer seats. Theaters with more than 75 seats require Conditional Use Permit.				
(9)	Limited to exercise facilities (e.g. yoga, pilates, martial arts, and dance studios) and arts instruction facilities. Other Small-Scale Commercial Recreation uses require approval of a Conditional Use Permit.				
(10)	Limited to restaurants with 50 or fewer seats.				
(11)	<p>Limited to 2 restaurants greater than 2,500 square feet per block along Main Street. A block is defined as both sides of Main Street and the adjacent sides of adjoining side streets. Portions of Main Street to be designated a “block” for the purpose of this Section are as follows:</p> <ul style="list-style-type: none"> Block 1: South City Limits to Marine Street. Block 2: Marine Street to Pier Avenue. Block 3: Pier Avenue to Ashland Avenue. Block 4: Ashland Avenue to Hill. Block 5: Hill to Ocean Park Boulevard. Block 6: Ocean Park Boulevard to Hollister Avenue (total of four restaurants and bars permitted in this block). Block 7: Hollister Avenue to Strand. Block 8: Strand to Pacific. Block 9: Pacific to Bicknell. Block 10: Bicknell to Bay. Block 11: Bay to Pico Boulevard <p>North of Ocean Park Boulevard restaurants shall be subject to the following requirements:</p> <ul style="list-style-type: none"> • Only one restaurant on the east side of each block shall be permitted • No more than two hundred seats per each block shall be permitted, except that no more than four hundred seats shall be permitted in Block 6 <p>On-sale alcohol outlets may not exceed twelve in number north of Ocean Park Boulevard. Of the twelve total on-sale</p>				

TABLE 9.11.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS

<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
					outlets, no more than five shall have on-sale general licenses. Bars may not exceed four in number south of Ocean Park Boulevard, nor two in number north of Ocean Park Boulevard. Existing uses and existing number of seats shall count toward the total number of bars and restaurants and seating requirements permitted within the district.
(12)					General Markets greater than 15,000 square feet require a Conditional Use Permit. In the Neighborhood Commercial district, establishments shall not exceed 25,000 square ft. of floor area.
(13)					Limited to electric distribution substations.
(14)					If the commercial use requires a MUP or CUP, an application shall be required in accordance with Chapter 9.41. Even if the commercial use would otherwise be permitted, no such 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.
(15)					Medical Marijuana Dispensaries are limited to the following locations: <ul style="list-style-type: none"> • MUB District along Wilshire Boulevard between Lincoln Boulevard and Centinela Avenue; • GC District along Santa Monica Boulevard between Lincoln Boulevard and 20th Street; and • MUBL District along Santa Monica Boulevard between 23rd Street and Centinela Avenue.
(16)					Limited to facilities of no more than 3,000 square feet of floor area.
(17)					No individual tenant space in the NC District shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
(18)					Any community assembly facility abutting a residential district shall require a Conditional Use Permit.
(19)					No individual tenant space in the MUBL, MUB, and GC Districts shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
(20)					Youth-serving Personal Services, Physical Training requires review and approval of a passenger loading and drop-off plan by the Director.
(21)					Permitted if within buildings existing as of the date this Ordinance is effective. All new construction, including new additions of 50% or more additional square footage to an existing building at any one time, or incrementally, after the effective date of this Ordinance, requires approval of a Conditional Use Permit.

9.11.030 Development Standards

Table 9.11.030 prescribes the development standards for Commercial and Mixed-Use Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table.

TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln & Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd & Montana Ave)</i>	<i>Additional Regulations</i>
Parcel and Intensity Standards								
Minimum Parcel Size (sq. ft.)	7,500	7,500	7,500	7,500	5,000	5,000 See (E)	5,000	
Minimum Parcel Width (ft.)	50	50	50	50	50	50	50	
Minimum Parcel Depth (ft.)	150	150	150	150	100	100	100	
Maximum FAR								Section 9.04.080, Determining FAR
<i>Tier 1— Base Standard</i>	1.25	1.25	1.0	1.25	1.25	0.75	0.75	
<i>Tier 1— Projects Including On-Site Affordable Housing In Compliance with AHPP</i>	1.5	1.5	1.25	1.5	1.5	1.0	1.0	Chapter 9.64, Affordable Housing Production Program
<i>Tier 2—With Provision of Community Benefits</i>	1.75	2.25	1.5	1.75 (2.0 if on-site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	2.0	2.75	1.5	2.0	1.75; 2.0, on Pico Blvd only	1.25	1.25	Chapter 9.64, Affordable Housing Production Program

TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln & Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd & Montana Ave)</i>	<i>Additional Regulations</i>
Building Form and Location								
Maximum Building Height (stories/ft.)								Section 9.04.050, Measuring Height
<i>Tier 1— Base Standard</i>	2/32'	2/32'	2/32'	2/32'	2/32'	2/27'	2/32'	
<i>Tier 1— Projects Including On-Site Affordable Housing In Compliance with AHPP</i>	3/36'	3/39' if 100% residential above ground floor, 3/35' for all other projects	NA	3/36'	2/32'	2/27'	2/32'	Chapter 9.64, Affordable Housing Production Program
<i>Tier 2— With Provision of Community Benefits</i>	3/36'	3/45'	2/35'	3/32' (3/36' if on-site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<i>Tier 2— With Provision of Community Benefits and 100% Residential Above the Ground Floor</i>	No limit to stories/ 36'	No limit to stories/50'	No limit to stories/ 35'	No limit to stories/32' (36' if on- site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	No limit to stories/ 47'	No limit to stories/ 55'	No limit to stories/ 35'	No limit to stories/ 40'	No limit to stories /32'; 40', on Pico Blvd only	No limit to stories /32'	No limit to stories /32'	Chapter 9.64, Affordable Housing Production Program

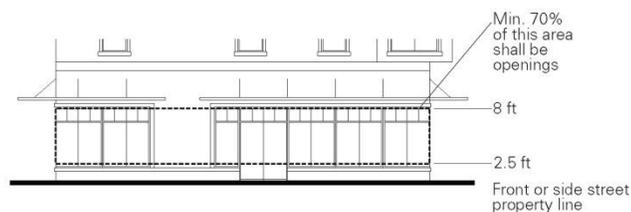
TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln & Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd & Montana Ave)</i>	<i>Additional Regulations</i>
Minimum First Story Street Wall Height	15'	15'	15'	15'	15'	15'	15'	
Maximum First Story Street Wall Height	20'	20'	20'	20'	20'	20'	20'	
Maximum Building Footprint (sq. ft.)								
<i>Tier 1</i>	25,000	25,000	25,000	15,000	10,000	10,000	10,000	
<i>Tier 2—With Provision of Community Benefits</i>	35,000	35,000	35,000	20,000	15,000	15,000	15,000	
Setbacks								
<i>Minimum Interior Side and Rear— Adjacent to Residential District</i>	10	10	10	10	10	10 See (E)	10	
Parking	See Section 9.28.070, Location of Parking							
Active Commercial Design	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	
Pedestrian Oriented Design	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	
Build-to-Line, Nonresidential Uses	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	
Minimum Upper-Story Stepbacks (ft.)—Required Above Maximum First Story Street Wall Height								
<i>Street-Facing Façades</i>	5' average	5' average	5' average	5' average	5' average	5' average	5' average	
Daylight Plane Adjacent to Residential District—Interior Side and Rear Setbacks	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	Section 9.21.070, Height Exceptions

TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln & Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd & Montana Ave)</i>	<i>Additional Regulations</i>
Standards for Residential Uses								
Minimum Outdoor Living Area (sq. ft./unit)—Sites with Three or More Units	100	100	100	100	100	100	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	60	60	60	60	60	60	Section 9.21.090, Outdoor Living Area
Additional Standards								
Accessory Food Service	Section 9.31.030, Accessory Food Service							
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures							
Automobile/ Vehicle Sales, Leasing, and Storage	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage							
Exceptions to Height Limits	Section 9.21.060, Height Exceptions							
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges							
Home Occupation	Section 9.31.160, Home Occupation							
Landscaping and Street Trees	Subsection 9.11.030(F), Chapter 9.26, Landscaping							
Lighting	Section 9.21.080, Lighting							
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation							
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks							

TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS								
Standard	MUBL	MUB	GC (Santa Monica Blvd)	GC (Lincoln & Pico Blvds)	NC	NC (Main Street)	NC (Ocean Park Blvd & Montana Ave)	Additional Regulations
Signs	Chapter 9.61, Signs							
Screening	Section 9.21.140, Screening							
Solar Energy Systems	Section 9.21.150, Solar Energy Systems							
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards							

- A. **Active Commercial Design.** The ground-floor street frontage of buildings on commercial boulevards shall be designed to accommodate commercial uses and activities, subject to the following:
1. A minimum average depth of 40 feet, but in no case less than 25 feet, for a minimum of 60% of the ground-floor frontage.
 2. **Minimum Floor-to-Floor Heights.**
 - a. 15 feet in all districts.
 - b. Loft spaces built within this area shall not exceed 30% of the total floor area of the space consistent with the definition of mezzanine.
 3. A minimum of 70% of the façade facing a commercial street shall be transparent and include windows, doors, and other openings between 2.5 and 8 feet above finished grade. Openings fulfilling this requirement shall have transparent glazing or openings that provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displaying merchandise or other items other than signs that are at least 3 feet deep. This requirement may be modified by the Architectural Review Board if it can be demonstrated that the fulfillment of this requirement materially interferes with the project’s ability to meet the requirements of Municipal Code Chapter 8.36 – The Energy Code.

FIGURE 9.11.030.A: STREET-FACING FACADES



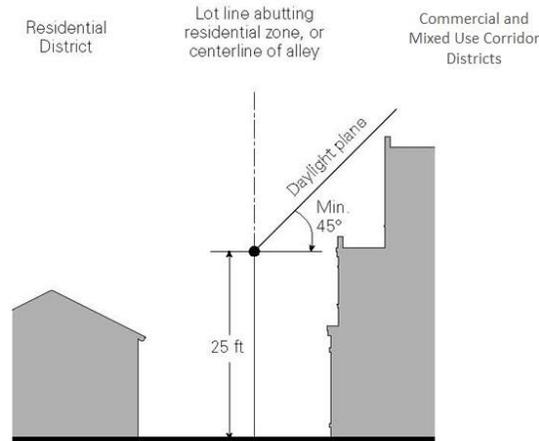
4. A minimum of one pedestrian entrance facing the commercial street.
5. **Active Use Requirement.**
 - a. Within LUCE-designated Activity Centers, and Neighborhood Commercial Districts on Main Street and Montana Avenue, uses within these active commercial designed areas shall be limited to the following:
 - i. Cultural Facilities;
 - ii. Food and Beverage Sales;
 - iii. Eating and Drinking Establishments;
 - iv. Grooming and Pet Stores;
 - v. Banks and Credit Unions;
 - vi. Business Services;
 - vii. Commercial Entertainment, Recreation, and Instructional Services;
 - viii. General Personal Services and Personal Physical Training;
 - ix. General Retail Sales; and
 - x. Childcare Facilities
 - b. In other commercial districts, the following uses and use categories are prohibited within these active commercial designed areas:
 - i. Residential; and
 - ii. Offices, with the following exceptions:
 - (1) Creative Offices or Offices with Walk-In Clientele; and
 - (2) Offices within a structure that was designed, approved, and continuously used with office at the ground level, facing the street.
6. 100% Affordable Housing Projects are exempt from the provision of subsection (A) except that 100% Affordable Housing Projects in the Neighborhood Commercial District shall be subject to subsection (A)(5).

B. Pedestrian-Oriented Design.

1. No more than twenty feet or 40% of a building's façade, whichever is less, may be continuous blank or featureless linear street-level frontage.
2. New development shall incorporate the following design elements into the street-facing façades at the ground floor level:
 - a. Articulated façades at the ground floor street frontage, which may include, but not necessarily require, such measures as indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame and projecting elements such as awnings and marquees to provide shade and shelter;

- b. Exterior lighting which provides for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination which avoids off-site glare;
 3. Residential uses at the ground floor street frontage shall incorporate planted areas, porches, front stairs and/or other elements that contribute to a pedestrian environment. Pedestrian-oriented design elements may also include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, paseos, arcades, colonnades, plazas, noncommercial community bulletin boards, public or private art and alternative paving materials in areas of pedestrian access.
 4. When provided, storefront security grates or grilles shall be located inside exterior windows, shall be retractable into pockets or overhead cylinders, and shall be completely concealed when retracted.
 5. Alternatives to the requirements of this Section 9.11.030 may be approved if the Review Authority finds that the proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, and street-facing building walls will exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- C. **Build-to Line, Nonresidential Uses.** Buildings with nonresidential uses on the ground floor and not facing a residential district shall be constructed no farther than 10 feet from the street facing property line(s) for 70 percent of linear street frontage. This requirement may be waived or modified subject to a discretionary approval upon finding that:
1. An alternative configuration can be approved based on the findings in 9.43, Modifications and Waivers, and the objectives of the Design Guidelines; and
 2. Entry courtyards, plazas, small parks, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, small park, or dining area; and
 3. The building incorporates an alternative entrance design that creates a pedestrian-oriented entry feature facing the street.
- D. **Daylight Plane Adjacent to Residential Districts.** Buildings 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, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 25 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

**FIGURE 9.11.030.D: DAYLIGHT PLANE ADJACENT TO RESIDENTIAL DISTRICTS—
COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS**



E. Parcels in the NC – Main Street District.

1. **Use of Rear Yard.** Commercial use in the required rear yard is not permitted. Noncommercial uses and parking are permitted in the rear yard to the rear property line on the ground level.
2. **Use of Roof in Rear Yard.** No portion of the first-floor roof within fifteen feet of the rear property line may be used for any purpose other than access for building maintenance and repair. The remaining setback area may be privately used (not open to the public) if enclosed with a solid six-foot barrier.
3. **Consolidation of Parcels.** Parcels shall not be consolidated nor shall parcels be tied if such consolidation or parcel tie results in a parcel that exceeds 6,000 square feet in size.

F. Planting Areas. The following areas shall be landscaped:

1. **Setback Areas Adjoining Streets.** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall consist of planting areas, landscape, or pedestrian amenities such as entry courtyards, plazas, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use.
2. **Interior and Rear Setback Areas.** At least 50 percent of each required interior side and rear setback area shall be a planting area. The width of a required planting area may be reduced to less than 50 percent of the setback area but no less than 3 feet in width in one side or rear setback area adjoining a driveway or when an approved nonresidential accessory structure occupies a portion of the rear setback area.
3. **Adjoining R1 Districts.** A continuous planting area with a minimum width of 5 feet shall be provided along interior parcel lines when a Mixed-Use and Commercial Districts adjoins an R1 or R2 District and is not separated by a public or private thoroughfare.

Chapter 9.12 Bergamot Districts and Memorial Park Neighborhood Area Plan District

- A. ***Bergamot Districts:*** Refer to the Bergamot Area Plan for land use regulations and development standards for these Districts. If provisions in the Bergamot Area Plan and the Zoning Ordinance are in conflict, the provisions in the Bergamot Area Plan shall be applied. Where Zoning Ordinance provisions are not specifically addressed by the Bergamot Area Plan, the Zoning Ordinance shall be applied.

- B. ***Memorial Park Neighborhood Area Plan District:*** To be determined as part of an Area Plan process. The underlying Zoning Districts shall govern this area until such time as the Area Plan is adopted.

Chapter 9.13 Employment Districts

Sections:

- 9.13.010 Purpose
- 9.13.020 Land Use Regulations
- 9.13.030 Development Standards

9.13.010 Purpose

The purposes of the “Employment” Districts are to:

- A. Provide appropriately located areas for continued employment activities to ensure a robust economy that is essential in order for the City to continue to provide the high level of public services that the community expects.
- B. Continue to diversify Santa Monica’s economic base by providing sites for incubator businesses, creative industries, technology-based businesses, research and development, and professional offices.
- C. Provide a range of employment opportunities to meet the needs of current and future residents and take advantage of the City’s location relative to regional roadway and transit systems.
- D. Assure high-quality design and site planning of office and employment areas and support the adaptive reuse of industrial buildings that contribute to the character of the City as a whole.
- E. Encourage the development of employment areas that create an opportunity to walk and bike between businesses, employment, and residences.
- F. Ensure that new industrial and office development is designed to minimize traffic and parking, impacts on surrounding neighborhoods, and is appropriate to the physical characteristics of the site and the area where the project is proposed.

The specific designations and the additional purposes of the Employment Districts are:

IC Industrial Conservation. This Zoning District preserves space for existing industrial uses that provide a job base, affordable space for small-scale industrial and manufacturing businesses, and a center of economic activity for the City. The District also provides a place for the adaptive reuse of industrial buildings into affordable workspace for artists and the creative industries. Allowable land uses within this District include light industrial uses, including businesses engaged in design, development, manufacturing, fabricating, testing, or assembly of various products, which provide important community services and employment for workers with various skills. This District also allows incubator business opportunities, including sustainable industries that are appropriate for the City, as well as small visual and performing arts studios and theaters. One hundred percent affordable housing is allowed in limited areas. Additionally, auto dealers are allowed to locate storage and service facilities in this area.

OC Office Campus. This Zoning District is intended to provide for office and advanced technology uses, scientific research, and administration, and limited manufacturing of related products which require large expanses of floor area on large parcels. Development intensity is intended to provide for office uses and

other uses within a campus-like environment that will be compatible with abutting residential neighborhoods, especially in terms of scale and building mass.

HMU Healthcare Mixed Use. This Zoning District is intended to provide for the future orderly expansion of the City’s hospitals and related health care facilities in order to meet the needs of both the community and region while protecting the integrity of the surrounding residential neighborhoods. The District fosters the evolving needs of the healthcare community with expanded medical office uses and outpatient services along with retail and non-medical services.

9.13.020 Land Use Regulations

Table 9.13.020 prescribes the land use regulations for Employment Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS				
<i>Use Classification</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Residential Uses				
Residential Housing Types	<i>See sub-classifications below.</i>			
<i>Single Unit Dwelling</i>	–	–	P	
<i>Multiple-Unit Structure</i>	–	–	P	
<i>Senior Citizen Multiple-Unit Residential</i>	–	–	P	
<i>Single-Room Occupancy Housing</i>	–	–	P	
<i>Congregate Housing</i>	L (1)	L (1)	P	
<i>Senior Group Residential</i>	CUP	CUP	P	Section 9.31.310, Senior Group Residential

TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS				
<i>Use Classification</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Elderly and Long-Term Care	–	P	P	
Emergency Shelters	L (2)/CUP	L (2)/CUP	L (2)/CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>			
<i>Small</i>	P	P	P	
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
Residential Facilities	<i>See sub-classifications below.</i>			
<i>Residential Care, Limited</i>	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	P	P	
<i>Hospice, Limited</i>	P	P	P	
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
Public and Semi-Public Uses				
Adult Day Care	MUP	P	P	
Child Care and Early Education Facilities	MUP	P	P	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	–	CUP	–	
Community Assembly	CUP	CUP	CUP	
Community Gardens	P	P	P	
Cultural Facility	–	–	CUP	
Hospitals and Clinics	–	–	P	
Park and Recreation Facilities, Public	P	P	P	
Public Safety Facilities	MUP	MUP	P	
Schools, Public or Private	L (3)/CUP	L (3)/CUP	P	
Social Service Centers	MUP	MUP	P	Section 9.31.350, Social Service Centers
Commercial Uses				
Animal Care, Sales, and Services	<i>See sub-classifications below.</i>			
<i>Kennels</i>	CUP	–	–	
<i>Pet Day Care Services</i>	MUP	–	–	
<i>Veterinary Services</i>	P	–	–	
Automobile / Vehicle Sales and Service	<i>See sub-classifications below.</i>			

TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS				
<i>Use Classification</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
<i>Alternative Fuels and Recharging Facilities</i>	L (5)/CUP	CUP	–	
<i>Automobile Rental</i>	L (4)	P	–	Section 9.31.050, Automobile Rental
<i>Automobile Storage Use</i>	CUP	CUP	–	
<i>Automobile / Vehicle Sales and Leasing</i>	CUP	CUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Automobile / Vehicle Repair, Major</i>	L (5)/CUP	–	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile / Vehicle Service and Repair, Minor</i>	L (5)/CUP	–	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile / Vehicle Washing</i>	CUP	–	–	Section 9.31.080, Automobile/Vehicle Washing
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	CUP	–	–	
<i>Service Station</i>	L (5)/CUP	CUP	–	Section 9.31.320, Service Stations
<i>Towing and Impound</i>	L (5)/CUP	–	–	
Banks and Financial Institutions	<i>See sub-classifications below.</i>			
<i>Banks and Credit Unions</i>	–	L (6)	CUP	
Business Services	P	L (6)	P	
Commercial Entertainment and Recreation	<i>See sub-classifications below.</i>			
<i>Cinemas</i>	–	–	–	
<i>Theaters</i>	L (7)/CUP	–	–	
<i>Convention and Conference Centers</i>	–	CUP	–	
<i>Small-Scale Facility</i>	L(8)/CUP	MUP (6)	CUP	Section 9.31.340, Small-Scale Facility, Game Arcades
Eating and Drinking Establishments	<i>See sub-classifications below.</i>			
<i>Restaurants, Full-Service, Limited Service & Take-Out, With Entertainment, With Outdoor Eating Areas (2,500 SF and smaller)</i>	P	L (6)	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating

TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS				
<i>Use Classification</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
<i>Restaurants, Full-Service, Limited Service & Take-Out, With Entertainment, With Outdoor Eating Areas (2,501 – 5,000 SF)</i>	–	MUP (6)	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service & Take-Out, With Entertainment, With Outdoor Eating Areas (Greater than 5,000 SF)</i>	–	CUP (6)	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
Equipment Rental	P	–	P	
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>Convenience Markets</i>	L (6)	L (6)	P	
<i>Farmers Markets</i>	CUP	–	–	
Funeral Parlor and Mortuary	–	–	CUP	
Live-Work	L (14)	CUP	L (14)	Section 9.31.170, Live-Work
Offices	<i>See sub-classifications below.</i>			
<i>Business and Professional</i>	L (9)	P	P	
<i>Creative</i>	P	P	–	
<i>Medical and Dental</i>	–	P	P	
<i>Walk-In Clientele</i>	L (10)	L (6)	L (10)	
Parking, Public or Private	CUP	CUP	CUP	
Personal Services	<i>See sub-classifications below.</i>			
<i>General Personal Services</i>	–	L (6)	P	
<i>Personal Services, Physical Training</i>	–	L (6)	CUP	
Retail Sales	<i>See sub-classifications below.</i>			
<i>Building Materials Sales and Services</i>	P	–	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>Firearms and Ammunition Sales</i>	–	–	–	
<i>General Retail Sales, Small-scale</i>	CUP (11)	MUP (6)	P	Section 9.31.220, Outdoor Retail Display and Sales
<i>Medical Marijuana Dispensaries</i>	–	–	CUP	Section 9.31.185, Medical Marijuana Dispensaries

TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS				
<i>Use Classification</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Industrial Uses				
Artist's Studio	P	P	P	
Commercial Kitchens	P	–	–	
Industry, General	P	CUP (12)	–	
Research and Development	P	CUP (12)	P	
Industry, Limited	P	CUP (12)	–	
Media Production	P	P	–	
Recycling Facility	<i>See sub-classifications below.</i>			
<i>Recycling Collection Facility</i>	P	–	–	
<i>Recycling Processing Facility</i>	P	–	–	
Warehousing, Storage, and Distribution	<i>See sub-classifications below.</i>			
<i>Indoor Warehousing and Storage</i>	P	–	–	
<i>Outdoor Storage</i>	CUP (13)	–	–	
<i>Personal Storage</i>	P	CUP	–	Section 9.31.240, Personal Storage
<i>Wholesaling and Distribution</i>	P	–	–	
Transportation, Communication, and Utilities Uses				
Bus/Rail Passenger Stations	P	P	P	
City Bikeshare Facility	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>			
<i>Antennas and Transmission Towers</i>	CUP	–	CUP	Chapter 9.32, Telecommunication Facilities
<i>Facilities within Buildings</i>	CUP	P	CUP	
Light Fleet-Based Services	CUP	–	–	
Utilities	<i>See sub-classifications below.</i>			
<i>Utilities, Major</i>	P	P	-	
<i>Utilities, Minor</i>	P	P	P	

TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS				
<i>Use Classification</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
<p>* In those portions of the OC Districts adjacent to the business park, substantial new development shall only be approved after completion of a specific plan.</p> <p>Specific Limitations:</p> <p>(1) Limited to 100%affordable housing projects. For Senior Citizen Multiple-Unit Residential projects in the Office Campus district that are not 100% affordable approval of a Conditional Use Permit is required.</p> <p>(2) Homeless shelters with less than 55 beds are permitted by right. Homeless shelters with 55 beds or more may be permitted with application for and approval of a Conditional Use Permit.</p> <p>(3) Permitted if existing. New uses require approval of a Conditional Use Permit.</p> <p>(4) Limited to accessory automobile rental facilities located within Automobile/Vehicle Repair use.</p> <p>(5) Permitted if located 100 ft. or more from any residential use or district. Conditional Use Permit required if located within 100 ft. of a residential use or district.</p> <p>(6) Conditionally permitted as businesses that provide goods and services to employees on the premises. No more than 25 percent of the total square footage of a development may be devoted to such businesses.</p> <p>(7) Limited to theaters with 99 seats or less and 10,000 sq. ft. or less. Larger theaters require a Conditional Use Permit.</p> <p>(8) Exercise facilities (e.g., yoga, pilates, martial arts, and dance studios) permitted by right. Other Small-Scale Commercial Recreation uses require a Conditional Use Permit.</p> <p>(9) Permitted if existing or accessory to a primary permitted use on the same site and not exceeding 25 percent of the gross floor area of the primary permitted use.</p> <p>(10) Permitted if existing. New uses are not permitted.</p> <p>(11) Limited to retail sales of goods manufactured on the premises provided that the floor space devoted to such use does not exceed 20 percent of the gross floor area of the primary permitted use or 2,000 sq. ft., whichever is less.</p> <p>(12) Such uses must be conducted within an enclosed building or an open enclosure screened from public view. In order to approve a Conditional Use Permit, the review authority must make a finding that proposed uses are compatible with office and advanced technological uses.</p> <p>(13) Limited to outdoor storage of fleet vehicles if such vehicles are directly related to the primary operation on the site.</p> <p>(14) If the commercial use requires a MUP or CUP, an application shall be required in accordance with Chapter 9.41. Even if the commercial use would otherwise be permitted, no such 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.</p>				

9.13.030 Development Standards

Table 9.13.030 prescribes the development standards for Employment Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table.

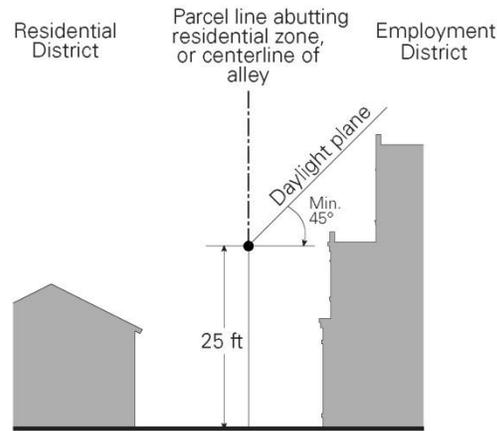
TABLE 9.13.030: DEVELOPMENT STANDARDS—EMPLOYMENT DISTRICTS				
<i>Standard</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Parcel and Intensity Standards				
Minimum Parcel Size (sq. ft.)	15,000	15,000	7,500	
Minimum Parcel Width (ft.)	100	100	50	
Minimum Parcel Depth (ft.)	150	150	100	

TABLE 9.13.030: DEVELOPMENT STANDARDS—EMPLOYMENT DISTRICTS				
<i>Standard</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Maximum FAR				Section 9.04.080, Determining FAR
<i>Tier 1—Base Standard</i>	1.0	1.5	1.5	
<i>Tier 2—With Provision of Community Benefits</i>	1.75	1.75	2.5	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	2.25	NA	2.5	Limited to 50 or fewer units
Building Form and Location				
Maximum Building Height (stories/ft.)				Section 9.04.050, Measuring Height
<i>Tier 1—Base Standard</i>	2/32	2/32	3/45	
<i>Tier 2—With Provision of Community Benefits</i>	3/45 See (A)	3/45	5/70	
<i>100% Affordable Housing Projects</i>	No limit to stories/45	NA	No limit to stories/70	Limited to 50 or fewer units
Minimum Setbacks (ft.)				
<i>Front and Corner Side</i>	None	None	None	
<i>Interior Side and Rear Adjacent to a Residential District</i>	15. See (B)	15. See (B)	15. See (B)	
Parking	Section 9.28.070, Location of Parking			
Minimum Ground-Floor (floor-to-floor) Height (ft.)	12	12	NA	
Minimum First Story Street Wall Height for Frontages on a Boulevard (ft.)	12	12	NA	
Maximum First Story Street Wall Height for Frontages on a Boulevard (ft.)	20	20	NA	
Minimum Upper-Story Stepbacks (ft.)—Required Above Maximum First Story Street Wall Height				
<i>Street-Facing Façades</i>	5' average	5' average	5' average	
Daylight Plane Adjacent to Residential District—Interior Side and Rear Setbacks	See (C)	See (C)	See (C)	
Additional Standards				
Accessory Food Service	Section 9.31.030, Accessory Food Service			
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences , Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			

TABLE 9.13.030: DEVELOPMENT STANDARDS—EMPLOYMENT DISTRICTS				
<i>Standard</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Landscaping	Subsection 9.13.030 (D), Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation			
Parking Structures and Areas	Chapter 9.28, Parking, Loading, and Circulation			
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks			
Signs	Chapter 9.61, Signs			
Screening	Section 9.21.140, Screening			
Solar Energy Systems	Section 9.21.150, Solar Energy Systems			
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards			
* In those portions of the OC Districts adjacent to Ocean Park Boulevard, development of additional floor area that requires discretionary approval shall only be permitted after completion of a specific plan.				

- A. **Maximum Heights.** The following projects may have a maximum height of four stories, forty-five feet:
1. Projects involving the expansion of public or private elementary and secondary schools (Grades K through 12) existing prior to September 8, 1988.
 2. Entertainment-related facilities including sound stages, movie studios, editing facilities, post-production facilities, set construction facilities and special effects facilities.
 3. Theaters.
- B. **Use of Setbacks Adjacent to Residential Districts.** The required setback area adjacent to a Residential District shall not be used for parking or loading facilities, storage, or other commercial or industrial purposes. A portion of the setback area, not to exceed 10 feet in width, may be used for access to parking or loading areas no closer than 5 feet to the respective parcel line.
- C. **Daylight Plane Adjacent to Residential Districts.** Buildings 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, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 25 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

**FIGURE 9.13.030.B: DAYLIGHT PLANE ADJACENT TO RESIDENTIAL DISTRICTS—
EMPLOYMENT DISTRICTS**



D. **Planting Areas.** The following areas shall be landscaped.

1. ***Setback Areas Adjoining Streets.*** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall be planting area or landscape.
2. ***Adjoining Residential or Mixed-Use Districts.*** A continuous planting area with a minimum width of 5 feet shall be provided along interior parcel lines when an Employment district adjoins a Residential or Mixed-Use District and is not separated by a public or private thoroughfare.

Chapter 9.14 Oceanfront District

Sections:

- 9.14.010 Purpose
- 9.14.020 Land Use Regulations
- 9.14.030 Development Standards

9.14.010 Purpose

The purposes of the “Oceanfront” District are to:

- A. Maintain and enhance the beach area as an important visitor-serving destination with lodging, restaurants, shopping, and recreation that support it as a regional, national, and international tourist destination.
- B. Preserve the unique scale, character, and uses along the Ocean Front Walk and on the Santa Monica Pier.
- C. Protect the existing residential mix in the area while providing for coastal-related, lodging, dining, recreation, and shopping needs of tourists and others in the oceanfront area. Conditionally permit other uses such as office, new residential, and cultural uses.
- D. Avoid the deleterious effects of uncontrolled growth and preserve the unique and diverse character of the Santa Monica oceanfront by limiting the proliferation of excessive hotel, motel, and large restaurant development in the oceanfront area.

9.14.020 Land Use Regulations

Table 9.14.020 prescribes the land use regulations for the Oceanfront District. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning

Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.14.020: LAND USE REGULATIONS—OCEANFRONT DISTRICT		
<i>Use Classification</i>	<i>OF</i>	<i>Additional Regulations</i>
Residential Uses		
Residential Housing Types	<i>See sub-classifications below.</i>	
<i>Single Unit Dwelling</i>	P	
<i>Second Dwelling Unit</i>	P	Section 9.31.300, Second Dwelling Units
<i>Duplex</i>	P	
<i>Multiple-Unit Dwelling</i>	P	
<i>Senior Citizen Multiple-Unit Residential</i>	P	
<i>Single Room Occupancy Housing</i>	P	Section 9.31.330, Single Room Occupancy Uses
<i>Group Residential</i>	MUP	
<i>Congregate Housing</i>	P	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	P	Section 9.31.310, Senior Group Residential
<i>Elderly and Long-Term Care</i>	P	
<i>Emergency Shelters</i>	CUP	Section 9.31.130, Emergency Shelters
<i>Family Day Care</i>	<i>See sub-classifications below.</i>	
<i>Large</i>	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	
<i>Residential Facilities</i>	<i>See sub-classifications below.</i>	
<i>Residential Care, General</i>	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	Section 9.31.270, Residential Care Facilities
<i>Supportive Housing</i>	P	
<i>Transitional Housing</i>	P	
Public and Semi-Public Uses		
<i>Adult Day Care</i>	CUP	
<i>Child Care and Early Education Facilities</i>	CUP	Section 9.31.120, Child Care and Early Education Facilities

TABLE 9.14.020: LAND USE REGULATIONS—OCEANFRONT DISTRICT		
<i>Use Classification</i>	<i>OF</i>	<i>Additional Regulations</i>
Cultural Facilities	CUP	
Park and Recreations Facilities, Public	P	
Schools	P	
Commercial Uses		
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>	
<i>Automobile Rental</i>	MUP	Section 9.31.050, Automobile Rental
Commercial, Entertainment, and Recreation	<i>See sub-classifications below.</i>	
<i>Theaters</i>	L (1)	
<i>Convention and Conference Centers</i>	P	
<i>Small-Scale Facility</i>	P	Section 9.31.340, Small-Scale Facility, Game Arcades
<i>Large-scale Facility</i>	L (2)/CUP	
Eating and Drinking Establishments	<i>See sub-classifications below.</i>	
<i>Bars/Nightclubs/Lounges</i>	L (3)/CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Full-Service including Outdoor Dining and Seating</i>	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating Chapter 9.20, Beach Overlay District
<i>Restaurants, Limited Service and Take-Out Only including Outdoor Dining and Seating</i>	P	Section 9.21.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating Chapter 9.20, Beach Overlay District
Food and Beverage Sales	<i>See sub-classifications below.</i>	
<i>Convenience Markets</i>	P	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	MUP	
<i>General Markets</i>	L (4)	Section 9.31.040, Alcoholic Beverage Sales
<i>Liquor Stores</i>	CUP	Section 9.31.040, Alcoholic Beverage Sales
Lodging	<i>See sub-classifications below.</i>	

TABLE 9.14.020: LAND USE REGULATIONS—OCEANFRONT DISTRICT		
<i>Use Classification</i>	<i>OF</i>	<i>Additional Regulations</i>
<i>Bed and Breakfast</i>	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
Offices	<i>See sub-classifications below.</i>	
<i>Business and Professional</i>	L (5)/CUP	
<i>Creative</i>	L (5)/CUP	
<i>Walk-In Clientele</i>	L (5)/CUP	
Parking, Public or Private	CUP	
General Personal Services	MUP	
Retail Sales	<i>See sub-classifications below.</i>	
<i>General Retail Sales, Small-Scale</i>	P	Section 9.31.220, Outdoor Retail Display and Sales
Transportation, Communication, and Utilities Uses		
City Bikeshare Facility	P	
Specific Limitations:		
(1)	Limited to theaters for live performances.	
(2)	Existing large-scale commercial, entertainment, and recreation facilities existing as of the date of this Ordinance are permitted. Any new large-scale commercial, entertainment, and recreation facilities require approval of a Conditional Use Permit.	
(3)	Bars, nightclubs, and lounges are only permitted on the Pier, on Oceanfront Walk, and within hotels.	
(4)	Limited to establishments with no more than 2,500 sq. ft. of floor area.	
(5)	Office uses on the ground floor street frontage may not exceed 25 percent of the parcel width or 1,000 sq. ft, whichever is less.	

9.14.030 Development Standards

Table 9.14.030 prescribes the development standards for the Oceanfront District. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table.

TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT		
<i>Standard</i>	<i>OF</i>	<i>Additional Regulations</i>
Parcel and Intensity Standards		
Minimum Parcel Size (sq. ft.)	5,000	
Minimum Parcel Width (ft.)	50'	
Minimum Parcel Depth (ft.)	100'	

TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT		
<i>Standard</i>	<i>OF</i>	<i>Additional Regulations</i>
Maximum Density; Parcels along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	Parcels 4,000 sq. ft. or more: 1 dwelling unit/1,500 sq. ft. Parcels less than 4,000 sq. ft.: 1 dwelling unit/parcel if existing, no new dwelling units	No more than one dwelling unit shall be permitted on a parcel 40 ft. or less in width
Maximum FAR		Section 9.04.080, Determining FAR
<i>Tier 1—Base Standard</i>	1.5; 0.5 for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
<i>Tier 2—With Provision of Community Benefits</i>	2.0	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	2.25	Limited to 50 or fewer units; Chapter 9.64, Affordable Housing Production Program
Santa Monica Pier Maximum FAR		
<i>The Deauville site to the north, Seaside Terrace to the south, The Ocean Front Walk to the west, and Ocean Avenue to the east, except parcels fronting on Ocean Avenue</i>	1.0	
<i>Parcels fronting on Ocean Avenue</i>	0.5	
Maximum Parcel Coverage (%)	70; 50 on parcels along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
Building Form and Location		
Maximum Building Height (stories/ft.)	One story for newly constructed stand-alone restaurants except for the Santa Monica Pier.	Section 9.04.050 Measuring Height
<i>Tier 1—Base Standard</i>	2/32'; 2/23' (flat roof) or 2/30' (pitched roof) for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
<i>Tier 1—Projects Including On-Site Affordable Housing In Compliance with AHPP</i>	3/36'	Chapter 9.64, Affordable Housing Production Program
<i>100% Affordable Housing Projects</i>	No limit to number of stories/47'	Limited to 50 or fewer units; Chapter 9.64, Affordable Housing Production Program
<i>Tier 2—With Provision of Community Benefits</i>	3/47'	Chapter 9.23, Community Benefits

TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT		
<i>Standard</i>	<i>OF</i>	<i>Additional Regulations</i>
<i>Tier 2—With Provision of Community Benefits and 100% Residential Above the Ground Floor</i>	No limit to stories/47'	Chapter 9.23, Community Benefits
Santa Monica Pier Maximum Building Height (stories/ft.)		Section 9.04.050, Measuring Height
<i>The Deauville site to the north, Seaside Terrace to the south, The Promenade to the west, and Ocean Avenue to the east, including parcels fronting on Ocean Avenue</i>	2/30'	
<i>Amusement Rides on the Santa Monica Pier</i>	85 ft. for one ferris wheel; 55 ft. for one roller coaster; 45 ft. for all other amusement rides	
Street-Facing Façades (ft.)		
<i>Minimum Ground Floor (floor-to-floor) Height for Non-Residential Uses</i>	15'	
<i>Minimum First Story Street Wall Height</i>	15'	
<i>Maximum First Story Street Wall Height</i>	20'	
Active Commercial Design	See (A)	
Pedestrian Oriented Design	See (B)	
Exterior Lighting	See (D)	
Minimum Setbacks (ft., measured from parcel line)		
<i>Street Frontage</i>	5 ft. from street fronting parcel line except for 20 ft. on Pacific Coast Highway between northern City limits and Santa Monica Pier. See (C)	
<i>Rear</i>	15 if adjacent to a residential use; 25 for beach rear setback on parcels over 100 ft. in depth located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
<i>Side</i>	If adjacent to a residential use, see (E); for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, see (E)	
Minimum Upper-Story Stepbacks (ft.)—Required Above Maximum First Story Street Wall Height		

TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT		
<i>Standard</i>	<i>OF</i>	<i>Additional Regulations</i>
<i>Street-Facing Facades</i>	At least thirty percent of the building elevation above fourteen feet in height shall provide an additional five-foot average setback from the minimum required front yard setback.	
Daylight Plane Adjacent to Residential Use—Interior Side and Rear setbacks	See (F)	Section 9.21.070, Height Exceptions
View Corridors	See (G)	
Standards for Residential Uses		
Minimum Outdoor Living Area (sq. ft./unit)—Sites with Three or More Units	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	
Additional Standards		
Accessory Food Service	Section 9.31.030, Accessory Food Service	
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures	
Exceptions to Height Limits	Section 9.21.060, Height Exceptions	
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges	
Home Occupation	Section 9.31.160, Home Occupation	
Landscaping	Sub-section 9.14.030(H), Landscaping; Chapter 9.26, Landscaping	
Lighting	Section 9.21.080, Lighting	
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation	
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks	
Signs	Chapter 9.61, Signs	
Screening	Section 9.21.140, Screening	
Solar Energy Systems	Section 9.21.150, Solar Energy Systems	
Trash Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards	

- A. **Active Commercial Design.** The ground-floor street frontage of buildings on commercial boulevards intended to accommodate commercial uses and activities shall be subject to the following:
1. A minimum average depth of 40 feet, in no case less than 25 feet, for a minimum of 60% of the ground-floor frontage.
 2. Minimum floor-to-floor heights;

- a. A minimum floor-to-floor height of 15 feet.
 - b. Loft spaces built within this area shall not exceed 30 percent of the total floor area of the space consistent with the definition of mezzanine.
3. A minimum of 70 percent of the façade facing a commercial street shall be transparent and include windows, doors, and other openings between 2.5 and 8 feet above finished grade. Openings fulfilling this requirement shall have transparent glazing or openings that provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displaying merchandise or other items other than signs that are at least 3 feet deep. This requirement may be modified by the Architectural Review Board if it can be demonstrated that the fulfillment of this requirement materially interferes with the project's ability to meet the requirements of Municipal Code Chapter 8.36 – The Energy Code.
 4. A minimum of one pedestrian entrance facing the street.
- B. **Pedestrian-Oriented Design.** New development shall incorporate the following design elements into the street-facing façades at the ground floor level:
1. Articulated façades at the ground floor street frontage, which may include, but not necessarily require, such measures as indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame and projecting elements such as awnings and marquees to provide shade and shelter.
 2. Alternatives to the requirements of this Section 9.14.030 may be approved if the Review Authority finds that the proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, and street-facing building walls will exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- C. **Build-to Line, Nonresidential Uses.** Except on Pacific Coast Highway between northern City limits and Santa Monica Pier, buildings with nonresidential uses on the ground floor shall be constructed no farther than 10 feet from the street facing parcel line(s) for 70 percent of linear street frontage. This requirement may be waived or modified subject to a discretionary approval upon finding that:
1. Entry courtyards, plazas, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area; and
 2. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.
- D. **Exterior Lighting.** Exterior lighting should provide for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination which avoids off-site glare.

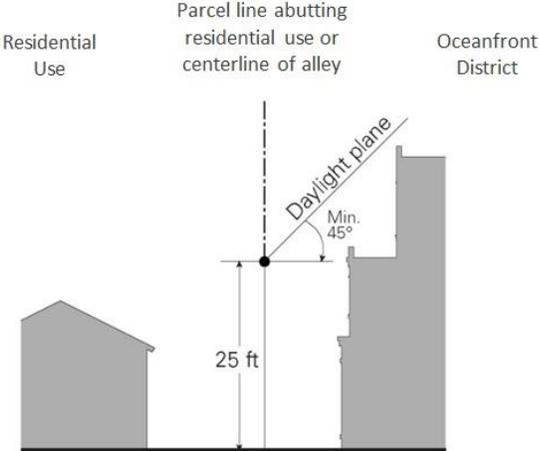
- E. **Side Setback.** The side setback shall be determined in accordance with the following formula, except for parcels of less than 50 feet in width for which the side setback shall be 10 percent of the parcel width but not less than four feet:

$$5' + \frac{(\text{stories} \times \text{parcel width})}{50'}$$

For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, at least 25 percent of the side elevation above 14 feet in height shall provide an additional 4 foot average setback from the minimum side setback.

- F. **Daylight Plane Adjacent to Residential Uses.** Buildings shall not extend above a plane starting at 25 feet in height directly above the parcel line abutting any residentially-zoned parcel in residential use, or where there is an alley, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 25 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

FIGURE 9.14.030.F: DAYLIGHT PLANE ADJACENT TO RESIDENTIAL USES— OCEANFRONT DISTRICTS



- G. **View Corridors.** For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, any structure with 70 feet or more of frontage parallel to the Pacific Coast Highway shall provide an unobstructed view corridor between Pacific Coast Highway and the ocean. The view corridor shall be a minimum of 20 continuous feet in width measured from the parcel line abutting and parallel to Pacific Coast Highway and shall remain unobstructed by any structure or portion thereof.

H. **Landscaping.** The following landscaping requirements apply.

1. ***Setback Areas Adjoining Streets.*** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall consist of planting areas, landscape, or pedestrian amenities.
2. ***Interior Setback Areas.*** At least 50 percent of each required interior side setback area and rear setback area shall be planting area having a minimum width of 7.5 feet adjoining a side or rear parcel line. The width of a required planting area may be reduced to 3 feet in one side or rear setback areas adjoining a driveway, and a nonresidential accessory structure may occupy a portion of the planting area in a rear setback area.

Chapter 9.15 Public and Semi-Public Districts

Sections:

- 9.15.010 Purpose
- 9.15.020 Land Use Regulations
- 9.15.030 Development Standards

9.15.010 Purpose

The purposes of the “Public and Semi-Public” Districts are to:

- A. Provide areas for a wide range of public facilities, including parks and open space, educational facilities, municipal offices, the Civic Center, museums or performance spaces, City yards, and other public or quasi-public facilities.
- B. Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas.
- C. Retain the beach as Santa Monica’s character-defining open space, preserving the area as a scenic resource that serves as a local gathering place, and enhances the beach-going experience with limited visitor-serving uses.
- D. Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life standard.

The specific designations and the additional purposes of the Public and Semi-Public Districts are:

CC Civic Center. This Zoning District is intended to be the cultural and institutional core of Santa Monica, with a mix of high intensity government and cultural uses with significant gathering spaces and parks combined with civic buildings and connections to the beach and Downtown areas. Commercial, retail, office, affordable, workforce and market-rate housing, and community facilities such as early childhood centers are also allowed in this mixed-use District. This District is consistent with the LUCE’s Institutional/Public Lands land use designation.

PL Institutional/Public Lands. This Zoning District is for public or semi-public facilities, including municipal offices, schools, libraries, museums, or performance spaces, cemeteries, corporation yards, utility stations, and similar uses. This District is consistent with the LUCE’s Institutional/Public Lands land use designation.

OS Parks and Open Space. This Zoning District is intended to preserve, enhance, and expand Santa Monica’s existing open space, parks, beaches, and recreational areas, providing residents with easy access to a relaxing, visually appealing amenity that provides opportunities for healthy recreation. This District is applied to areas that will remain as parks or green open space, or be developed as such. Other allowed uses in this designation include supporting structures such as recreation centers, gymnasiums, community meeting facilities and small-scale retail uses that support outdoor recreation, such as restaurants, refreshment stands,

or sporting equipment and rental vendors. This District is consistent with the LUCE’s Parks and Open Space land use designation.

9.15.020 Land Use Regulations

Table 9.15.020 prescribes the land use regulations for Public and Semi-Public Districts. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
Residential Uses				
Residential Housing Types	<i>See sub-classifications below.</i>			
<i>Multiple-Unit Dwelling</i>	L (1)	-	-	
<i>Senior Citizen Multiple-Unit Residential</i>	L (1)	-	-	
<i>Single Room Occupancy Housing</i>	L (1)	-	-	
Emergency Shelters	-	P	-	Section 9.31.130, Emergency Shelters
Group Residential	L(1)	-	-	
Congregate Housing	L (1)	-	-	Section 9.31.110, Congregate and Transitional Housing
Senior Group Residential	L (1)	-	-	Section 9.31.310, Senior Group Residential
Residential Care Facilities	<i>See sub-classifications below.</i>			

TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
<i>Residential Care, General</i>	L (1)	-	-	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	L (1)	-	-	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	L (1)	-	-	Section 9.31.270, Residential Care Facilities
Hospice, General	-	-	-	
Hospice, Limited	-	-	-	
Supportive Housing	L (1)	-	-	
Transitional Housing	L (1)	-	-	
Public and Semi-Public Uses				
Adult Day Care	P	P	P	
Cemetery	-	P	-	
Child Care and Early Education Facilities	P	P	P	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	L (3)	P	-	
Community Assembly	P	P	L (3)	
Community Gardens	-	P	P	
Cultural Facilities	P	P	P	
Family Day Care	<i>See sub-classifications below.</i>			
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	
Park and Recreations Facilities, Public	P	P	P	
Public Safety Facilities	P	P	-	
Schools, Public or Private	L (3)	P	-	
Social Service Centers	P	P	-	
Commercial Uses				
Banks and Financial Institutions	L (1)	-	-	
Business Services	L (1)	-	-	
Commercial, Entertainment, and Recreation	<i>See sub-classifications below.</i>			
<i>Cinemas/Theaters</i>	-	-	MUP (3)	
<i>Convention and Conference Centers</i>	P	-	-	

TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
<i>Large-Scale Facility</i>	-	-	-	
<i>Small-Scale Facility</i>	-	-	-	Section 9.31.340, Small-Scale Facility, Game Arcades
Eating and Drinking Establishments	<i>See sub-classifications below.</i>			
<i>Restaurants, Full-Service</i>	L (1)	L (2)	L (2)	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Limited Service</i>	L (1)	L (2)	L (2)	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Take-Out Only</i>	L (1)	L (2)	-	Section 9.31.040, Alcoholic Beverage Sales
<i>With Outdoor Eating Areas</i>	L (1)	L (2)	L (2)	Section 9.31.200, Outdoor Dining and Seating
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>Convenience Markets</i>	L (1)	-	-	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	-	P	CUP	
<i>General Markets</i>	L (1)	-	-	Section 9.31.040, Alcoholic Beverage Sales
Live-Work	L (1)	-	-	Section 9.31.170, Live-Work Units
Lodging	<i>See sub-classifications below.</i>			
<i>Hotels and Motels</i>	CUP	-	-	
Offices	<i>See sub-classifications below.</i>			
<i>Business and Professional</i>	L (4)/CUP	L (3)	-	
<i>Creative</i>	L (4)/CUP	-	-	
<i>Walk-In Clientele</i>	L (4)/CUP	-	-	
Parking, Public or Private	L (3)	P	L (5)	
General Personal Services	L (1)	-	-	
Retail Sales	<i>See sub-classifications below.</i>			
<i>General Retail Sales, Small-Scale</i>	L (1)	-	-	Section 9.31.220, Outdoor Retail Display and Sales
<i>Swap Meet</i>	MUP	MUP	MUP	Section 9.31.360, Swap Meets
Transportation, Communication, and Utilities Uses				
Citywide Bikeshare Facility	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>			
<i>Antennas and Transmission Towers</i>	CUP	CUP	-	
<i>Equipment Within Buildings</i>	-	P	-	

TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
Utilities, Major	-	P	-	
Utilities, Minor	-	P	-	
Specific Limitations:				
(1)	Permitted as part of a mixed-use development. Residential uses not permitted on ground floor.			
(2)	Permitted only as an accessory to a primary use. Must be located within the same building as a primary use.			
(3)	Limited to public, quasi-public, or nonprofit establishments.			
(4)	Public, quasi-public, and nonprofit offices are permitted. Conditional Use Permit required for private offices.			
(5)	Limited to public parking for beach or park users.			

9.15.030 Development Standards

Table 9.15.030 prescribes the development standards for the Public and Semi Public Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table. Development standards for the Civic Center (CC) district are as prescribed in the Civic Center Specific Plan.

TABLE 9.15.030: DEVELOPMENT STANDARDS—PUBLIC AND PARK DISTRICTS			
<i>Standard</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
Parcel and Intensity Standards			
Minimum Parcel Size (sq. ft.)	20,000	5,000	
Building Form and Location			
Maximum Building Height (stories/ft.)	2/32	2/28; 1/20 west of the centerline of Ocean Avenue and Barnard Way	Section 9.04.050, Measuring Height
Minimum Setbacks (ft., measured from property line)			
Street Frontage	10	20	
<i>Interior Side and Rear</i>	10; 15 when abutting a residential district	10	
Maximum Parcel Coverage (% of a parcel)	NA	25	
Additional Standards			
Accessory Food Service	Section 9.31.030, Accessory Food Service		
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures		
Exceptions to Height Limits	Section 9.21.060, Height Exceptions		
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges		

TABLE 9.15.030: DEVELOPMENT STANDARDS—PUBLIC AND PARK DISTRICTS			
<i>Standard</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
Home Occupation	Section 9.31.160, Home Occupation		
Landscaping	Section 9.15.030(A), Chapter 9.26, Landscaping		
Lighting	Section 9.21.080, Lighting		
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation		
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks		
Signs	Chapter 9.61, Signs		
Screening	Section 9.21.140, Screening		
Solar Energy Systems	Section 9.21.150, Solar Energy Systems		
Trash Screening and Enclosure	Section 9.21.130 Resource Recovery and Recycling Standards		

- A. **Planting Areas, Public District.** In the Public and Semi-Public Districts, the following landscaping requirements apply.
1. ***Setback Areas Adjoining Streets.*** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall consist of planting areas, landscape, or pedestrian amenities.
 2. ***Interior Setback Areas.*** At least 50 percent of each required interior side setback area and rear setback area shall be planting area having a minimum width of 7.5 feet adjoining a side or rear parcel line. The width of a required planting area may be reduced to 3 feet in one side or rear setback areas adjoining a driveway, and a nonresidential accessory structure may occupy a portion of the planting area in a rear setback area.

Chapter 9.16 A Off-Street Parking Overlay District

Sections:

9.16.010	Purpose
9.16.020	Permitted Uses
9.16.030	Uses Subject to a Minor Use Permit
9.16.040	Conditionally Permitted Uses
9.16.050	Prohibited Uses
9.16.060	Property Development Standards for Non-Parking Uses
9.16.070	Development Standards for Below Grade Parking Structure Facilities
9.16.080	Special Design Standards for All Parking Facilities
9.16.090	Architectural Review

9.16.010 Purpose

The A Off-Street Parking Overlay District is intended to provide adequate parking facilities to support important commercial corridors and neighborhood commercial areas in the City, while assuring that each facility will not adversely impact the environment of nearby residents or diminish the integrity of the subject residential zoning district in a manner consistent with the goals, objectives, and policies of the General Plan. Any parcel classified as “A” shall also be classified in one of the Residential Districts.

9.16.020 Permitted Uses

The following uses shall be permitted in the A Off-Street Parking Overlay District:

- A. All uses listed as permitted uses in the residential district in which the parcel is located.
- B. Existing parking on “A” lots shall be permitted if all of the following conditions are met:
 - 1. The commercial parcel supported by the “A” parcel is not redeveloped.
 - 2. The lot remains as a surface level parking lot.
 - 3. The square footage of the existing commercial building on the commercial parcel is not added to or expanded beyond fifty percent of the floor area existing on September 8, 1988.
 - 4. The required parking for any new addition or expansion of less than fifty percent of the floor area is not located on the “A” parcel.

9.16.030 Uses Subject to a Minor Use Permit

The following uses may be permitted in the A Off-Street Parking Overlay District subject to the approval of a Minor Use Permit:

- A. All uses listed as subject to Minor Use Permit in the residential district in which the parcel is located.

9.16.040 Conditionally Permitted Uses

The following uses may be permitted in the A Off-Street Parking Overlay District subject to the approval of Conditional Use Permit:

- A. All uses listed as conditionally permitted uses in the residential district in which the parcel is located.
- B. Parking structures below the ground level if all of the following conditions are met:
 - 1. The “A” parcel was in parking use on the effective date of this Chapter.
 - 2. The “A” parcel is in an R2, R3, or R4 zoning designation.
 - 3. Any code-required parking in an existing “A” parcel is replaced in the structure.
 - 4. The facility is for the temporary parking of transient motor vehicles and trucks with no overnight storage.
 - 5. The parking structure is accessory to a permitted commercial and/or residential use on the adjacent commercially zoned parcel.
 - 6. The surface level of the “A” parcel is developed and maintained as landscaped open space with a minimum of 75% of the parcel planted with trees, ground cover, shrubbery, and other plant material for the life of the commercial project, or in R2, R3, and R4 designations, developed as a residential project as permitted by the underlying designation.
 - 7. The access to commercial-serving parking spaces is from the commercially zoned parcel.
- C. Farmers markets.

9.16.050 Prohibited Uses

- A. Parking structures located above the ground level, unless authorized by 9.31.070 Automobile/Vehicle Sales, Leasing, and Storage.
- B. There shall be no use of any parcel in the “A” Off-Street Parking Overlay District for automobile parking unless all properties between the side property line of the “A” parcel and the boundary of any adjacent commercial district are in nonresidential use. The automobile parking on the “A” Overlay parcel must remain contiguous to the adjacent commercial parcel that it is supporting.
- C. Rooftop parking directly abutting, or separated by an alley from, a residential use.
- D. New surface level parking lots.

9.16.060 Property Development Standards for Non-Parking Uses

All non-parking uses developed on property in the A Off-Street Parking Overlay District shall be developed in accordance with the same property development standards required for the underlying residential district.

9.16.070 Development Standards for Below Grade Parking Structure Facilities

- A. **Side Yard Setback.** The side yard shall be five feet for any underground parking facility. No side yard shall be required adjacent to a commercially zoned parcel or another “A” designated parcel in commercial parking use.

Parking structures located below grade shall be exempt from the parcel coverage and setback requirements provided that there remains an unexcavated area five feet in width along the side property line that abuts a residentially zoned parcel which shall contain landscaping pursuant to the provisions of Chapter 9.26, Landscaping.

9.16.080 Special Design Standards for All Parking Facilities

- A. **Walls.** Walls shall conform to the provisions of Section 9.21.050, Fences, Walls, and Hedges.
- B. **Use of Required Yards.** There shall be no access to parking permitted within the required side yard, except access may be provided within a required side yard that abuts a commercially zoned parcel.
- C. **Landscaping.** At least fifty percent of the required front yard area shall be landscaped pursuant to the provisions of Chapter 9.26, Landscaping.
- D. **Vehicle Access.** Vehicle access to and from all parking structures shall be located a minimum of twenty feet or a greater distance if practical from any residentially zoned parcel.
- E. **Lighting.** Lighting shall be provided pursuant to the provisions of Section 9.21.080, Lighting.

9.16.090 Architectural Review

All new construction, new additions to existing buildings, and any other exterior improvements that require issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.55 of this Article.

Chapter 9.17 Residential Mobile Home Park

Sections:

- 9.17.010 Purpose
- 9.17.020 Land Use Regulations
- 9.17.030 Development Standards

9.17.010 Purpose

The purpose of the “Residential Mobile Home Park” District is to preserve and protect existing mobile home parks as developments that offer alternative types of residential units and opportunities for affordable housing.

9.17.020 Land Use Regulations

Table 9.17.020 prescribes the land use regulations for the Residential Mobile Home Park District. The regulations for each district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“–” designates uses that are not permitted.

Land uses are defined in Chapter 9.51, Use Classifications. Use classifications and sub-classifications not listed in the table are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other Sections of this Ordinance.

TABLE 9.17.020: LAND USE REGULATIONS—RESIDENTIAL MOBILE HOME PARK DISTRICT		
<i>Use Classification</i>	<i>RMH District</i>	<i>Additional Regulations</i>
Residential Uses		
Mobile Home Park	P	

TABLE 9.17.020: LAND USE REGULATIONS—RESIDENTIAL MOBILE HOME PARK DISTRICT		
<i>Use Classification</i>	<i>RMH District</i>	<i>Additional Regulations</i>
Family Day Care	<i>See sub-classifications below.</i>	
<i>Large</i>	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	
Public and Semi-Public Uses		
Adult Day Care	CUP	
Child Care and Early Education Facilities	CUP	Section 9.31.120, Child Care and Early Education Facilities
Transportation, Communication, and Utilities Uses		
Citywide Bikeshare Facility	P	

9.17.030 Development Standards

A Development Review Permit shall be required for any new development in the Residential Mobile Home Park District. An Administrative Approval shall be required for remodels or additions to existing facilities so long as the existing density is not increased or the number of spaces reduced. Construction of a new mobile home park, the addition of a new pad in an existing mobile home park, the removal of an existing pad in an existing mobile home park, reconfiguration of the park layout, and reconfiguration of existing pads in an existing mobile home park are considered new development and require the approval of a Development Review Permit. The remodeling of an existing mobile home/manufactured home, the increase in height of an existing mobile or manufactured home from one story to two stories, or the placement of a new mobile home/manufactured home on an existing pad, provided there is no alteration to the size of the pad, is considered a remodel or addition to an existing mobile home park facility. This work requires an Administrative Approval.

Chapter 9.18 Activity Center Overlay District

To be established by City Council through preparation of Area Plans for the Activity Center areas and Development Agreements for each defined project.

Chapter 9.19 Neighborhood Conservation Overlay District

To be amended as the City Council establishes Neighborhood Conservation Overlay Districts in accordance with Chapter 9.47.

Chapter 9.20 Beach Overlay District

Sections:

- 9.20.010 Purpose
- 9.20.020 Exclusions
- 9.20.030 Permitted Uses
- 9.20.040 Uses Subject to Use Permit
- 9.20.050 Conditionally Permitted Uses
- 9.20.060 Prohibited Uses
- 9.20.070 Recreational Use

9.20.010 Purpose

The purpose of this initiative ordinance is to add a new overlay district to the City of Santa Monica's Zoning Districts. This initiative ordinance is necessary to protect the public health, safety and welfare of present and future residents of the City of Santa Monica [the "City"] by avoiding the deleterious effects of uncontrolled growth in the Beach Overlay District and preserving the unique and diverse character of the Santa Monica oceanfront.

This purpose is achieved by limiting the proposed proliferation of excessive hotel, motel and large restaurant development within the Beach Overlay District. Such development ignores the need to preserve Santa Monica's greatest asset — its oceanfront setting, view, and access to coastal resources — and to maintain its beach and oceanfront parks as open recreational area for present and future generations.

9.20.020 Exclusions

The following areas are excluded from the Beach Overlay District:

- A. The Santa Monica Pier platform and up to a maximum of 140,000 square feet of new development to be erected on the platform after the effective date of this initiative ordinance.
- B. That area described as follows: that portion of the Beach Overlay District seaward of the centerline of Ocean Avenue and lying between the Santa Monica pier on the north and Seaside Terrace on the south, and the Promenade on the west.

9.20.030 Permitted Uses

Subject to the provisions of Section 9.20.060 the following uses shall be permitted in the Beach Overlay District:

- A. All uses listed as permitted uses within the district in which the parcel is located.
- B. Open space, public beaches, parks, incidental park structures, gardens, playgrounds, recreational buildings, and recreational areas.
- C. Public parking.

9.20.040 Uses Subject to Use Permit

Subject to the provisions of Section 9.20.060, the following uses may be permitted in the Beach Overlay District subject to the approval of a use permit:

- A. All uses listed as subject to performance standards permits in the District in which the parcel is located.

9.20.050 Conditionally Permitted Uses

Subject to the provisions of Section 9.20.060, the following uses may be permitted in the Beach Overlay District subject to the approval of a conditional use permit:

- A. All uses listed as conditionally permitted uses in the District in which the parcel is located.

9.20.060 Prohibited Uses

- A. Hotels, motels.
- B. Restaurants and/or food service facilities of more than two thousand square feet and/or exceeding one story in height.
- C. Any use not specifically listed in Section 9.20.030.

9.20.070 Recreational Use

Any building or area within the Beach Overlay District currently in use as a recreational building or recreational area shall not be removed or demolished except to replace said building or area with open space or substantially similar recreational use or uses.

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Division 3: General Regulations

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Chapter 9.21 General Site Regulations

Sections:

- 9.21.010 Purpose and Applicability
- 9.21.020 Accessory Buildings and Structures
- 9.21.030 Development on Multiple Parcels
- 9.21.040 Development on Parcels Divided by District Boundaries
- 9.21.050 Fences, Walls, and Hedges
- 9.21.060 Height Exceptions
- 9.21.070 Freestanding Structures
- 9.21.080 Lighting
- 9.21.090 Outdoor Living Area
- 9.21.100 Outdoor Storage
- 9.21.110 Projections into Required Setbacks
- 9.21.120 Reflective Materials
- 9.21.130 Resource Recovery and Recycling Standards
- 9.21.140 Screening
- 9.21.150 Solar Energy Systems
- 9.21.160 Swimming Pools and Spas
- 9.21.170 Building Additions Extending Into Required Side Yard
- 9.21.180 Hazardous Visual Obstructions
- 9.21.190 Unexcavated Yard Areas
- 9.21.200 Residential Uses on Commercial Parcels Adjacent to Residential Districts

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:

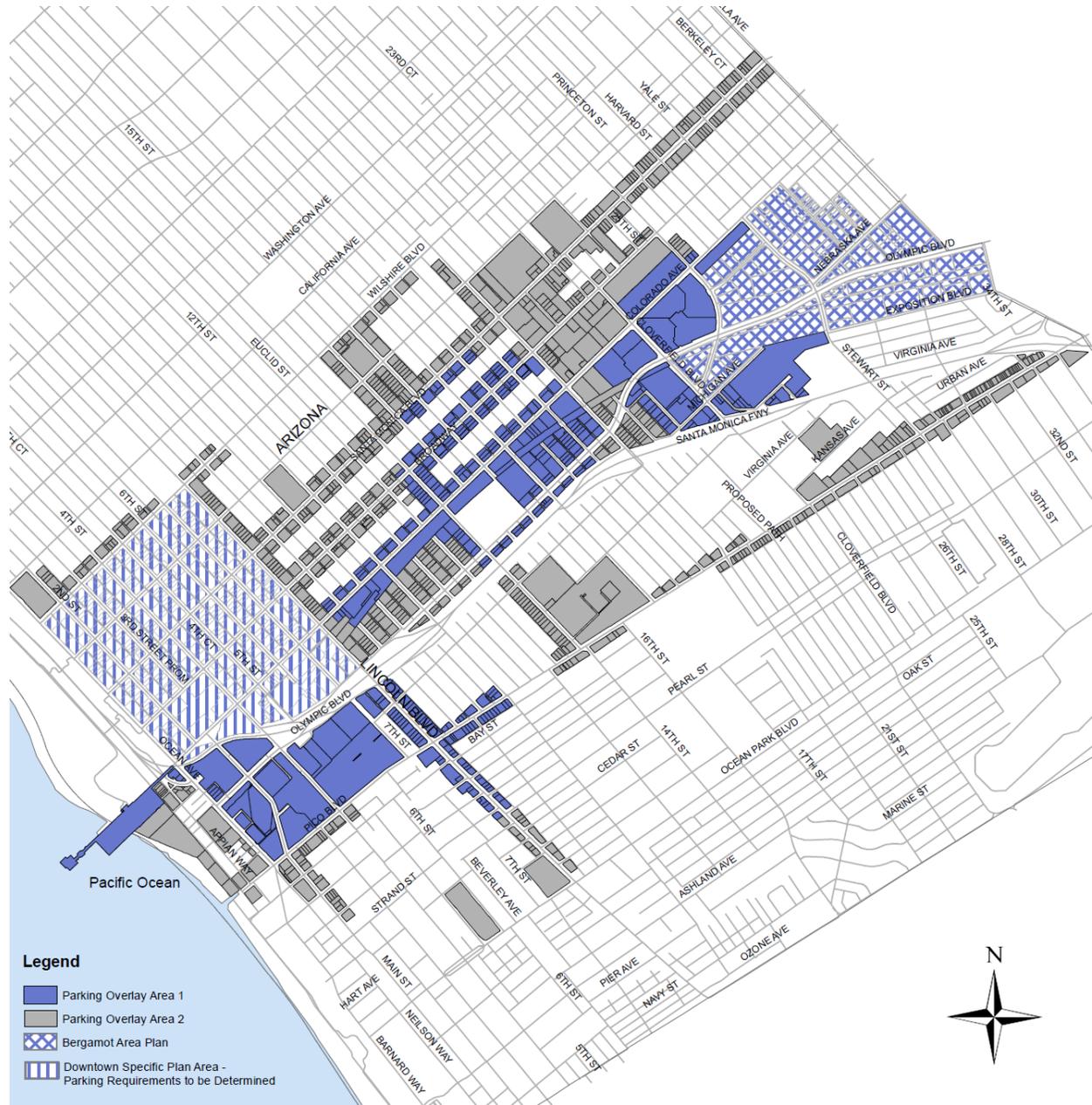
 - i. Parking provided in excess improves the pedestrian, transit, and bicycle network;
 - ii. Vehicle movement on or around the project site associated with the excess parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the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

FIGURE 9.28.110: AREAS REQUIRING UNBUNDLED PARKING



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
9.30.100	Appeal of Commission Decision
9.30.110	Additional Requirements for Public Art for On-Site Installation
9.30.120	On-Site Cultural Facilities Alternative
9.30.130	Commission Review and Approval
9.30.140	Cultural Arts Development Contribution
9.30.150	Declaration of Covenants, Conditions, and Restrictions
9.30.160	Final City Approval
9.30.170	Cultural Arts Trust Fund—Use of Funds
9.30.180	Fee Revision by Resolution
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

Division 4: Administration and Permits

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Chapter 9.36 Planning Authorities

Sections:

- 9.36.010 Planning and Community Development Director
- 9.36.020 Zoning Responsibilities of Director or Designee (Zoning Administrator)

9.36.010 Planning and Community Development Director

The Planning and Community Development Director (the “Director”) is the manager of the Planning and Community Development Department. The Director, or designee, directs the work of the Department and leads in fulfilling its missions and goals. Specifically, the powers and duties of the Director include, but are not limited to the following:

- A. Approve, conditionally approve, modify, or deny requests for waivers to dimensional requirements, pursuant to Chapter 9.43, Modifications and Waivers.
- B. Negotiate the components and provisions of Development Agreements for recommendation to the City Council.
- C. Monitor and enforce provisions of this Ordinance and serve as Hearing Officer pursuant to Chapter 8.96 of the Municipal Code.
- D. Process and make recommendations to the City Council on all applications, amendments, appeals, and other matters upon which the Council has the authority and the duty to act under this Ordinance.
- E. Process and make recommendations to the Planning Commission on all applications, appeals, and other matters upon which the Planning Commission has the authority and the duty to act under this Ordinance.
- F. Serve as Staff of the Planning Commission, Landmarks Commission, and Architectural Review Board.
- G. Delegate administrative functions to members of the Department of Planning & Community Development.
- H. Other duties and powers as may be assigned by the City Council or established by legislation.

9.36.020 Zoning Responsibilities of Director or Designee (Zoning Administrator)

The role of the Director is to issue land use permits that are minor in nature and which customarily result in an activity of generally little public controversy and adverse impact. The Director, or designee, provides Santa Monica with an opportunity to exercise administrative discretion, adopt specific findings of fact to support the resulting decision, and to require specific conditions where warranted, and to ensure that the requested activity or project is conducted or constructed in a manner consistent with the goals, objectives, and policies of the General Plan. Specifically, these powers and duties include, but are not limited to the following:

- A. Administer this Ordinance, including processing of applications, abatements, and other enforcement actions.
- B. Interpret this Ordinance to members of the public and to other City Departments and issue formal interpretations in accordance with Section 9.37.140.
- C. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business.
- D. Review applications for permits and licenses for conformance with this Ordinance and issue a Zoning Conformance Permit when the proposed use, activity, or building is allowed by right and conforms to all applicable development and use standards.
- E. Review applications for discretionary permits and approvals under this Ordinance for conformance with applicable submission requirements and time limits.
- F. Review applications and ensure compliance with the California Environmental Quality Act and the City's environmental review requirements, and notify the applicant if any additional information is necessary to conduct the review.
- G. Hear and decide applications for Minor Use Permits, modifications to conditions of approved Minor Use Permits, and time extensions of Minor Use Permits, pursuant to Chapter 9.41, Minor Use Permits & Conditional Use Permits.
- H. Hear and decide requests for minor modifications to approved permits, pursuant to Section 9.43, Modifications and Waivers.
- I. Approve, conditionally approve, modify or deny applications for Temporary Use Permits, pursuant to Chapter 9.44, Temporary Use Permits.
- J. Hear and decide proposals to revoke permits, pursuant to Section 9.37.120 Revocation of Permits, following a public hearing.
- K. Approve, modify, or deny applications for Administrative Approvals, pursuant to Chapter 9.39, Administrative Approval.
- L. Prepare zoning compliance letters explaining the City's land use regulations and permit information typically prepared in the context of a pending property sale or transaction

Chapter 9.37 Common Procedures

Sections:

9.37.010	Purpose
9.37.020	Application Forms and Fees
9.37.030	Review of Applications
9.37.040	Environmental Review
9.37.050	Public Notice
9.37.060	Request for Delay or Continuance of an Application
9.37.070	Timing, Notice of Action, and Findings Required
9.37.080	Effective Dates
9.37.090	Expiration and Extension
9.37.100	Reapplication
9.37.110	Construction Rate Program
9.37.120	Revocation/Modification of Permits
9.37.130	Appeals
9.37.140	Interpretations
9.37.150	Failure to Comply with Conditions
9.37.160	Applications and Procedures Table
9.37.170	Planning Commission Consideration of Director Permits
9.37.180	Amendments to Approved Projects and Conditions of Approval

9.37.010 Purpose

This Chapter establishes procedures that are common to the application and processing of permits and approvals provided for in this Ordinance, unless superseded by specific requirement of this Ordinance or State law.

9.37.020 Application Forms and Fees

- A. **Initiation of Application.** An application shall be filed by a qualified applicant.
- B. **Application Forms and Materials.**
 1. **Application Forms.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance.
 2. **Supporting Materials.** The Director shall require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, contextual drawings, massing diagrams and/or models, site development history information, and other items necessary or relevant (e.g. easements, prior site zoning) to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.

3. **Availability of Materials.** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.
- C. **Application Fees.** The City Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, appeals, amendments, informational materials, penalties, copying, and other such items. These fees may be amended by the City Council by legislation.

9.37.030 Review of Applications

- A. **Purpose.** These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Chapter. These provisions are intended to provide the framework by which applications will be determined to be complete and permitted to be filed.
- B. **Application forms.** To request a permit, appeal, amendment, approval, or other discretionary action required or permitted by this Chapter, the applicant must submit a complete appropriate application on the form provided by the Director in addition to any other material, reports, dimensioned plans, or other information required to take an action on the application. Each application form shall contain:
 1. A list or description of the information, reports, dimensioned plans, and other material needed in order to deem an application complete;
 2. The criteria by which the Director will determine the completeness of the application;
 3. Instructions necessary to complete or supply the required information; and
 4. Such other information as may be required by this Chapter or State law.
- C. **Determination of Completeness.**
 1. No application shall be processed pursuant to this Chapter prior to the determination by the Director that the application is complete in accordance with this Section and the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto, to the extent applicable.
 2. The determination shall be made not later than 30 calendar days after the Planning Department has received an application for a development project and shall state whether the application is complete, or is incomplete and shall specify additional information to be resubmitted.
 3. A completed application shall consist of:
 - a. The application form with all applicable information included on the form;
 - b. The additional information, reports, dimensioned drawings, and other material required with application form;

- c. A description of how the proposed project or requested action is consistent with the goals, objectives, policies, programs, and other provisions of the adopted General Plan; and
 - d. Payment in full of the required fee for processing the application.
4. If an application is determined incomplete, the Director shall transmit to the applicant in writing the reason for the determination and shall list the information that must accompany a resubmitted application. An incomplete application shall be determined to be withdrawn if the information requested is not received by the Director within 30 days of the date the written determination of incompleteness is mailed.
 5. The Director shall determine in writing the completeness of the resubmitted application and transmit the determination to the applicant. This determination shall be made no later than 30 calendar days after the Planning Department has received the resubmitted application. If determined complete, the resubmitted application shall be processed pursuant to this Chapter. If the application is determined to be incomplete, the applicant shall be noticed pursuant to this Subsection and the application may be deemed withdrawn. If deemed withdrawn, the applicant may file a new application or appeal the determination of incompleteness to the Planning Commission pursuant to Section 9.37.130, Appeals. A resubmitted application that includes an increase in floor area or number of units greater than 10 percent shall be considered a new application.
 6. If the Director fails to make a timely determination as to completeness of an application, or resubmitted application, the application shall be automatically deemed complete. The applicant and Director may mutually agree in writing to extend these time periods.
 7. The time periods for processing any applications under this Chapter shall commence upon the date the application has been determined to be complete.
- D. **Additional Information.** After an application is deemed complete, the Director shall not subsequently request of an applicant any new information requested on the application form. The Director may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application in the course of processing the application. This request shall not invalidate the original determination that an application is complete and shall not result in a delay in processing the application. The Director may request additional information needed to prepare adequate environmental documentation.
- E. **Posting of Property.** Within 15 days after an application for a Discretionary Permit has been filed, the applicant shall provide proof of posting a notice on the property in a manner set forth by the Director. The application shall not be considered complete unless the site has been posted pursuant to this Section.

9.37.040 Environmental Review

The City as Lead Agency shall comply with the California Environmental Quality Act. CEQA appeals shall be processed according to the provisions of Chapter 9.62.

9.37.050 Public Notice

- A. **Notice of Hearings.** Notice of public hearings shall be given in the following manner:
1. By publication in a newspaper of general circulation within the City not less than 14 consecutive calendar days prior to the public hearing; and
 2. By mailing, postage prepaid, not less than 14 consecutive calendar days prior to the public hearing, to all owners and residential and commercial tenants of the subject property and properties within a radius of 750 feet for all Discretionary Permits, and applications for Zoning Ordinance or General Plan Amendments, from the exterior boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner as contained in the records of the Los Angeles County Assessor shall be used. Notices mailed under this subsection (A)(2) shall also be mailed to all City-recognized neighborhood organizations.
 3. All notices of public hearings shall state the nature of the request, the location of the property, the time and place of the scheduled hearing, and the manner in which additional information may be received.
- B. **Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Director may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City commencing at least 14 days prior to the hearing for a duration of at least three consecutive days. Notices displayed pursuant to this subsection (A)(3) shall also be mailed to all City-recognized neighborhood organizations and shall be posted on the City's website.
- C. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive a mailed notice.

9.37.060 Request for Delay or Continuance of an Application

- A. An application may be withdrawn from a scheduled Planning Commission agenda at the written request of the applicant provided that the public notice of the meeting and the public hearing on the application has not been mailed or published. The application shall be rescheduled for a Planning Commission meeting agreed to by the applicant and the Director.
- B. An application shall not be withdrawn from a Planning Commission agenda at the request of the applicant if public notification has been given. Consideration of the application may be continued only upon approval of a motion by the Planning Commission at the meeting for which the application has been noticed for. The Planning Commission shall grant such request if good cause is established, and the delay will not be detrimental or prejudicial to the City or any interested person. Good cause may include, but is not limited to, the following:
1. The unavailability of a party because of death, illness, or other excusable circumstances;
 2. The unavailability of counsel or an expert because of death, illness, or other excusable circumstances;
 3. The recent addition or substitution of counsel or an expert witness; or

4. The need to gather additional evidence which could not have reasonably been gathered prior to the scheduled date for the hearing.
- C. Any application continued under the conditions listed above shall be re-noticed in the original manner, and the applicant shall be subject to payment of a re-notification fee prior to the re-scheduled hearing.
- D. The time limitations for action on any application withdrawn, rescheduled, or continued by the Planning Commission at the request of the applicant, shall be extended by the period of time that consideration of the application was suspended.
- E. This Section shall not apply to continued hearings which are necessary due to factors controlled by the Planning Commission or staff and not specifically requested by the applicant

9.37.070 Timing, Notice of Action, and Findings Required

- A. **Timing of Decision.**
 1. A decision of the Planning Commission shall be final from and after the date of the public hearing in which the Planning Commission renders its decision, and the time to appeal such decision, if authorized pursuant to Section 9.37.130, shall commence on that hearing date.
 2. A decision of the Director shall be final from and after the date that the decision is made and posted on the City's website, and the time to appeal such decision, if authorized pursuant to Section 9.37.130, shall commence on the date of the posting.
- B. **Statement of Official Action.** The hearing body shall approve a statement of official action which shall include:
 1. A statement of the applicable criteria and standards against which the proposal was tested and the determination of what is required to achieve compliance with the criteria and standards.
 2. A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.
 3. The reasons for a determination to approve or deny the application.
 4. The decision to deny or to approve with or without conditions and subject to compliance with applicable standards
- C. **Timing of Approval of Statement of Official Action.**
 1. The Planning Commission, and City Council on appeal, shall approve a statement of official action within forty-five days after the date the decision is made.
 2. The Director shall approve a statement of official action at the time the Director renders the decision on the application.
- D. **Notice of Statement of Official Action.**
 1. With respect to Director decisions, 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, to all individuals who testified at the public hearing on the

application, and to other individuals who provided written notice that they wished to receive the statement of official action for this item.

2. With respect to Planning Commission and City Council decisions, the Director shall transmit the statement of official action to the applicant at the address shown on the application within five business days after the statement of official action has been adopted.

9.37.080 Effective Dates

A final decision on an application for any discretionary approval subject to appeal shall become effective after the expiration of 14 calendar days, or 7 calendar days in the case of Temporary Use Permits, unless an appeal is filed. No building permit or business license shall be issued until the 15th day, or 8th day in the case of Temporary Use Permits, following the date of the action.

9.37.090 Expiration and Extension

- A. **Expiration.** The decision-maker, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Ordinance shall automatically expire if it is not exercised or extended within the time limits listed below:

1. **Permits for 100% Affordable Housing and Mixed-Use Projects.** Within 3 years of the effective date, or if located in the Coastal Zone, 3 ½ years from the effective date for affordable housing or mixed use projects where housing units comprise at least 75 percent of the floor area of the project, and the housing project has received City, State or Federal funding or is comprised of units at least 50 percent of which are deed-restricted to be affordable to low income households and the remainder of which are deed-restricted to be affordable to low or moderate income households.
2. **All Other Permits.** Two years of the effective date for projects that do not qualify as affordable housing or mixed-use in Section (1) above, or if located in the Coastal Zone, 2 ½ years of the effective date.

- B. **Exercise of Rights.** A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site unless the permit is granted in conjunction with approval of new construction.

1. **New Construction.** If a permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights; provided, however, that, unless otherwise specified as a condition of project approval, the permit shall expire if:
 - a. The building permit expires;
 - b. Final inspection is not completed or Certificate of Occupancy issued within the time specified as a condition of project approval; or
 - c. The rights granted under the permit for the use of the building are not exercised within one year following the earliest to occur of the following: issuance of a Certificate of Occupancy; or if no Certificate of Occupancy is required, the last required final inspection for the new construction.

C. **Extensions.**

1. **First Time Extension.** The Director shall approve an extension of any permit or approval granted under this Ordinance upon receipt of a written application with the required fee prior to expiration of the permit for the time periods listed below.
 - a. Projects with Residential Uses: one-year extension.
 - b. Nonresidential Projects: 6 month extension.

No extension may be requested earlier than six months prior to the expiration of the permit.

The Director may grant a second time extension for projects involving a City-Designated Historic Resource if such extension is necessary due to the complexity of planning for and developing the project.

2. **Other Extensions.** The Planning Commission may approve a further extension of any permit or approval granted under this Ordinance upon receipt of a written application with the required fee at least one month prior to and no more than six months prior to expiration of the permit. Such extension request shall be processed in the same manner and for the same fee as a new permit. The Planning Commission may grant an extension request for good cause, and may consider in this review, subject to any vested rights, the extent to which the project is consistent with current development standards and policies, whether the project is consistent in principal with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan, conditions surrounding the project site and whether the project will adversely affect the public health, safety and general welfare.

9.37.100 Reapplication

No reapplication for the same or substantially same project that has been denied may be filed within 12 months, except if a project is determined denied without prejudice or as otherwise allowed at the time of denial.

9.37.110 Construction Rate Program

- A. For projects involving the new construction or alteration of 2 or more dwelling units in all Multi-Unit Residential Districts in the City for which a development application was deemed complete, only one such construction project shall be allowed, within a 500 foot radius. Except as provided in Subsection (C), this restriction shall apply for 15 months after issuance of a building permit, after which time another project may begin construction in the defined area.
- B. Building permits shall be provided on a first-come first-served basis in accordance with the terms of this Section. No building permit shall be issued by the Building and Safety Division unless the requirements of Subsections (C) and (D) have been satisfied.
- C. During the plan-check process, the Building and Safety Division shall determine the status of other building permits for projects in the area. A building permit shall not be issued when the Building Officer determines that a building permit has been issued in the previous 15 months for any other project within a 500 foot radius of the subject property unless the owner of the previously permitted

project has formally relinquished the building permit for that project or obtained a Certificate of Occupancy for the project.

- D. If the Building Officer determines that another building permit has been issued less than 15 months prior to the date on which the building permit has received all plan-check approvals and the exceptions specified in Subsections (C) and (E) do not apply, the Building Officer shall place the project on a waiting list in order of the date and time of day that the permit application received all plan-check approvals. The life of other City approvals or permits necessary to commence the project shall be automatically extended by the amount of time that a project remains on the waiting list. The Building Officer shall approve the project in accordance with the Uniform Technical Code in effect at the time of the plan-check.
- E. **Exemptions.** The projects listed below shall be exempt from the Program. The City shall prepare an exemption application form which delineates all submission requirements. An owner shall not be required to file a project application with the exemption application. City staff shall make a final determination whether a project meets the requirements of this Subsection within 90 days after the owner's exemption application for the project is deemed complete. The following projects are exempted from the requirements of this Program:
1. Affordable housing projects in which 100 percent of the units will be deed-restricted for Extremely Low, Very Low, Low, Middle, and/or Moderate Income housing.
 2. Structures identified by the Building and Safety Division as unreinforced masonry construction and subject to City-mandated seismic upgrading.
 3. Projects to be developed on a site that is vacant.
 4. Projects to be developed on a site in which:
 - a. The structures on the site are uninhabitable, not as a result of the owner's failure to maintain the structure, or the property of which the structure is a part, in good repair, and the structures cannot be rendered habitable in an economically feasible manner; or
 - b. The current use of the property is not otherwise economically viable.
 5. Projects that include the retention and preservation of a designated landmark building or contributing structure to an adopted Historic District.
- F. The Planning and Community Development Department may develop administrative guidelines implementing this Chapter.

9.37.120 Revocation/Modification of Permits

Any permit granted under this Ordinance may be revoked or modified for cause in accordance with the provisions of this Section.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the body issuing the permit: the City Council, Planning Commission, or the Director.
- B. **Public Notice, Hearing, and Action.** After conducting a duly-noticed public hearing, the applicable Review Authority shall act on the proposed revocation.

- C. **Required Findings.** The Review Authority may revoke or modify the permit if it makes any of the following findings:
1. The permittee obtained the approval by means of fraud or misrepresentation of a material fact;
 2. The permittee substantially expanded or altered the use, building, or structure beyond what is set forth in the permit or substantially changed in character;
 3. The use in question has ceased to exist or has been suspended for 6 months or more; or
 4. The permittee has violated or failed to observe the terms or conditions of the permit, or the permittee has conducted the use in violation of the provisions of this Ordinance, or any applicable law or regulation.
- D. **Notice of Action.** A written determination of revocation shall be mailed to the property owner and the permit holder within 10 days of such determination.
- E. **Appeals.** Revocation/modification decisions are subject to the appeal provisions of Section 9.37.130, Appeals.

9.37.130 Appeals

- A. **Appeal of Action.**
1. Any person may appeal a discretionary decision of the Director to the Planning Commission. A decision of the Planning Commission on such appeal shall be final and not subject to further appeal to the City Council.
 2. Any person may appeal an original decision of the Planning Commission to the City Council. A decision of the City Council on such appeal shall be final and not subject to further administrative appeal.
 3. Once an appeal is filed, the review is de novo, and the appellate body may review and take action on all determinations, interpretations, decisions, judgments, or similar actions taken which were in the purview of the original hearing body on the application or project and is not limited to only the original reason stated for the appeal.
- B. **Procedures.**
1. ***Filing of Appeals.***
 - a. Appeals shall be addressed to the appellate body on a form prescribed by the Director pursuant to this Section. The appellant shall state the specific reasons for the appeal.
 - b. An appeal of a discretionary Director action shall be filed with the Department of Planning and Community Development within 14 consecutive calendar days following the date the decision is made, unless it is a Temporary Use Permit, in which case the appeal shall be filed within 7 days consecutive calendar days following the date the decision is made.
 - c. An appeal of a Planning Commission decision shall be filed with the Director within 14 consecutive calendar days following the date the decision is made.

2. Appeals shall be accompanied by the required filing fee.
 3. ***Submittal Requirements and Criteria.*** The appeal shall set forth, in concise language, the following:
 - a. Date of appeal;
 - b. Name of appellant and the individual representing appellant;
 - c. Address to which notices shall be sent;
 - d. Telephone number of representative;
 - e. Name of applicant, if different from appellant;
 - f. Action or decision being appealed and the date of such action or decision;
 - g. Address and description of real property involved; and
 - h. The specific grounds for appeal.
 4. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
 5. ***Appeal hearings.*** Public notice of an appeal hearing shall conform to the manner in which the original notice was given.
 6. ***Effective Date of Appealed Actions.***
 - a. Except as otherwise provided for in this Chapter, an action of the Director appealed to the Planning Commission shall not become effective unless and until approved by a majority of the Planning Commission or by operation of law.
 - b. An action of the Planning Commission appealed to the City Council shall not become effective unless and until approved by a majority of the City Council or by operation of law.
 7. ***Appeal fees.*** Members of the City Council and Planning Commission shall not be required to pay a fee when filing an appeal.
- C. **Public Notice and Hearing.** Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to this Chapter. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the Director a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.
- D. **Action.** An action to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

9.37.140 Interpretations

Whenever, in the opinion of the Director, or at the discretion of the Planning Commission, there is any question regarding the interpretation of the General Plan, Specific Plan, or the provisions of the Zoning Ordinance or its application to any specific case or situation, that warrants formal interpretation, the Director

shall interpret the relevant provision of the General Plan, Specific Plan, or Zoning Ordinance by written decision which interpretation shall be placed on the Planning Commission agenda as a discussion item.

- A. **Effect.** The interpretation shall become the standard interpretation for future applications effective fourteen consecutive calendar days from the date of the Planning Commission meeting when the interpretation appears on the agenda unless the Planning Commission decides at that meeting to review the interpretation. Such review can occur either at the same meeting that the interpretation first appears on the agenda or at a subsequent meeting. The interpretation, as it may be altered or revised by the Planning Commission, shall become effective fourteen consecutive calendar days from the date of the Planning Commission meeting when the review occurs unless during that fourteen day time period a member of the City Council submits a written request to the Director that the interpretation be placed on the City Council agenda for its review. If such a Council member request is made and review undertaken, the interpretation, as it may be altered or revised by the City Council, shall become effective fourteen consecutive calendar days from the date of the City Council’s review.
- B. **Publication.** The interpretation shall be published on the Planning Division website after the interpretation becomes effective.

9.37.150 Failure to Comply with Conditions

The decision-making body may withhold a requested approval if it determines that the current applicant has not fulfilled a previous condition or requirement from a previous approval granted to the applicant on the subject property, and withholding the permit would encourage compliance or is necessary to protect the public from future noncompliance.

9.37.160 Applications and Procedures Table

TABLE 9.37.160: APPLICATIONS AND PROCEDURES		
<i>Permit Type</i>	<i>Reviewing Authority</i>	<i>Appealable/Appeal Authority</i>
Zoning Conformance Review	Director	No
Administrative Approval	Director	No
Conditional Use Permit	Planning Commission	Yes/City Council
Development Review Permit	Planning Commission	Yes/City Council
Minor Use Permit	Director Hearing (Zoning Administrator)	Yes/Planning Commission
Temporary Use Permit	Director	No
Minor Modification	Director	Yes/Director Hearing (Zoning Administrator)
Major Modification	Director Hearing (Zoning Administrator)	Yes/Planning Commission
Fence, Wall, Hedge Height Modification, Administrative	Director	No
Fence, Wall, Hedge Height Modification, Discretionary	Director Hearing (Zoning Administrator)	Yes/Planning Commission
Waiver	Director Hearing (Zoning Administrator)	Yes/Planning Commission
Variance	Planning Commission	Yes/City Council

9.37.170 Planning Commission Consideration of Director Permits

For any specific project, the Planning Commission, rather than the Director or designee, shall approve, conditionally approve, or deny any application ordinarily subject to approval by the Director or designee if the application is filed concurrently with an application that is subject to Planning Commission review. The Planning Commission's determination on the application may be appealed to the City Council pursuant to Section 9.37.130.

9.37.180 Amendments to Approved Projects and Conditions of Approval

Any conditions of approval or approved project may be modified upon application by the original applicant or any successor thereto. The matter shall be considered following the same procedure that was utilized when the original application was considered.

Chapter 9.38 Zoning Conformance Review and Permit

Sections:

9.38.010	Purpose
9.38.020	Applicability
9.38.030	Review and Decision
9.38.040	Revocation

9.38.010 Purpose

The purpose of this Chapter is to establish procedures for conducting Zoning Conformance Review to verify that applicable activities comply with all of the applicable requirements of this Ordinance.

9.38.020 Applicability

Zoning Conformance Review is required for the following permits, licenses, or uses to ensure compliance with all provisions of this Chapter:

- A. Business license for any initiation of a use pursuant to Chapter 6.04.
- B. Home occupations subject to the provisions of Section 9.31.160.
- C. Outdoor dining and seating subject to the provisions of 9.31.200.
- D. Alcoholic Beverage Sales subject to the provisions of 9.31.040(D) and (E).
- E. Zoning compliance letters explaining the City's land use regulations and permit information typically prepared in the context of a pending property sale or transaction.
- F. Other circumstances deemed appropriate by the Director.

9.38.030 Review and Decision

- A. **Application.** Applications and fees for Zoning Conformance Review shall be submitted in accordance with the provisions set forth in Section 9.37.020, Application Forms and Fees.
- B. **Determination.** The Director shall determine whether this Ordinance allows the proposed uses or structures as-of-right. Zoning Conformance may be determined by review of written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Ordinance.
- C. **Exceptions.** No Zoning Conformance Review shall be required for the continuation of previously approved or permitted uses and structures.

9.38.040 Revocation

Revocation of Zoning Conformance Permits shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.

Chapter 9.39 Administrative Approval

Sections:

9.39.010	Purpose
9.39.020	Applicability
9.39.030	Review and Decision
9.39.040	Term, Extension, and Revocation

9.39.010 Purpose

Administrative Approval is intended to allow for the approval of projects which conform to the standards established for the Zoning District and do not require discretionary review or approval by the Director, Planning Commission, or City Council. Administrative Approval provides for an administrative review and assessment of the proposed development project in light of explicit standards contained in the Chapter which have been designed to ensure that the completed project will be in harmony with existing or potential development in the surrounding area, consistent with the goals, objectives and policies of the General Plan.

9.39.020 Applicability

Administrative Approval shall be required prior to issuance of any Building Permit for the development of more than 1,000 square feet of floor area for all new construction and new additions to existing buildings located in Residential and Nonresidential Districts not otherwise subject to Zoning Conformance Review or discretionary review. However, no Administrative Approval shall be required for new construction and new additions to existing buildings located in the Multi-Unit Residential Districts or for any new single-unit dwellings or additions thereto in any zoning district.

9.39.030 Review and Decision

- A. The Director shall issue an Administrative Approval if the proposed development conforms precisely to applicable development standards, and does not require discretionary review or approval as outlined in this Chapter.
- B. The Director shall deny the Administrative Approval only if the development is not in compliance with applicable development standards as outlined in this Chapter.
- C. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based. A copy of the decision shall be mailed to the applicant at the address shown on the application within 14 calendar days after the decision is made.

9.39.040 Term, Extension, and Revocation

The term of permit, exercise of rights, extension, and revocation for Administrative Approvals shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.

Chapter 9.40 Development Review Permit

Sections:

9.40.010	Purpose
9.40.020	Applicability
9.40.030	Application
9.40.040	Procedures
9.40.050	Required Findings
9.40.060	Term, Extension, Revocation, and Appeal

9.40.010 Purpose

A Development Review Permit is intended to allow the construction of certain projects for which the design and siting could result in an adverse impact on the surrounding area. The permit allows for:

- A. Review of the location, size, massing, and placement of the proposed structure on the site;
- B. The location of proposed uses within the project;
- C. An evaluation of the project with regard to fixed and established standards; and
- D. A determination of whether the proposed siting and design should be permitted by weighing the public need for the benefit to be derived from the proposed site plan use against the impact which it may cause.

9.40.020 Applicability

- A. Except as provided in Subsection (B), a Development Review Permit approved by the Planning Commission shall be required prior to issuance of any building permit for the development if any of the following occurs:
 1. Any project that exceeds Tier 1 maximum limits;
 2. All new construction and new additions to existing buildings of more than 10,000 square feet of floor area located in Residential Districts or more than 7,500 square feet of floor area in Neighborhood Commercial and Oceanfront Districts;
 3. All new construction and new additions to existing buildings of more than 15,000 square feet of floor area located in Nonresidential Districts not specified in Subsection (A)(2);
 4. Notwithstanding (A)(3) above, all new construction of more than 30,000 square feet of floor area of a development project containing no more than 15% commercial floor area located in Nonresidential Districts not specified in Subsection (A)(2);
 5. Notwithstanding (A)(2-4) above and until the adoption of a Pico Neighborhood Plan, all new construction and new additions to existing buildings of more than 7,500 square feet of floor area located in the Pico Neighborhood Area.

FIGURE 9.40.020.A: PICO NEIGHBORHOOD AREA (AS OUTLINED)



B. The following types of projects are exempt from Development Permit Review requirements:

1. Single unit dwellings; and
2. 100% Affordable Housing Projects of 50 units or less.

9.40.030 Application

Application for a Development Review Permit shall be filed in a manner consistent with the requirements contained in 9.37.020, Application Forms and Fees.

9.40.040 Procedures

- A. Upon receipt in proper form of a Development Review Permit application, a meeting with the Architectural Review Board shall be set to receive a recommendation on the design of the proposal.
- B. Following receipt of a recommendation of the Architectural Review Board, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with 9.37.050, Public Notice.

9.40.050 Required Findings

Following a public hearing, the Director shall prepare a written decision which shall contain the Planning Commission's findings of fact upon which such decision is based. The Planning Commission, or City Council on appeal, shall approve or conditionally approve a Development Review Permit application in whole or in part if all of the following findings of fact can be made in an affirmative manner:

- A. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards and are both compatible and relate harmoniously to surrounding sites and neighborhoods;
- B. The rights-of-way can accommodate autos, bicycles, pedestrians, and multi-modal transportation methods, including adequate parking and access;
- C. The health and safety services (police, fire etc.) and public infrastructure (e.g., utilities) are sufficient to accommodate the new development;
- D. The project is generally consistent with the Municipal Code and General Plan;
- E. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project or a Statement of Overriding Considerations has been adopted;
- F. The project promotes the general welfare of the community;
- G. The project has no unacceptable adverse effects on public health or safety; and
- H. The project provides Community Benefits consistent with Chapter 9.23.

9.40.060 Conditions

In granting a Development Review Permit, the Review Authority or the Review Authority on appeal shall require that the use and development of the property conform with a site plan, architectural drawings, or statements submitted in support of the application, or in such modifications thereof, as may be deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan and this Ordinance, and may also impose such other conditions as may be deemed necessary to achieve these purposes and to support the findings of approval.

9.40.070 Term, Extension, Revocation, and Appeal

The term of permit, exercise of rights, extension, revocation, and appeal for Development Review Permits shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.

Chapter 9.41 Minor Use Permits & Conditional Use Permits

Sections:

9.41.010	Purpose
9.41.020	Applicability
9.41.030	Review Authority
9.41.040	Application Requirements
9.41.050	Public Notice and Hearing
9.41.060	Required Findings
9.41.070	Conditions
9.41.080	Term, Extension, Compliance Review, Revocation, and Appeal

9.41.010 Purpose

The purpose of this Chapter is to describe the process and general requirements applicable to those uses for which a Minor Use Permit or Conditional Use Permit is required. These permits require consideration to ensure that the uses are generally consistent with the purposes of the Zoning District where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

9.41.020 Applicability

Approval of a Minor Use Permit or Conditional Use Permit is required for uses or developments specifically identified in Division 2, Base and Overlay Districts, and/or any other Section of this Ordinance that requires a Minor Use Permit or Conditional Use Permit.

- A. **Minor Use Permits.** A Minor Use Permit is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which have been found not to be inherently detrimental to the use and enjoyment of land but require an additional level of review and have a higher threshold of approval in certain circumstances. Minor Use Permits for off-site shared parking shall be processed pursuant to Section 9.28.180(D).
- B. **Conditional Use Permits.** A Conditional Use Permit is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which may have an impact upon the general welfare or safety of the public. These uses require an additional level of review and have a higher threshold of approval to ensure that they are compatible with the adjacent land uses and comply with the goals and intent of the General Plan.

9.41.030 Review Authority

- A. **Minor Use Permits.** The Director or their designee, shall approve, conditionally approve, or deny applications for Minor Use Permits based on consideration of the requirements of this Chapter.

- B. **Conditional Use Permits.** The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this Chapter.

9.41.040 Application Requirements

Applications and fees for a Minor Use Permit or Conditional Use Permit shall be submitted in accordance with the provisions set forth in Section 9.37.020, Application Forms and Fees. In addition to any other application requirements, the application shall include data or other evidence in support of the applicable findings required by Section 9.41.060, Required Findings, below.

9.41.050 Public Notice and Hearing

- A. **Conditional Use Permits.** All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 9.37, Common Procedures.
- B. **Minor Use Permits.** All applications for Minor Use Permits shall require public notice and hearing before the Director pursuant to Chapter 9.37, Common Procedures.

9.41.060 Required Findings

All Minor Use Permits and Conditional Use Permits shall only be granted if the decision-making body determines that the project, as submitted or modified, conforms to all of the following criteria. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is conditionally allowed within the applicable Zoning District and complies with all other applicable provisions of this Ordinance and all other titles of the Municipal Code.
- B. The proposed use is consistent with the General Plan and any applicable specific plan.
- C. The subject parcel is physically suitable for the type of land use being proposed.
- D. The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain.
- E. 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 which may include but not be limited to size, intensity, hours of operation, number of employees, or the nature of the operation.
- F. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood.
- G. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project or a Statement of Overriding Considerations has been adopted.
- H. The proposed use and related project features would not be detrimental to the public interest, health, safety, convenience, or general welfare.

9.41.070 Conditions

In granting a Minor Use Permit or Conditional Use Permit, the Review Authority or the Review Authority on appeal shall require that the use and development of the property conform with a site plan, architectural drawings, or statements submitted in support of the application, or in such modifications thereof, as may be

deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan and this Ordinance, and may also impose such other conditions as may be deemed necessary to achieve these purposes and to support the findings of approval.

9.41.080 Term, Extension, Compliance Review, Revocation, and Appeal

- A. The term of permit, exercise of rights, extension, revocation, and appeal for Minor Use Permits and Conditional Use Permits shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.
- B. The Planning Commission may require as a condition of approval that the applicant file a compliance report(s) within a specified period after the issuance of a Conditional Use Permit to review the effectiveness of and level of compliance with the terms and conditions of this Conditional Use Permit approval. After submittal of the compliance report(s), staff shall either set the matter for a public hearing which is noticed in the same manner as the original permit application or submit the compliance report to the Planning Commission as an information item to enable the Planning Commission to determine whether a public hearing is necessary. Upon review of the compliance report at this public hearing, if any, the Planning Commission may add or revise terms and conditions to the extent necessary to ensure effective conditions of approval.

Chapter 9.42 Variances

Sections:

9.42.010	Purpose
9.42.020	Applicability
9.42.030	Procedures
9.42.040	Required Findings
9.42.050	Conditions of Approval
9.42.060	Failure to Comply with Conditions
9.42.070	Term, Extension, Revocation, and Appeal

9.42.010 Purpose

The purpose of this Chapter is intended to provide a mechanism for relief from the strict application of this Ordinance where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

9.42.020 Applicability

Variances may be granted with respect to development standards, but variances from the use regulations of this Code are not allowed. The Planning Commission shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Chapter. No Variance shall be granted, in whole or in part, that would have an effect substantially equivalent to a reclassification of property, alter any use, density limit, maximum floor area ratio, or bulk of a building or structure not expressly permitted by the provisions of this Ordinance for the District or Districts in which the property in question is located, grant a privilege for which a conditional use procedure is provided by this Ordinance, or would change a definition in this Ordinance. A Variance is not a vested right and is granted upon the discretion of the Planning Commission. The burden of proof for satisfying the requirements for granting of a Variance, as stated in this Ordinance, rests with the applicant.

9.42.030 Procedures

- A. **Review Authority.** The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this Chapter.
- B. **Application Requirements.** Applications and fees for a Variance shall be submitted in accordance with the provisions set forth in Section 9.37.020, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 9.42.040, Required Findings, below.
- C. **Public Notice and Hearing.** An application for a Variance shall require public notice and hearing before the Planning Commission pursuant to Chapter 9.37, Common Procedures.

9.42.040 Required Findings

After conducting a public hearing, the Planning Commission may approve or conditionally approve a Variance application if can make all of the following findings. The Planning Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, mature trees, location, surroundings, identification as a Historic Resource, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification.
- B. The granting of such variance will not be detrimental nor injurious to the property or improvements in the general vicinity and District in which the property is located.
- C. The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.
- D. The granting of a variance will not be contrary to or in conflict with the general purposes and intent of this Ordinance, nor to the goals, objectives, and policies of the General Plan.
- E. The variance would not impair the integrity and character of the District in which it is to be located.
- F. The subject site is physically suitable for the proposed variance.
- G. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety.
- H. There will be adequate provisions for public access to serve the subject variance proposal.
- I. For the reduction of the automobile parking space requirements, the reduction is based and conditioned upon an approved parking reduction plan that incorporates transportation control measures that have been demonstrated to be effective in reducing parking needs and that are monitored, periodically reviewed for continued effectiveness, and enforced by the City as contained in Chapter 9.28, Parking, Loading, and Circulation.
- J. The strict application of the provisions of this Ordinance would result in unreasonable deprivation of the use or enjoyment of the property

9.42.050 Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 9.42.040, Required Findings, above, and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9.42.060 Failure to Comply with Conditions

Failure to comply with any Variance condition is a violation of this Ordinance subject to enforcement, penalties, and legal procedure as prescribed by Chapter 9.48, Enforcement and Abatement Procedures.

9.42.070 Term, Extension, Revocation, and Appeal

The term of permit, exercise of rights, extension, appeals, and revocation for Variances shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.

Chapter 9.43 Modifications and Waivers

Sections:

9.43.010	Purpose
9.43.020	Applicability: Minor Modifications
9.43.030	Applicability: Major Modifications
9.43.040	Applicability: Waivers
9.43.050	Applicability: Fence, Wall, and Hedge Height Modifications
9.43.060	Procedures for Minor Modifications
9.43.070	Procedures for Major Modifications and Waivers
9.43.080	Procedures and Required Findings for Fence, Wall, and Hedge Height Modifications
9.43.090	Required Findings for Minor Modifications
9.43.100	Required Findings for Major Modifications and Waivers
9.43.110	Appeals, Expiration, Extensions, and Modifications

9.43.010 Purpose

The purpose of this Chapter is to establish procedures to allow minor adjustments to the dimensional requirements, design standards and other requirements of this Ordinance when so doing is consistent with the purposes of the General Plan and the District and would, because of practical difficulties, integrity of design, topography, and similar site conditions, result in better design, environmental protection, and land use planning. This Chapter is further intended to allow modifications to preserve historic resources.

9.43.020 Applicability: Minor Modifications

- A. The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or by discretionary review in the District. In no case shall a minor modification be granted pursuant to this Chapter to permit a use or activity that is not otherwise permitted in the District where the property is located, nor shall a minor modification be granted that alters the procedural or timing requirements of this Ordinance.
- B. Subject to the requirements of this Chapter and except as provided in Subsection (C) of this Section, the Director may grant relief from no more than 2 of the following dimensional requirements:
1. **Setbacks.** Up to 10 percent of the required front, side, and rear setback standards.
 2. **Build-to Line.** Up to 5 percent of the standards for building façade location.
 3. **Parcel Coverage.** Up to 5 percent of the maximum amount of parcel coverage.
 4. **Height.** Maximum height of buildings and structures, up to 5 percent or 2 feet, whichever is less.
 5. **Transparency.** Required ground-floor building transparency, up to 10 percent of minimum.
 6. **Parking, Loading, and Circulation.** Modifications to dimensional standards that do not result in a reduction of required parking and loading spaces.

7. **Outdoor Living Area.** Allow common outdoor living area to be substituted in lieu of minimum required private outdoor living area in an equivalent amount. For the conversion of existing commercial or industrial buildings to live-work units, allow a reduction in the minimum required open space as necessary.
 8. **Bicycle Parking.** Modification to the bicycle parking location requirements set forth in Section 9.28.140.
 9. **Exclusions.** Minor Modifications pursuant to this Chapter shall not be granted for any of the following standards:
 - a. Parcel area, width, or depth;
 - b. Maximum number of stories;
 - c. Minimum or maximum number of required parking spaces;
 - d. Residential density; or
 - e. Maximum floor area ratio (FAR).
- C. Subject to the requirements of this Chapter, the Director may grant relief from any of the dimensional requirements specified in Subsection (B) of this Section for properties containing a Historic Resource.
- D. For any Minor Modification application filed concurrently with an application that is subject to Planning Commission review, the Planning Commission may grant relief from any of the dimensional requirements specified in Subsection (B) of this Section.

9.43.030 Applicability: Major Modifications

- A. The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or by discretionary review in the District. In no case shall a major modification be granted pursuant to this Section to permit a new use or activity that is not otherwise permitted in the District where the property is located, nor shall a major modification be granted that alters the procedural or timing requirements of this Ordinance.
- B. Subject to the requirements of this Chapter and except as provided in Subsection (C) of this Section, the Director may grant relief from no more than 2 of the following requirements:
 1. **Setbacks.** Up to 20 percent or 5 feet, whichever is less of the required front, side, and rear setback standards
 2. **Build-to Line.** Up to 20 percent of the standards for building façade location.
 3. **Parcel Coverage.** Up to 10 percent of the maximum amount of parcel coverage.
 4. **Height.** Maximum height of buildings and structures, up to 20 percent or 5 feet, whichever is less.
 5. **Ground Floor (Floor-to-Floor) Height and Minimum First Story Street Wall Height.** Up to 3 feet of the required minimum ground floor (floor-to-floor) height and/or minimum first story street wall height.
 6. **Landscaping.** Up to 10 percent of the required landscaping.

7. **Parcel Lines.** For corner parcels, consider the parcel line separating the narrowest street frontage of the parcel from the street as the side parcel line.
 8. **Exclusions.** Major Modifications pursuant to this Chapter shall not be granted for any of the following standards:
 - a. Parcel area, width, or depth;
 - b. Maximum number of stories;
 - c. Minimum or maximum number of required parking spaces;
 - d. Residential density; or
 - e. Maximum floor area ratio (FAR).
- C. If the application for a Major Modification involves a project that includes the retention and preservation of a structure that is a City-Designated Historic Resource, the Director may grant relief from maximum building height, maximum number of stories, required setbacks, maximum parcel coverage and building envelope requirements; permitted building height projections; permitted projections in required yard areas; access to private open space; landscaping; and provision of unexcavated yard areas.
- D. For any Major Modification application filed concurrently with an application that is subject to Planning Commission review, the Planning Commission may grant relief from any of the dimensional requirements specified in Subsection (B) of this Section.

9.43.040 Applicability: Waivers

- A. The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or conditionally permitted in the District. In no case shall a waiver be granted pursuant to this Section to permit a use or activity that is not otherwise permitted in the District where the property is located, nor shall a waiver be granted that alters the procedural or timing requirements of this Ordinance.
- B. Subject to the requirements of this Chapter, the Director may grant waivers from the following requirements specified in this Ordinance:
 1. Upper-story setbacks.
 2. Build-to Lines.
 3. Active Commercial Design Standards, including Transparency.

9.43.050 Applicability: Fence, Wall, and Hedge Height Modifications

- A. **Side and Rear Setbacks, Administrative Procedure.** An increased maximum height of fences, walls and hedges up to 4 feet above the height limit may be granted, subject to the procedures and application requirements specified in Section 9.43.080, Procedures and Required Findings for Fence, Wall, and Hedge Height Modifications.
- B. **Front, Side, and Rear Setbacks, Discretionary Procedure.** An increased maximum height of fences, walls and hedges more than 4 feet above the height limit may be considered, subject to the procedures and application requirements specified in Section 9.43.080, Procedures and Required Findings for Fence, Wall, and Hedge Height Modifications.

- C. **Registered Existing Nonconforming Fences, Walls, and Hedges, Discretionary Procedure.** An increased maximum height of registered existing nonconforming fences, walls, and hedges pursuant to Section 9.21.050(B) up to 50% above the height of the registered fence, wall, or hedge may be granted, subject to the procedures and application requirements specified in Section 9.43.080, Procedures and Required Findings for Fence, Wall, and Hedge Height Modifications.

9.43.060 Procedures for Minor Modifications

- A. **Authority and Duties.** The Director shall approve, conditionally approve, or deny applications for Minor Modification based on consideration of the requirements of this Chapter.
- B. **Application Requirements.** An application for a Minor Modification shall be submitted to the Director in accordance with Section 9.37.020, Application Forms and Fees. The application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification can be satisfied. The applicant shall also submit plans delineating the requested minor modification.
- C. **Concurrent Processing.** If a request for a Minor Modification is being submitted in conjunction with an application for another approval, permit, or entitlement under this Ordinance, it shall be heard and acted upon at the same time and in the same manner as that application.
 - 1. *Historic Properties.* An application for a Minor Modification that involves a project that includes the retention and preservation of a Historic Resource shall also be submitted to the Landmarks Commission for review and approval pursuant to Chapter 9.56, Landmarks and Historic Districts.
- D. The decision on the application for a Minor Modification shall be mailed to the applicant, to property owners and residents of parcels sharing common parcel lines with the subject parcel, and to other individuals who provided written notice that they wished to receive the statement of official action for this item. In addition, a notice regarding the decision on the application for a Minor Modification identifying the nature of the decision and the City website address where the determination has been posted shall be posted in an area most visible to the public and not more than 10 feet inside the front parcel line.

9.43.070 Procedures for Major Modifications and Waivers

- A. **Authority and Duties.** Applications for Major Modifications and Waivers shall be approved, conditionally approved, or denied in a Director's Hearing based on consideration of the requirements of this Chapter.
- B. **Application Requirements.** An application for a Major Modification or Waiver shall be submitted to the Director in accordance with Section 9.37.020, Application Forms and Fees. The application shall state in writing the nature of the request and explain why the findings necessary to grant the modification or waiver can be satisfied. The applicant shall also submit plans delineating the requested modification or waiver.
- C. **Notice and Hearing Requirements.** An application for a Major Modification or Waiver shall be heard and notice shall be provided in the manner required by Chapter 9.37, Common Procedures.
- D. **Concurrent Processing.** If a request for a Major Modification or Waiver is being submitted in conjunction with an application for another approval, permit, or entitlement under this Ordinance, it shall be heard and acted upon at the same time and in the same manner as that application.

1. *Historic Properties.* An application for a Major Modification that involves a project that includes the retention and preservation of a Historic Resource shall also be submitted to the Landmarks Commission for review and approval pursuant to Chapter 9.56, Landmarks and Historic Districts.

9.43.080 Procedures and Required Findings for Fence, Wall, and Hedge Height Modifications

- A. **Height Modifications—Administrative Procedure.** A parcel owner may request that the Director grant a modification to the height limit of a proposed side or rear fence, wall, or hedge, provided that the height modification does not extend more than 4 feet above the height limit established in Chapter 9.21.050, Fences, Walls, and Hedges. The Director may grant this adjustment request subject only to the following findings:

1. The adjacent parcel owner(s) that share a common parcel line nearest to the fence, wall or hedge have agreed to the proposed increase in height; and
2. The adjacent parcel owner(s) have provided verification of ownership, have executed a notarized letter agreeing to the proposed height modification, and have agreed that notice of the modification determination can be recorded on their parcel with the Los Angeles County Recorder's Office.

The Director's determination is not appealable and shall be recorded with the Los Angeles County Recorder's Office for each parcel.

- B. **Height Modification—Discretionary Procedure.** If an adjacent owner does not agree to a proposed fence, wall, or hedge height modification in accordance with Subsection (A), or if a parcel owner requests a height modification in excess of 4 feet in the side or rear setbacks or any modification to the height limits in the front setback, the owner may request a Director hearing to consider a modification to allow greater fence, wall, or hedge height in the front, side, or rear setback of the subject parcel, subject only to the following findings:

1. The subject fence, wall, or hedge will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public rights-of-way, or safety concerns;
2. The granting of such modification will not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located; and
3. The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located.

- C. **Height Modification of Registered Existing Nonconforming Fences, Walls, and Hedges—Discretionary Procedure.** A parcel owner may request a height modification up to 50% above the height of a registered existing nonconforming fence, wall, or hedge through a Director hearing subject only to the following findings:

1. The adjacent parcel owner(s) that share a common parcel line nearest to the registered fence, wall or hedge have agreed to the proposed increase in height;
2. The granting of such modification is necessary to mitigate impacts due to physical changes on the adjacent parcel made subsequent to the registration of the nonconforming fence,

- wall, or hedge including, but not limited to, the construction of an additional story or stories to an existing structure;
3. The subject fence, wall, or hedge will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public rights-of-way, or safety concerns;
 4. The granting of such modification will not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located; and
 5. The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located.

9.43.090 Required Findings for Minor Modifications

A decision to grant a Minor Modification shall be based on the following findings:

- A. The approval of the minor modification is justified by site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees;
- B. The requested modification is consistent with the General Plan and any applicable area or specific plan;
- C. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations;
- D. The parcels sharing common parcel lines with the subject parcel will not be adversely affected as a result of approval or conditional approval of the minor modification, including but not limited to, impacts on privacy, sunlight, or air; and
- E. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site.

9.43.100 Required Findings for Major Modifications and Waivers

A decision to grant a Major Modification or Waiver shall be based on the following findings:

- A. The requested modification is consistent with the General Plan and any applicable area or specific plan;
- B. The project as modified meets the intent and purpose of the applicable zone districts;
- C. The approval or conditional approval of the requested modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or result in a change in land use or density that would be inconsistent with the requirements of this Ordinance;
- D. The approval of the requested modification is justified by environmental features, site conditions, location of existing improvements, architecture or sustainability considerations, or retention of historic features or mature trees;
- E. The proposed design meets the Design Objectives of the Santa Monica Design Guidelines;

- F. The proposed project will not significantly affect the properties in the immediate neighborhood as a result of approval or conditional approval of the major modification or be incompatible with the neighborhood character; and
- G. If the modification of maximum building height; maximum number of stories; required setbacks; maximum parcel coverage and building envelope requirements; permitted building height projections; permitted projections in required yard areas; access to private open space; landscaping; or provision of unexcavated yard areas is requested as part of a project that preserves a City-Designated Historic Resource, the review authority must make the following findings in addition to any other findings that this Section requires:
 - 1. The proposed project conforms to the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, as amended from time to time;
 - 2. The proposed project conforms to the allowable land uses permitted in the applicable Zoning District or is a legal non-conforming use authorized in accordance with Section 9.27.050;
 - 3. The proposed project does not exceed the maximum unit density permitted in the applicable Land Use District of the LUCE or the existing unit density of the City-Designated Historic Resource, whichever is greater;
 - 4. The proposed project's requested height modification, if any, is only sought for a project that preserves a City-Designated Landmark or Structure of Merit, and the proposed height does not exceed the following:
 - a. Six feet above the height otherwise authorized in the LUCE in the portions of the R2 District generally bound by 4th Court to the west, 14th Court to the east, Montana Avenue to the north, and Wilshire Boulevard to the south, if developed in that area; or
 - b. The height permitted in the LUCE for the highest tier for the applicable land use classification so long as the FAR does not exceed the limitations established for Tier 2 projects in the same land use classification.
 - 5. The proposed project does not exceed the maximum number of stories permitted in the LUCE for the applicable land use classification if any;
 - 6. Covered front porches and stairs, if any, of a City-Designated Historic Resource may project a maximum of 12 feet into the required front setback area or maintain their current projection if greater than 12 feet provided that the building façade complies with the front setback requirement in the applicable Zoning District;
 - 7. The provision of private open space has not been modified other than the requirement that private open space be adjacent to and accessible from, and at the same approximate elevation, as the primary space of the dwelling unit;
 - 8. Modification of the requirements for the provision of unexcavated area in setback areas, if any, is required because the strict application of such requirements would not allow for the preservation of the City-Designated Historic Resource;

9. The applicant agrees to record a deed-restriction prior to issuance of building permit for the project establishing that the City-Designated Historic Resource will be maintained for the life of the project; and
10. The proposed design has been reviewed and approved by the Landmarks Commission pursuant to Chapter 9.56, Landmarks and Historic Districts.

9.43.110 Appeals, Expiration, Extensions, and Modifications

- A. **Appeals.** Any person may appeal a decision on a minor modification; major modification; waiver; or discretionary fence, wall, and height modification pursuant to Section 9.37.130, Appeals.
- B. **Expiration, Extensions, and Modifications.** Modifications granted under this Chapter are effective and may only be extended or modified as provided for in Chapter 9.37, Common Procedures.

Chapter 9.44 Temporary Use Permits

Sections:

9.44.010	Purpose
9.44.020	Application
9.44.030	Required Findings
9.44.040	Conditions of Approval
9.44.050	Determination and Decision
9.44.060	Temporary Uses Requiring a Minor Use Permit

9.44.010 Purpose

The purposes of this Chapter is to establish a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

9.44.020 Application

An application for a Temporary Use Permit shall be submitted at least 21 days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.

9.44.030 Required Findings

The Director may approve an application for a Temporary Use only upon making the following findings:

- A. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- B. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate; and
- D. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

9.44.040 Conditions of Approval

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 9.44.030, Required Findings, above, including, but not limited to:

- A. Provision of temporary parking facilities, including vehicular ingress and egress;

- B. Regulation of nuisance factors such as prevention of glare or direct illumination of adjacent properties, noise vibration, smoke, dust, dirt, odors, gases, and heat;
- C. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other setbacks;
- D. Provision of sanitary and medical facilities;
- E. Provision of solid waste collection and disposal;
- F. Provision of security and safety measures;
- G. Regulation of signs;
- H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;
- I. Submission of a performance bond or other security to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site following the event and that the property will be restored to its former condition;
- J. Submission of a site plan indicating any information required by this Chapter;
- K. A requirement that approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of other laws; and
- L. Other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9.44.050 Determination and Decision

- A. **Decision.** The Director shall prepare a written decision on the Temporary Use Permit application within 14 days after a complete application has been filed which shall contain the findings of fact upon which the decision is made.
- B. **Posted Notice.** Notice of any approved Temporary Use Permit shall be posted on the subject property for a period of 7 days from the date the decision is issued.
- C. **Effective Date.** A Temporary Use Permit shall become effective on the date the permit is approved by the Director.

9.44.060 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 9.45 General and Specific Plans

Sections:

9.45.010	Purpose
9.45.020	Contents of the General Plan
9.45.030	Preparation and Adoption of the General Plan
9.45.040	Amendments to the General Plan
9.45.050	Restriction on Number of Amendments
9.45.060	Initiation of Amendments to the General Plan
9.45.070	Planning Commission Action on Amendments
9.45.080	City Council Action on Amendments
9.45.090	Administration of the General Plan
9.45.100	Fees for General Plan Amendments
9.45.110	Initiation of Specific Plans and Specific Plan Amendments
9.45.120	Contents of Specific Plans
9.45.130	Specific Plan Adoption and Amendment
9.45.140	Fees for Specific Plan Amendments

9.45.010 Purpose

The purpose of this Chapter is to establish procedures for the Planning Commission to prepare and the City Council to adopt a comprehensive, long-term General Plan for the physical development of the City of Santa Monica. This Chapter also establishes procedures for adoption of Specific Plans for the systematic implementation of the General Plan for all or part of the City area covered by the General Plan. The planning principles, goals, objectives, policies, standards, and proposals contained in the adopted General Plan and any adopted Specific Plans must be considered by the City Council in allocating community resources including, but not limited to, the expenditure of City funds pursuant to the City Charter and Municipal Code.

9.45.020 Contents of the General Plan

The General Plan must consist of a statement of development policies and shall include a diagram or diagrams and text setting forth planning principles, goals, objectives, policies, standards, and plan proposals. The General Plan must be a statement internally consistent, and compatible with City policies that accommodate local conditions and circumstances, while meeting the minimum requirements of the state law. The General Plan shall contain each of the Elements required by state law and such other elements that the City Council deems appropriate. The General Plan may be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area (Area Plans).

9.45.030 Preparation and Adoption of the General Plan

It shall be the function and duty of the Planning Commission, with the assistance of the Director of Planning, to prepare and recommend that the City Council adopt the General Plan, including any, all, or any combination of the Elements. In preparing the General Plan, or any element of the General Plan, the Planning Commission shall take such steps as they deem necessary or as the Director of Planning

recommends. The General Plan guidelines prepared by the Governor's Office of Planning and Research must be considered in preparing or amending the General Plan. During the preparation or amendment of the General Plan, or any element thereof, the Planning Commission must provide opportunities for involvement of residents, workers, public agencies, public utility companies, and business, civic, educational, neighborhood organizations, and other community groups, through public hearings and any other means the Planning Commission or City Council deems appropriate. The General Plan and its Elements shall be prepared with the general purpose of guiding and accomplishing coordinated and harmonious development of the City which, in accordance with existing and future needs, best promotes the public health, safety, and general welfare, as well as efficiency and economy in the process of development.

9.45.040 Amendments to the General Plan

The City Council may amend all or part of the General Plan, or any Element thereof. Any Specific Plan or other plan of the City that is applicable to the same areas or matters affected by a General Plan amendment must be reviewed and amended as necessary to make the Specific Plan or other plans consistent with the General Plan.

9.45.050 Restriction on Number of Amendments

Except as otherwise provided herein, no mandatory Element of the General Plan shall be amended more frequently than 4 times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan. The limitation on the annual number of amendments does not apply in the following circumstances:

- A. A General Plan amendment requested and necessary for a single development of residential units, at least 25% of which will be occupied by or available to persons and families of low or moderate income, as defined by Section 50093 of the California Health and Safety Code. The specified percentage of low- or moderate-income housing may be developed on the same site as the other residential units proposed for development, or on another site or sites encompassed by the General Plan, in which case the combined total number of residential units shall be considered a single development proposal for purposes of this Section.
- B. A General Plan amendment required by a court decision made pursuant to Article 14 (commencing with Section 65750) of the Government Code.
- C. A General Plan amendment required by Government Code Section 65302.3(b).
- D. A General Plan amendment required by Public Resources Code Section 30500(b).

9.45.060 Initiation of Amendments to the General Plan

An amendment to the General Plan or any Element thereof shall be initiated in one of the following manners:

- A. A resolution of intention initiated by the Planning Commission.
- B. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.
- C. An application from a property owner or his/her authorized agent pursuant to Chapter 9.37 Common Procedures, provided that such application involves the development or modification of property located within the area affected by such amendment.

9.45.070 Planning Commission Action on Amendments

- A. Prior to recommending adoption or amendment of the General Plan or any Element thereof initiated pursuant to Subsections 9.45.060 (A) or (B), the Planning Commission must hold at least one public hearing. Notice of the hearing shall be given consistent with Chapter 9.37, Common Procedures. The Planning Commission must make a written recommendation whether to approve or disapprove the adoption or amendment of the General Plan or any Element thereof. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the total membership of the Planning Commission. The Director shall promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.
- B. Prior to recommending amendment of the General Plan or any Element thereof initiated upon an application from a property owner pursuant to Subsection 9.45.060 (C) and following any necessary investigation, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with Chapter 9.37, Common Procedures. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the total membership of the Planning Commission.
- C. Planning Commission action disapproving a proposed General Plan amendment, initiated upon an application from a property owner pursuant to Subsection 9.45.060(C), may be appealed by any interested person, including a Commissioner or Councilmember, to the City Council provided such appeal is filed in writing within 14 consecutive calendar days of the Commission's action, pursuant to Section 9.37.130 Appeals.

9.45.080 City Council Action on Amendments

Prior to adopting or amending the General Plan or Element thereof, the City Council must hold at least one public hearing. Notice of the hearing shall be given pursuant to Chapter 9.37, Common Procedures. The City Council must adopt or amend the General Plan, or any Element thereof, by resolution carried by the affirmative vote of not less than a majority of the total membership of the Council. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission, if any. The City Council may, but is not required to, refer any modifications to the Planning Commission for its recommendations.

9.45.090 Administration of the General Plan

After the City Council has adopted all or part of the General Plan, the Planning Commission shall do the following:

- A. Investigate and make recommendations to the City Council as appropriate regarding reasonable and practical means for implementing the General Plan or any Element of the General Plan, so that it will serve as an effective guide for orderly growth and development, preservation, and conservation of open space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the General Plan.
- B. Provide a report to the City Council when requested by the Planning Commission or City Council on the status of the Plan and progress in its implementation.

9.45.100 Fees for General Plan Amendments

The City Council by resolution shall establish and from time to time amend a schedule of fees imposed for any amendment to the General Plan.

9.45.110 Initiation of Specific Plans and Specific Plan Amendments

Upon receiving an application for a Specific Plan or Specific Plan Amendment by any person living or owning property within the Specific Plan Area, or upon approval of the majority of the Planning Commission, the Planning Commission may, or if so directed by the City Council, must cause to be prepared Specific Plans or amendments thereto for the systematic implementation of the General Plan for all or a part of the area covered by the General Plan.

9.45.120 Contents of Specific Plans

A Specific Plan shall include text and a diagram or diagrams specifying all of the following in detail, and shall include a statement of the relationship between the Specific Plan and the General Plan:

- A. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Specific Plan;
- B. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Specific Plan;
- C. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
- D. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the above paragraphs.

The Specific Plan may address any other subjects which in the judgment of the Planning Commission or City Council are necessary or desirable for implementation of the General Plan.

9.45.130 Specific Plan Adoption and Amendment

Specific Plans shall be prepared, adopted, and amended in the same manner as the General Plan, except that a Specific Plan may be amended as often as deemed necessary by the City Council. No Specific Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan.

9.45.140 Fees for Specific Plan Amendments

- A. The City Council shall by resolution establish and from time to time amend a schedule of fees imposed for the adoption and amendment of any Specific Plan. The City Council, after adopting a Specific Plan, may impose a Specific Plan fee upon persons seeking governmental approvals which are required to be consistent with the Specific Plan. The fees shall be established by resolution pursuant to Chapter 9.37, Common Procedures, so that, in the aggregate, they defray, but as estimated do not exceed, the cost of preparation, adoption, and administration of the Specific Plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the California Public Resources Code.

- B. Copies of Specific Plans shall be made available to local agencies and the general public. The City may charge a fee for a copy of a Specific Plan or amendments to a Specific Plan in an amount that is reasonably related to the cost of providing that document.

Chapter 9.46 Amendments to the Zoning Ordinance and Map

Sections:

9.46.010	Purpose
9.46.020	Applicability
9.46.030	Initiation
9.46.040	Application Requirements
9.46.050	Review Procedures and Public Notice
9.46.060	Planning Commission Hearing and Recommendation
9.46.070	City Council Hearing and Action
9.46.080	Criteria for Zoning Amendments
9.46.090	Interim Zoning

9.46.010 Purpose

The purpose of this Chapter is to provide procedures by which changes may be made to the text of this Ordinance and to the Zoning Map whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan.

9.46.020 Applicability

The procedures in this Chapter shall apply to all proposals to change the text of this Ordinance or to revise a Zoning District classification or Zoning District boundary line shown on the Zoning Map.

9.46.030 Initiation

An amendment to the text of the Zoning Ordinance or to the Zoning Map may be initiated by:

- A. **City Council.** A resolution of intention directing the Planning Commission to initiate an amendment;
- B. **Planning Commission.** A resolution of intention initiated by the Planning Commission;
- C. **Text Amendment.** An amendment to the text of the Zoning Ordinance may be initiated by any qualified applicant identified in Section 9.37.020, Application Forms and Fees; or
- D. **Map Amendment.** An amendment to the Zoning Map may be initiated by a petition signed by no fewer than 50 persons who are property owners or tenants within the City.

9.46.040 Application Requirements

- A. **Application.** A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Director accompanied by the required fee. The Director may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

- B. **Coordination with Other Applications.** The Planning Division may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Ordinance to be processed simultaneously with the proposed zoning amendment.

9.46.050 Review Procedures and Public Notice

- A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a zoning amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 9.46.080, Criteria for Zoning Amendments, for approving a zoning amendment and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Public Hearing Required.** All zoning amendments shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Chapter 9.37, Common Procedures.

9.46.060 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 9.37, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for zoning amendments in Section 9.46.080, and shall be transmitted to the City Council.

9.46.070 City Council Hearing and Action

- A. After receiving the report from the Planning Commission, the City Council shall hold a duly-noticed public hearing. The notice shall include a summary of the Planning Commission recommendation. If the matter under consideration is a proposal to reclassify a property from one zone to another and the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 14 days after the Planning Commission action.
- B. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment.

9.46.080 Criteria for Zoning Amendments

The Planning Commission shall not recommend and the City Council shall not approve a Zoning Amendment unless the proposed amendment meets the following criteria:

- A. **Zoning Ordinance Text Amendment Findings.**
 1. The Ordinance amendment is consistent in principle with the General Plan; and
 2. The Ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare.

B. Zoning District Boundary Amendment Findings (Zoning Map Amendments).

1. The change in district boundaries is consistent in principle with the General Plan;
2. The change in district boundaries is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare; and
3. The change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District.

9.46.090 Interim Zoning

The City Council, to protect the public safety, health and welfare, may adopt an interim ordinance prohibiting or allowing any uses or establishing development standards when this Zoning Ordinance may otherwise be in conflict with a contemplated General Plan, Specific Plan or zoning proposal which the City Council, Planning Commission or the Director is considering or studying or intends to study within a reasonable time. Nothing in this Section shall limit the power of the City Council, by virtue of the City Charter, to take necessary action to protect the public health, safety, and welfare.

A. Procedures.

1. In adopting an interim ordinance, the City Council need not follow the procedures otherwise required prior to the adoption of an Ordinance amendment as provided for in this Chapter.
2. An interim ordinance may be adopted as an emergency ordinance pursuant to the provisions of Section 615 of the City Charter.
3. The City Council as part of any interim ordinance, may adopt procedures to modify the standards contained in the interim ordinance, and may establish procedures which differ from those contained in Chapter 9.37, Common Procedures.

B. Required Finding. The City Council shall not adopt or extend any interim ordinance pursuant to this Section unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, and welfare, and that the approval of additional subdivisions, use permits, variances, building permits or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in a threat to public health, safety, and welfare.

C. Duration. An interim ordinance shall be of no further force and effect sixty days from its effective date. After notice and public hearing pursuant to Chapter 9.37, the City Council may extend the interim ordinance up to sixty months.

D. Notwithstanding Subsections (A) through (C) of this Section, if the interim zoning ordinance would operate to prohibit a use otherwise authorized by this Ordinance, the City Council shall follow the procedure specified in Government Code Section 65858, or any successor legislation thereto.

Chapter 9.47 Neighborhood Conservation Overlay Districts

Sections:

9.47.010	Purpose
9.47.020	Zoning Authority
9.47.030	Initiation Procedures
9.47.040	Designation Criteria
9.47.050	Determination of Eligibility
9.47.060	Neighborhood Conservation Overlay District Planning Process
9.47.070	Standards
9.47.080	Adoption Procedures
9.47.090	Discretionary Review
9.47.100	Disclosure

9.47.010 Purpose

- A. The purpose of this Chapter is to establish procedures to develop and adopt individual overlay district regulations that apply to specifically delineated areas of the City for the purpose of identifying, conserving, maintaining, strengthening, and enhancing a neighborhood's cohesive and distinctive architectural or physical characteristics.
- B. The focus of a Neighborhood Conservation Overlay District (NCOD) is maintaining certain standards in the District, such as the broader characteristics that provide neighborhood character, including, building heights, setbacks, massing, open space, repetition of building and streetscape elements, and trees and landscaping.

9.47.020 Zoning Authority

- A. Separate ordinances are required to designate each NCOD. As provided in Section 9.47.050, each overlay district shall identify the designated boundaries, and applicable standards for that overlay district, and be consistent with the LUCE.
- B. The NCOD is an overlay to the standard underlying zoning districts. If there is a conflict between the regulations of the NCOD and the underlying Zoning District, the NCOD regulations shall take precedence and modify those of the underlying Zoning District. However, NCOD provisions shall not permit higher density, increased building height, or increased total floor area to an extent greater than permitted by the underlying Zoning District.

9.47.030 Initiation Procedures

- A. The establishment of an NCOD may be initiated by:
 - 1. **Planning Commission.** A resolution of intention approved by the Planning Commission; or
 - 2. **Landmarks Commission.** A resolution of intention initiated by the Landmarks Commission; or

3. ***Property Owners and Tenants.*** An application signed by tenants and/or property owners representing at least 50 percent of the parcels within the proposed district that is submitted to the Planning Division accompanied by an application that meets the requirements of this Chapter. Only one property owner signature per parcel is required. For tenant-occupied parcels, one tenant signature for each of at least 50 percent of the units is required.
- B. An application shall be accompanied by the required filing fee and shall include the following information:
1. Applicants' names, contact information, and signatures;
 2. Precise boundaries indicated on a map provided by Planning staff, and show all streets and alleys. These continuous boundaries shall meet NCOD criteria;
 3. Name and addresses of all property owners in the proposed district;
 4. List of neighborhood associations and HOAs within the proposed district and available contact information;
 5. Statement of justification including:
 - a. Description of the neighborhood and/or property characteristics and features worthy of conservation, including any significant trees and other landscape features.
 - b. Description of how the application meets NCOD criteria and why such a designation would be in the best interest of the neighborhood and the City; and
 6. Documentation, including but not limited to photographs, histories, and supporting material documenting such neighborhood characteristics.

9.47.040 Designation Criteria

To be designated as an NCOD, the area must meet the following criteria:

- A. **Minimum Size.** The area within the proposed NCOD shall include a minimum of one block face. A block face shall represent the longer side of one city block.
- B. **Boundaries.** The boundary of the proposed NCOD shall be continuous and may include parcels that are contiguous and/or across a right-of-way.
- C. **Distinctive Features.** The area shall possess one or more of the following distinctive features that create a cohesive identifiable neighborhood character and can be clearly emphasized through the application of overlay district development standards and/or design guidelines:
 1. Scale, size, type of construction, or distinctive building materials reflecting a concentration of structures of similar scale, period of construction and/or use of materials characteristic of the style of construction.
 2. Parcel layouts, setbacks, or street layouts providing a similarity of siting characteristics of a single period or style of construction.
 3. Architectural features, such as a concentration of structures reflecting a repetition of treatment of stylistic elements, including but not limited to roofs, porches, windows, wall articulation, and building ornamentation.

4. Site planning and natural features, such as historic development patterns and topography.
 5. In addition, streetscape features, such as trees, landscape, sidewalks, lighting, or overall street character may help delineate or distinguish an NCOD, however public rights-of-ways shall not be governed by this Chapter.
- D. An NCOD shall not include properties in a designated historic district or overlay another NCOD.

9.47.050 Determination of Eligibility

- A. The Planning Commission shall determine the eligibility of an NCOD application pursuant to this Section 9.47.050. The Planning Commission shall review the application, the Planning staff's initial analysis, and will determine the eligibility based on the following criteria:
1. Clear documentation of distinctive characteristics shared by properties within the proposed boundaries and why they are worthy of conservation; and
 2. Consistency with LUCE goals and policies.
- B. In order to determine that an application is eligible to be processed, the Planning Commission must make all of the following findings of fact in an affirmative manner:
1. The proposed NCOD application meets the designation criteria of Subsection 9.47.040;
 2. The properties within the proposed boundaries are recognizable as a distinct area with shared characteristics; and
 3. The proposed NCOD possesses physical features that contribute towards a recognizable identity and therefore warrants further study.
- C. The Planning Commission may modify the boundaries of the proposed NCOD if it finds that the modification meets the purpose of the proposed NCOD.
- D. If the Planning Commission determines that an application meets the eligibility criteria, the Commission's determination to process the application shall include the notice of initiation of amendment to the Zoning Ordinance and an Official Districting Map pursuant to Chapter 9.46.
- E. If there are multiple applications, the Director shall recommend the order in which they will be processed.
- F. Should the Planning Commission determine that an application does not meet the criteria of Subsection 9.47.050 (A) and (B), the Planning Commission shall send its written determination to those who signed the application. The decision of the Planning Commission may be appealed to the City Council pursuant to Section 9.37.130, Appeals.

9.47.060 Neighborhood Conservation Overlay District Planning Process

- A. **Neighborhood Information Meeting.** Upon determination of eligibility by the Planning Commission, the Director shall send notice to all residents and property owners within the proposed NCOD boundaries informing them of the application and the review and approval process. The Director shall arrange for a neighborhood-wide meeting to inform the community about the NCOD and the program requirements.

- B. **Neighborhood/Community Meeting Notice Requirement.**
 - 1. Written notices shall be sent by mail or email to all residential units and property owners of record within the proposed NCOD boundaries, as well as anyone else requesting notice.
 - 2. The notice of meetings shall also be available on the City website.
- C. **Planning Process and City Staff.** The Director shall appoint a Planning staff coordinator to process the application.
 - 1. Staff shall work with the neighborhood to further define the neighborhood’s unique character and identify conservation solutions, including appropriate regulations and incentives.
 - 2. Staff shall prepare needed studies, reports and draft appropriate conservation criteria and draft ordinance.

9.47.070 Standards

- A. Each NCOD shall identify what is critical to its conservation and may require additional and/or modified standards. In addition to regulations, each NCOD may adopt design guidelines, incentives, as well as a “Pattern Book” approach.
- B. Standards may include, but shall not be limited to, the following elements:
 - 1. Building height, number of stories;
 - 2. Parcel coverage;
 - 3. Setbacks;
 - 4. Off-street parking requirements;
 - 5. Ground level open space requirements;
 - 6. Garage entrance location;
 - 7. Design standards;
 - 8. Building materials;
 - 9. Fences and walls;
 - 10. Landscaping;
 - 11. Street trees;
 - 12. Paving patterns, hardscape covering; and
 - 13. Porch designs.
- C. The NCOD ordinance may provide a procedure to modify development standards when an alternative design would better achieve the objective of a standard or design guideline.
- D. The NCOD ordinance may include incentives that are appropriate and encourage conservation within the NCOD.

9.47.080 Adoption Procedures

- A. **Procedure.** After Planning staff has prepared the draft NCOD ordinance, the Director shall transmit the draft standards and/or guidelines to the Landmarks Commission and Architectural Review Board and schedule public hearings before the Planning Commission and City Council pursuant to Chapter 9.37, Common Procedures. The Landmarks Commission and Architectural Review Board are encouraged to submit comments on the draft NCOD ordinance to the Planning Commission for consideration during the public hearing.
- B. **Noticing.** Adoption of the NCOD will be in compliance with Chapter 9.46, except that notice of hearing shall be mailed to all property owners of record and residents of property within 500 feet of the boundaries of the NCOD.
- C. **Findings.** An NCOD may be adopted by ordinance of the City Council only if the findings of Chapter 9.46 and the following findings of fact are made in an affirmative manner:
 - 1. The proposed NCOD meets the designation criteria of Subsection 9.47.040;
 - 2. The properties within the proposed NCOD's boundaries are recognizable as a distinct area with shared characteristics; and
 - 3. The proposed NCOD possesses distinctive features, including, but not limited to physical attributes that create a cohesive identifiable neighborhood character which conveys a unique architectural or physical setting that provides a sense of place to the neighborhood today that warrants the adoption of these conservation regulations.

9.47.090 Discretionary Review

Applications for projects located within an NCOD that are received after the effective date of the pertinent NCOD shall require the approval of a Development Review Permit pursuant to Section 9.40. In addition to the requirements of the NCOD, the Planning Commission, or City Council on appeal, shall evaluate the proposed project in context with nearby properties and the buildings, structures, and other features, including, but not limited to ground level open space, landscaping, and trees that will be altered or demolished as a result of the proposed project. The ordinance for each NCOD shall specify the threshold and criteria to exempt certain projects from a Development Review Permit.

9.47.100 Disclosure

Real estate sales offers for properties located within a NCOD shall disclose that the property is located in a NCOD pursuant to Chapter 9.57.

Chapter 9.48 Enforcement Procedures

Sections:

9.48.010	Compliance with Article IX
9.48.020	Each Day Separate Violation
9.48.030	Enforcement
9.48.040	Criminal Sanctions
9.48.050	Unauthorized Demolition of Historic Resources

9.48.010 Compliance with Article IX

- A. No person shall establish, operate, erect, move, alter, enlarge or maintain any use, activity, or improvement in contravention of any provision of Article IX of the Municipal Code.
- B. No person shall fail to comply with the terms and conditions of any permit or approval issued pursuant to this Ordinance or with any other law or regulation relating to land use or development. This shall apply to any person, whether or not the person was the original applicant for the permit or approval, and whether or not the person is the owner, lessee, licensee, agent, or employee.
- C. No person shall take any action to aid or facilitate the violation of any provision of this Ordinance or the terms and conditions of any permit or approval issued pursuant to this Ordinance by another.
- D. Any property being maintained or operated in violation of this Ordinance or any permit or approval issued pursuant to this Ordinance shall be a public nuisance, and may be abated by the City or by any interested person, as authorized by law.

9.48.020 Each Day Separate Violation

Each day that a person violates the provisions of this Ordinance or the terms and conditions of any permit or approval issued pursuant to this Ordinance shall constitute a separate violation.

9.48.030 Enforcement

In addition to any other remedy provided for by law, the City may take the following actions to address any violation of this Ordinance or of the terms and conditions of any permit or approval issued pursuant to this Ordinance:

- A. Institute proceedings to revoke, modify, or suspend any permit or approval;
- B. Revoke or suspend the business license held by any violator;
- C. Undertake administrative enforcement actions, including but not limited to, issuance of Compliance Orders pursuant to Chapter 1.10 of the Municipal Code, or Administrative Citations pursuant to Chapter 1.09 of the Municipal Code;

9.48.040 Criminal Sanctions

- A. Any person violating any provision of this Ordinance or the terms and conditions of any permit or approval issued pursuant to this Ordinance shall be guilty of an infraction which shall be punishable

by a fine not exceeding \$250.00, or a misdemeanor, which shall be punishable by a fine not exceeding \$500.00 per violation, or by imprisonment in the County Jail for a period not exceeding 6 months, or by both such fine and imprisonment.

- B. Any person convicted of violating this Ordinance or the terms and conditions of any permit or approval issued pursuant to this Ordinance shall be required to reimburse the City its full investigative costs.
- C. Violation of any provision of this Article shall be considered strict liability; accordingly, the prosecution shall not be required to prove criminal intent or that the violator meant to violate any provision of this Article.

9.48.050 Unauthorized Demolition of Historic Resources

The Building Official shall have the authority to withhold a building permit for a site if the Building Official determines that a structure has been demolished or partially demolished on the site without benefit of any required demolition permit and the demolished or partially demolished structure is a Historic Resource or a property on the Historic Resources Inventory. If the Building Official makes this determination, the Building Official shall also have the authority to record an affidavit with the Los Angeles County Recorder stating that no permits for any new development shall be issued on the property for up to five years.

Chapter 9.49 Reasonable Accommodations

Sections:

9.49.010	Purpose
9.49.020	Applicability
9.49.030	Application Requirements
9.49.040	Review Authority
9.49.050	Review Procedures
9.49.060	Findings and Decision
9.49.070	Appeals
9.49.080	Duration of Reasonable Accommodation

9.49.010 Purpose

It is the policy of the City to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedure to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the California Fair Employment and Housing Act, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to in this Chapter as the “Acts”). This Chapter provides a procedure for making requests for reasonable accommodations in the City’s land use and zoning regulations, policies, practices, and procedures to comply fully with the intent and purpose of the fair housing laws.

9.49.020 Applicability

A. Eligible Applicants.

1. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. This Chapter is intended to apply to those persons who are defined as disabled or handicapped under the Acts.

B. Eligible Requests.

1. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for reasonable accommodation shall comply with Section 9.49.030.

9.49.030 Application Requirements

A. Application. A request for reasonable accommodation shall be submitted on an application form provided by the City and shall contain all of the following information:

1. The applicant’s name, address, and telephone number.

2. Name, address, and telephone number of the property owner and the current address for which the request is being made.
 3. The current actual use of the property.
 4. The basis for the claim that the individual is considered disabled under the Acts.
 5. The Zoning Code provision, regulation or policy from which the reasonable accommodation is being requested.
- B. **Concurrent Processing.** If a request for a reasonable accommodation is being submitted in conjunction with an application for another approval, permit, or entitlement under this Ordinance, it shall be heard and acted upon at the same time and in the same manner as that application.

9.49.040 Review Authority

- A. **Director's review.** A request for a reasonable accommodation shall be reviewed and a determination shall be made by the Director if no discretionary approval is sought other than the request for reasonable accommodation.
- B. **Other review authority.** A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed and determined by the authority reviewing the discretionary land use application.

9.49.050 Review Procedures

A decision to grant an accommodation shall be based on the following findings:

- A. **Director's review.** The Director shall make a written determination within 45 days following the submittal of a complete application and either approve, approve with modification, or disapprove a request for reasonable accommodation in compliance with Section 9.49.060 below.
- B. **Other review authority.** The written determination on whether to approve or disapprove the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to approve or disapprove the request for reasonable accommodation shall be made in compliance with Section 9.49.060 below.
- C. **Stays.** If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 45 day period to issue a decision is stayed until the applicant responds to the request.
- D. **Impact on other laws.** While a request for reasonable accommodations is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

9.49.060 Findings and Decision

- A. **Findings.** A decision to grant a reasonable accommodation shall be based on the following findings:
1. That the housing or other property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;

2. The request for accommodation is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling or common areas of the premises;
 3. The request for accommodation would not impose an undue financial or administrative burden on the City; and
 4. The request for accommodation would not require a fundamental alteration in the nature of the City's land use and zoning or building program.
- B. **Conditions of Approval.** In approving a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by subsection (A) of this Section. Additionally, the approved request for reasonable accommodation shall only be granted to an individual and shall not run with the land unless authorized pursuant to Section 9.49.080.
- C. **Written decision.** The written decision on the request for a reasonable accommodation shall include the reviewing authority's findings and any other relevant information upon which the decision is based. All written decisions shall give notice of the applicant's right of appeal and to request reasonable accommodation in the appeals process as set forth below.

9.49.070 Appeals

Appeals. The applicant or any other aggrieved party may appeal a decision on a reasonable accommodation may be made as follows:

- A. A determination by the Director to grant or deny a request for reasonable accommodation may be appealed to a hearing examiner pursuant to Santa Monica Municipal Code Chapter 6.16.
- B. A determination by the Planning Commission to grant or deny a request for reasonable accommodation may be appealed pursuant to Section 9.37.130, Appeals.

If an appellant needs assistance in filing an appeal, the Planning Division shall provide the assistance that is necessary to ensure that the appeal process is accessible to the applicant.

9.49.080 Duration of Reasonable Accommodation

- A. A reasonable accommodation shall lapse if the exercise of rights granted by it is deemed ceased or discontinued for at least 180 consecutive days. For purposes of this subsection, the terms ceased or discontinued shall be defined as an abandonment of the rights, irrespective of the owner's or occupant's intent.
- B. If the person(s) initially occupying a residence vacate, the reasonable accommodation shall be removed within 60 days unless the reviewing authority first determines that:
 1. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Zoning Ordinance; or
 2. The accommodation is to be used by another qualifying individual with a disability.
- C. The reviewing authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that the subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days following the date of a request by the

reviewing authority shall constitute grounds for discontinuance by the City of a previously-approved reasonable accommodation.

- D. The time limits in Subsections (A) and (B) of this Section are tolled during any time the applicant is receiving medical care at a medical facility.

Chapter 9.50 Reserved

Division 5: General Terms

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Chapter 9.51 Use Classifications

Sections:

- 9.51.010 Purpose and Applicability
- 9.51.020 Residential Use Classifications
- 9.51.030 Non-Residential Use Classifications

9.51.010 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Chapter. The Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

9.51.020 Residential Use Classifications

A. Residential Use Classifications

1. Residential Types

- a. **Single-Unit Dwelling.** A dwelling unit that is designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except a second dwelling unit, where permitted), and not attached to another dwelling unit on an abutting parcel. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.
- b. **Second Dwelling Unit.** A dwelling unit providing complete independent living facilities for one or more persons that is located on a parcel with another primary, single-unit dwelling as defined by State law. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit dwelling's location. A second unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same parcel. This use is distinguished from a duplex. See Division 3, Section 9.31.300, Second Dwelling Units, for further details.
- c. **Duplex.** A single building that contains two dwelling units or two single unit dwellings on a single parcel. This use is distinguished from a Second Dwelling Unit, which is an accessory residential unit as defined by State law and this Ordinance.
- d. **Multiple-Unit Dwelling.** Two or more dwelling units within a single building or within two or more buildings on a site or parcel. Types of multiple-unit dwellings include garden apartments, senior housing developments, and multi-story apartment and condominium buildings. This classification includes transitional housing in a

multiple-unit format. The classification is distinguished from group residential facilities.

i. **Senior Citizen Multiple-Unit Residential.** A multiple-unit development in which occupancy of individual units is restricted to one or more persons 62 years of age or older, or a person at least 55 years of age who meets the qualifications found in Civil Code Section 51.3.

ii. **Single-Room Occupancy Housing.** Multiple-unit residential buildings containing housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than two persons and is offered on a monthly rental basis or longer. See Division 3, Section 9.31.330, Single Room Occupancy Structures, for further details.

e. **Group Residential.** Shared living quarters without separate kitchen or bathroom facilities wherein two or more rooms are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence, offered for rent for permanent or semi-transient residents for periods generally of at least 30 days. This classification includes rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, and private residential clubs, but excludes extended stay hotels intended for long-term occupancy (30 days or more; see Hotel and Motel), and Residential Facilities. Group Residential includes but is not limited to the following:

i. **Congregate Housing.** A residential facility with shared kitchen facilities, deed-restricted or restricted by an agreement approved by the City for occupancy by low- or moderate-income households, designed for occupancy for periods of six months or longer, providing services that may include meals, housekeeping and personal care assistance as well as common areas for residents of the facility. See Division 3, Section 9.31.110, Congregate and Transitional Housing, for further details.

ii. **Senior Group Residential.** A residential facility that provides residence for a group of senior citizens [as defined in Health and Safety Code Section 1569.2(k)] with a central kitchen and dining facilities and a separate bedroom or private living quarters. See Division 3, Section 9.31.310 Senior Group Residential, for further details.

2. **Corporate Housing.** Rental housing which has the following attributes:

a. The housing is designed for use by individuals who will reside on the property for a minimum stay of at least 30 consecutive days, but who otherwise intend their occupancy to be temporary.

b. The housing is intended for use by persons who will maintain or obtain a permanent place of residence elsewhere.

c. The housing includes two or more of the following amenities:

i. Maid and linen service

- ii. Health club, spa, pool, tennis courts, or memberships to area facilities
 - iii. Business service centers
 - iv. Meeting rooms
 - v. Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, televisions, entertainment systems, and computer equipment
 - vi. Valet parking
3. **Elderly and Long-Term Care.** Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes, nursing homes, and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.
4. **Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. See Division 3, Section 9.31.130, Emergency Shelters, for further details.
5. **Family Day Care.** A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.
- a. **Small.** A facility that provides care for up to six children including children who reside at the home and are under the age of 10, or up to eight children in accordance with Health and Safety Code Section 1597.44, or any successor thereto.
 - b. **Large.** A facility that provides care for up to 12 children, including children who reside at the home and are under the age of 10, or up to 14 children in accordance with Health and Safety Code Section 1597.465, or any successor thereto. See Division 3, Section 9.31.140, Family Day Care, Large, for further details.
6. **Mobile Home Park.** Any area or tract of land where two or more lots are rented or leased, or held out for rent or lease, to accommodate mobile homes used for human habitation in accordance with Health and Safety Code Section 18214, or any successor thereto.
7. **Residential Facility.** Facilities that provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including group homes for minors, persons with disabilities, people in recovery from alcohol or drug addictions, and hospice facilities. See Division 3, Section 9.31.270, Residential Care Facilities, for further details.
- a. **Residential Care, General.** A Residential Facility licensed by the State of California and providing care for more than six persons.

- b. **Residential Care, Limited.** A Residential Facility licensed by the State of California providing care for six or fewer persons.
 - c. **Residential Care, Senior.** A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person, where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.
 - d. **Hospice, General.** A facility that provides residential living quarters for more than six terminally ill persons.
 - e. **Hospice, Limited.** A facility that provides residential living quarters for up to six terminally ill persons.
8. **Supportive Housing.** Housing which meets the definition of Health and Safety Code Section 50675.14 with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community. Supportive housing as defined by Subdivision (b) of Section 50675.14 may be provided in a multiple-unit structure or group residential facility. Facilities may operate as licensed or unlicensed facilities subject to applicable State requirements.
9. **Transitional Housing.** Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single unit dwelling). This classification includes domestic violence shelters. See Division 3, Section 9.31.110, Congregate and Transitional Housing, for further details.

9.51.030 Non-Residential Use Classifications

A. Public and Semi-Public Use Classifications

- 1. **Adult Day Care.** Establishments providing non-medical care for persons 18 years of age or older on a less-than-24-hour basis licensed by the State of California.
- 2. **Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

3. **Child Care and Early Education Facility.** Establishments providing non-medical care for persons less than 18 years of age on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the State of California. See Division 3, Section 9.31.120, Child Care and Early Education Facilities, for further details.
4. **College and Trade School.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.
5. **Community Assembly.** A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated. See Division 3, Section 9.31.100, Community Assembly, for further details.
6. **Community Garden.** An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be accessory to public or institutional uses such as parks, schools, community centers, or religious assembly uses. This classification does not include gardens that are on a property in residential use when access is limited to those who reside on the property. Community Gardens do not include Medical Marijuana Collectives.
7. **Cultural Facility.** Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.
8. **Hospitals and Clinics.** State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinary services and animal hospitals (see Animal Care, Sales, and Services).
 - a. **Hospital.** A facility providing medical, surgical, mental health, or services primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

- b. **Clinic.** A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale (See Offices, Medical and Dental).
- 9. **Park and Recreation Facility.** Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities and restrooms within a primary structure or in an accessory structure on the same site.
- 10. **Public Safety Facility.** Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.
- 11. **School.** Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools.
- 12. **Social Service Center.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Adult Day Care and Child Care and Early Education Facility), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

B. Commercial Use Classifications

- 1. **Adult-Oriented Business.** See Sexually-Oriented Businesses.
- 2. **Animal Care, Sales and Services.** Retail sales and services related to the boarding, grooming, and care of household pets, including:
 - a. **Grooming and Pet Store.** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services (See General Retail Sales).
 - b. **Kennel.** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and animal hospitals that provide boarding-only services for animals not receiving services on the site but excludes the provision by shops and

hospitals of 24-hour accommodation of animals receiving medical services on site. This classification also includes kennels that, in addition to 24-hour accommodation, provide pet care for periods of less than 24 hours but it does not include facilities that provide pet day care exclusively or predominantly.

- c. ***Pet Day Care Service.*** A commercial, non-profit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.
 - d. ***Veterinary Service.*** Veterinary services for domesticated animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.
3. **Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:
- a. ***Alternative Fuels and Recharging Facility.*** A facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric-powered vehicles. This classification does not include facilities within public garages or other stations that are accessory to a permitted use.
 - b. ***Automobile Rental.*** Rental of automobiles. Typical uses include car rental agencies. See Division 3, Section 9.31.050, Automobile Rental, for further details.
 - c. ***Automobile Storage Parcel.*** Any property used for short- or long-term parking of vehicles for sale or lease at an automobile dealership or rental agency on a separate parcel from such agency or dealership.
 - d. ***Automobile/Vehicle Sales and Leasing.*** Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales for vehicles sold or leased by the manufacturer associated with the dealership. (For auto repair, see Automobile/Vehicle Service and Repair, Major and Minor.) This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles (See Automobile Storage Parcel). Typical uses include automobile dealers and recreational vehicle sales agencies. This classification also includes minor on-site preparation, washing, buffing, waxing, and detailing of vehicles for sale or vehicles repaired at the facility. Any outdoor preparation, washing, buffing, waxing, and detailing of vehicles shall comply with the standards of Section 9.31.080(C), (D), (M), (N), (P), and (Q). This classification does not include automobile brokerage and other establishments that solely provide services of arranging, negotiating, assisting, or effectuating the purchase of automobiles for others. See Division 3, Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage, for further details.
 - e. ***Automobile/Vehicle Repair, Major.*** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, tire sales and installation, and installation

of car alarms, sound, telecommunications, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping. See Division 3, Section 9.31.060, Automobile/Vehicle Repair, Major and Minor, for further details.

- f. ***Automobile/Vehicle Service and Repair, Minor.*** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles. See Division 3, Section 9.31.060, Automobile/Vehicle Repair, Major and Minor, for further details.
- g. ***Automobile/Vehicle Washing.*** Washing, waxing, or cleaning of automobiles or similar light vehicles, that are the principal use of a building, structure, or site, including self-serve washing facilities. See Division 3, Section 9.31.080, Automobile/Vehicle Washing, for further details.
- h. ***Large Vehicle and Equipment Sales, Service, and Rental.*** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.
- i. ***Service Station.*** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing accessory food and retail services. See Division 3, Section 9.31.320, Service Stations, for further details.
- j. ***Towing and Impound.*** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking). This classification includes parcels used for storage of impounded vehicles.

4. **Banks and Financial Institutions.**

- a. ***Bank and Credit Union.*** Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money (see Offices, Business and Professional).
- b. ***Check Cashing Business.*** Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial

paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers that cash checks or issue money orders incidental to their main purpose or business.

5. **Bar.** See Eating and Drinking Establishments.
6. **Business Service.** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, mailbox services, equipment rental and leasing, office security, custodial services, film processing, model building, and delivery services with two or fewer fleet vehicles on-site. (For three or more fleet vehicles, see Light Fleet-Based Services.)
7. **Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.
 - a. **Cinema.** Facilities for indoor display of films and motion pictures.
 - b. **Theater.** Facilities designed and used for entertainment, including plays, comedy, and music, which typically contain a stage upon which movable scenery and theatrical appliances or musical instruments and equipment are used.
 - c. **Convention and Conference Centers.** Facilities designed and used for conventions, conferences, seminars, trade shows, product displays, and other events in which groups gather to promote and share common interests. Convention centers typically have at least one auditorium and may also contain concert halls, lecture halls, meeting rooms, and conference rooms, as well as accessory uses such as facilities for food preparation and serving and administrative offices. For conference facilities accessory to hotels, see Hotel and Motel.
 - d. **Large-Scale Facility.** This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, and golf courses. It also includes indoor and facilities with 5,000 square feet or more in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; and riding stables.
 - e. **Small-Scale Facility.** This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, game arcades, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

8. **Eating and Drinking Establishments.** Businesses primarily engaged in selling and serving prepared food and/or beverages for consumption on or off the premises.
 - a. **Bar/Night Club/Lounge.** Businesses that are licensed by the State to serve alcoholic beverages, including beer, wine and mixed drinks for consumption on the premises from a liquor service facility that is physically separate from the dining area and may be operated during hours when food is not served. See Division 3, Section 9.31.040, Alcoholic Beverage Sales, for further details.
 - b. **Restaurant, Full-Service.** Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided. See Division 3, Section 9.31.040, Alcoholic Beverage Sales, where applicable, for further details.
 - c. **Restaurant, Limited-Service and Take-Out.** Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, ice cream and frozen yogurt shops, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (See Commercial Kitchen). See Division 3, Sections 9.31.040, Alcoholic Beverage Sales, and 9.31.280, Restaurants, Limited Service and Take Out Only, where applicable, for further details.
 - d. **With Drive-Through Facility.** Establishments providing food and beverage services to patrons remaining in automobiles. Includes drive-up service.
 - e. **With Outdoor Dining and Seating Area.** Provision of outdoor dining facilities on the same property or in the adjacent public right-of-way. See Division 3, Section 9.31.200, Outdoor Dining and Seating, for further details.
9. **Equipment Rental.** Establishments whose primary activity is the rental of equipment, such as medical and party equipment, to individuals and business, and whose activities may include storage and delivery of items to customers.
10. **Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.
 - a. **Convenience Market.** Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a Service Station but does not include delicatessens or specialty food shops. It excludes establishments that offer a sizeable assortment of fresh fruits and vegetables or fresh-cut meat (See General Market). See Division 3, Section 9.31.040, Alcoholic Beverage Sales, for further details.

- b. **Farmers Market.** A location where the primary activity is the sale of agricultural products by producers and certified producers. Sales of ancillary products may occur at the location. An open air farmers market may only be operated by a local government agency.
 - c. **General Market.** Retail food markets of food and grocery items primarily for offsite preparation and consumption. Typical uses include supermarkets and specialty food stores such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production with retail sales such as pasta shops. See Division 3, Sections 9.31.040, Alcoholic Beverage Sales, and 9.31.150, General Markets in Residential Districts, where applicable, for further details.
 - d. **Liquor Store.** Establishments primarily engaged in selling packaged alcoholic beverages for off-site consumption. See Division 3, Section 9.31.040, Alcoholic Beverage Sales, for further details.
- 11. **Funeral Parlor and Mortuary.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.
 - 12. **Home Occupation.** A use that is incidental and secondary to the primary residential use of a dwelling and compatible with surrounding residential uses. These uses include business, professional, and creative offices, food production, limited personal services, and urban agriculture. See Division 3, Section 9.31.160, Home Occupations for further details.
 - 13. **Instructional Services.** Establishments that offer specialized programs in personal growth and development, typically in a classroom setting. Typical uses include classes or instruction in music, health, athletics, art, or academics. Instructional Services may include rehearsal studios as an accessory use. This use type excludes Colleges and Trade Schools and facilities that offer instructional services (See General Personal Services). This use type also excludes gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction. See Personal Services-Physical Training.
 - 14. **Live-Work.** A unit that combines a work space and incidental residential space occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building Code. The working space is reserved for and regularly used by one or more occupants of the unit. See Division 3, Section 9.31.170, Live-Work Units, for further details.
 - 15. **Lodging.** An establishment providing overnight accommodations to transient patrons who maintain a permanent place of residence elsewhere for payment for periods of 30 consecutive calendar days or less.
 - a. **Bed and Breakfast.** A residential structure that is in residential use in which the property owner or manager lives on site and within which up to four bedrooms are rented for overnight lodging and where meals may be provided. See Division 3, Section 9.31.090, Bed and Breakfasts, for further details.

- b. ***Hotel and Motel.*** An establishment providing temporary lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, apartment hotels, hostels and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, single-room occupancy housing, or bed and breakfast establishments within a single-unit residence.
 - c. ***Vacation Rental.*** A property with a dwelling unit or guest house intended for permanent occupancy that is available for rent or hire for any person other than the primary owner for transient use for 30 days or less or is otherwise occupied or utilized on a transient basis for 30 days or less. Vacation rental does not include a Bed and Breakfast as defined above.
16. **Maintenance and Repair Service.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).
17. **Mobile Food Truck Off-Street Venue.** A location where the commercial vending of food occurs from parked vehicles.
18. **Nursery and Garden Center.** Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.
19. **Offices.** Offices of firms, organizations (for-profit and non-profit), and public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (See Research and Development) and hospitals (see Hospital and Clinic).
- a. ***Business and Professional.*** Offices of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (See Offices, Walk-In Clientele).
 - b. ***Creative.*** Offices, production spaces, and work spaces of establishments that are in the business of the development, publishing, production, or distribution of creative property, including but not limited to advertising, architectural services, broadcasting, communications, computer software design, media content, entertainment, engineering, fashion design, film distribution, graphic design, interior design, internet content, landscape design, photography, and similar uses.

- c. **Medical and Dental.** Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.
 - d. **Walk-In Clientele.** Offices predominantly providing direct services to patrons or clients and do not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (See Banks and Financial Institutions).
20. **Parking, Public or Private.** Structures and surface lots offering parking for a fee when such use is not incidental to another on-site activity.
21. **Personal Service.**
- a. **General Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. This classification also includes massage establishments that are in full compliance with the applicable provisions of Chapter 6.104, Massage Regulations, of the Santa Monica Municipal Code, and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612. This classification does not include gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction. See Division 3, Section 9.31.230, Personal Service, for further details.
 - b. **Personal Services, Physical Training.** Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of five or less persons. This classification also includes exclusively youth-serving studios of less than 3,000 square feet offering performing arts, dance, martial arts, physical exercise, and similar types of instruction to classes and groups of more than five persons.
 - c. **Tattoo or Body Modification Parlor.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. See Division 3, Section 9.31.230, Personal Service, for further details.
22. **Retail Sales.**
- a. **Building Materials and Services.** Retail sales or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable

retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet or establishments engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunitions.

- b. **General Retail Sales, Small-Scale.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware and garden supply/nurseries stores (with 10,000 square feet or less of floor area), and businesses retailing goods including, but not limited to, the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. See Division 3, Sections 9.31.210, Outdoor Newsstands, and 9.31.220, Outdoor Retail Display and Sales, where applicable, for further details.
- c. **General Retail Sales, Medium-Scale.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with more than 25,000 square feet but not more than 80,000 square feet of sales area.
- d. **General Retail Sales, Large-Scale.** Retail establishments with over 80,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.
- e. **Medical Marijuana Dispensary.** Any facility, building, structure, or fixed location where one or more qualified patients and/or persons with identification cards and/or primary caregivers cultivate, distribute, sell, dispense, transmit, process, exchange, give away, or otherwise make available marijuana for medical purposes. The terms “primary caregiver”, “qualified patient”, and “person with an identification card” shall be as defined in California Health and Safety Code Section 11362.5 et seq.
 - i. A Medical Marijuana Dispensary shall not include the following uses, as long as the location of such uses are otherwise regulated by applicable law and as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code Section 11362.5 et seq:
 - (1) A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code.

- (2) A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code.
 - (3) A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code.
 - (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code.
 - (5) A residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code.
- ii. A Medical Marijuana Dispensary shall also not include any dwelling unit where qualified patients or persons with an identification card permanently reside and collectively or cooperatively cultivate marijuana on-site for their own personal medical use and does not include the provision, cultivation, or distribution of medical marijuana at this dwelling unit by primary caregivers for the personal medical use of the qualified patients or persons with an identification card who have designated the individual(s) as a primary caregiver, in accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.
- f. **Pawn Shop.** Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.
 - g. **Swap Meet.** Any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, outdoor sales activities, or other similarly named or labeled activities; but does not include supermarket or department store retail operations. See Division 3, Sections 9.31.360, Swap Meets, and 9.31.220, Outdoor Retail Display and Sales, for further details.
- 23. **Restaurants.** See Eating and Drinking Establishments.
 - 24. **Sexually-Oriented Business.** See Chapter 9.59, Sexually-Oriented Businesses, for details.
- C. Industrial Use Classifications**
- 1. **Artist's Studio.** Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See Live-Work).
 - a. **Studio-Light.** Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.
 - b. **Studio-Heavy.** Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

2. **Commercial Kitchen.** Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products (See Industry, Limited).
3. **Construction and Material Yard.** Storage of construction materials or equipment on a site other than a construction site.
4. **Industry, General.** Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as agriculture processing; biomass energy conversion; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing.
5. **Industry, Limited.** Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes the manufacturing of finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. Typical food manufacturing uses include canners, roasters, breweries, wholesale bakeries, and frozen food manufacturers.
6. **Media Production.** Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations. This classification does not include facilities for live audiences (See Commercial Entertainment and Recreation) or transmission and receiving equipment for radio or television broadcasting (See Communication Facility).
 - a. **Support Facility.** Administrative and technical production support facilities such as offices, editing and sound recording studios, film laboratories, and similar functions that occur entirely within a building.
 - b. **Full-Service Facility.** Indoor and outdoor production facilities, distribution facilities, post-production facilities, set construction facilities, sound stages, special effects facilities, and other media-related production operations.
7. **Recycling Facility.** A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities (See Utilities, Major). See Division 3, Section 9.31.260, Recycling Facilities, for further details.

- a. **Recycling Collection Facility.** An incidental use that serves as a neighborhood drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.
 - b. **Recycling Processing Facility.** A facility that receives, sorts, stores and/or processes recyclable materials.
8. **Research and Development.** A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.
9. **Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods, including, but not limited to any used building materials, used containers or steel drums, used tires, and similar or related articles or property.
10. **Warehousing, Storage, and Distribution.** Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.
- a. **Chemical, Mineral, and Explosives Storage.** Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.
 - b. **Indoor Warehousing and Storage.** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.
 - c. **Outdoor Storage.** Storage of vehicles or commercial goods or materials in open parcels.
 - d. **Personal Storage.** Facilities offering enclosed storage with individual access for personal effects and household goods, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.
 - e. **Wholesaling and Distribution.** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (See Building Materials and Services).

D. Transportation, Communication, and Utilities Use Classifications

1. **Airports and Heliports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking,

air freight terminals, baggage handling facilities, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. This classification also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

2. **Bus/Rail Passenger Station.** Facilities for passenger transportation operations. This classification includes rail and bus stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right of way, restrooms, and accessory uses such as cafes.
3. **City Bikeshare Facility.** Land and equipment used for the operation or maintenance of a network of publicly-owned and publicly-available bicycles in a Bikeshare System in the City of Santa Monica. These facilities may include stations, hubs, parking facilities, payment/customer service kiosks, map stands, and helmet vending.
4. **Communication Facilities.** Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms.
 - a. ***Antenna and Transmission Tower.*** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers. See Division 3, Chapter 9.41, Telecommunications Facilities, for further details.
 - b. ***Equipment within Buildings.*** Indoor facilities containing primarily communication equipment and storage devices such as computer servers.
5. **Freight/Truck Terminal and Warehouse.** Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Service).
6. **Light Fleet-Based Service.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Business Services).
7. **Utilities, Major.** Generating plants, electric substations, and solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

8. **Utilities, Minor.** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.
9. **Waste Transfer Facility.** A facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

Chapter 9.52 Terms and Definitions

Sections:

- 9.52.010 List of Terms
- 9.52.020 Definitions

9.52.010 List of Terms

30% Income Household
50% Income Household
60% Income Household
80% Income Household
100% Affordable Housing Project
Abandoned, Abandonment
Abutting, Adjoining, or Adjacent
Access
Accessory Building
Accessory Food Service
Accessory Structure
Accessory Use
Act of Nature
Affordable Rent
Alley
Alteration
Arcade
Area Median Income (AMI)
Artist
Attic
Awning
Balcony
Base District
Base Height
Basement
Bathroom
Bay Window
Bedroom
Block
Building
Building, Accessory
Building, Principal
Building Code
Building Face
Building Envelope
Building Footprint
Building Height
Building Site
Build-to Line
Buffer, Buffering
California Department of Alcoholic Beverage Control (ABC)
California Environmental Quality Act (CEQA)
Canopy
Car Sharing
Carport
Change of Use
Clerestory
City
City Council
City Engineer
City-Designated Contributing Building or Structure
City-Designated Historic Resource
City-Designated Landmark
City-Designated Structure of Merit
County
Conditionally Permitted
Construction
Corner Build-to Area
Courtyard
Cripple Wall
Curb Cut
Daylight Plane
Deck
Demising Wall
Demolition
Development
Development Agreement
Director
Disability
Discretionary Permit

District
Domestic Violence Shelter
Driveway
Dwelling
Dwelling Unit
Easement
Effective Date
Emergency
Entrance
Environmental Review
Environmental Impact Report (EIR)
Erect
Excavation
Façade
Façade, Street-Facing
Feasible
Fee
Fence
Floor Area
Floor Area Ratio
Footprint
Frontage, Street
Garage
Semi-subterranean Garage
Subterranean Garage
Garage Sales
General Plan
Glare
Government Code
Grade
Average Natural Grade
Existing Grade
Finished Grade
Segmented Average Natural Grade
Theoretical Grade
Ground Floor
Ground Floor Street Frontage
Habitation
Hazardous Materials
Height
Historic Resource
Historic Resources Inventory
Home Occupation
Household
Illegal Use
Intensity of Use
Intersection, Street

Kitchen
Landscape
Automatic Controller
Backflow Prevention Device
Groundcover
Hedge
Irrigation System
Landscaping
Moisture Sensing Device
Mulch
Plant Area
Lighting
Foot-Candle
Light Fixture
Shielded Fixture
Lightwell
Living Quarters
Loading Space
Loft
Lot
Maintenance and Repair
Manufactured Housing
Mezzanine
Mixed-Use Development
Mobile Home Park
Natural Disaster
Nonconforming Building
Nonconforming Structure
Nonconforming Use
Open Space
Open Space, Common
Open Space, Private
Open Space, Usable
Outdoor Sales, Temporary and Seasonal
Outdoor Storage
Overlay District
Parapet
Parcel
Parcel, Corner
Parcel, Flag
Parcel, Key
Parcel, Reversed Corner
Parcel, Through
Parcel Area
Parcel Depth
Parcel Frontage
Parcel Line

Parcel Line, Front

Parcel Line, Rear

Parcel Line, Side

Parcel Width

Parking Facility

Accessory Parking

Long-Term Parking

Parking, Bicycle

Long-Term Bicycle Parking

Short-Term Bicycle Parking

Parking Space, Off-Street

Accessible Parking

Car Share Parking

Independently-Accessible Parking

Shared Parking

Stacked Parking

Tandem Parking

Unbundled Parking

Valet Parking

Parking Structure

Semi-Subterranean

Subterranean

Patio

Paving

Permit

Permitted Use

Person

Person with a Disability

Planning Commission

Plaza

Podium

Port Cochere

Pre-Existing

Primary Use

Private Tennis Court

Project

Public Land

Public Resources Code

Qualified Applicant

Ramp

Reasonable Accommodation

Residential Use

Review Authority

Right-of-Way

Roof

Barrel Roof

Gambrel Roof

Hip Roof

Mansard Roof

Pitched Roof

Shed Roof

Roof Deck

Screening

Security Grate or Grilles

Senior Citizen

Setback

Setback, Front

Setback, Rear

Setback, Side

Setback, Street Side

Sexually-Oriented Business

Shrub

Sidewalk

Sidewalk Café

Sign-Related Definitions

Site

Skylight

Solar Energy System

State Historical Building Code

Story

Street

Street Tree

Street Wall

Structural Alterations

Structure

Structure, Accessory

Structure, Main

Structure, Subterranean

Structure, Temporary

Subdivision

Swimming Pool

Temporary Structure

Trailer

Trash Screen/Enclosure

Unit

Use

Use, Accessory

Use, Primary

Use Classification

Use Permit

Use Type

Utilities

Vibration

View Corridor

Wall
Window

Primary Room Window
Secondary Room Window

Yard
Zoning Administrator
Zoning District

9.52.020 Definitions

The following words or phrases as used in this Ordinance shall have the following meanings:

- 9.52.020.0010 30% Income Household.** A household whose gross income does not exceed the 30% income limits applicable to the Los Angeles-Long Beach Primary Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.
- 9.52.020.0020 50% Income Household.** A household whose gross income does not exceed 50% of the area median income, adjusted for household size, as published and periodically updated by HUD. 50% income households include 30% income households.
- 9.52.020.0030 60% Income Household.** A household whose gross income does not exceed 60% of the area median income, adjusted for household size, as published and periodically updated by HUD. 60% income households include 50% income households.
- 9.52.020.0040 80% Income Household.** A household whose gross income does not exceed 80% of the area median income, adjusted for household size, as published and periodically updated by HUD. 80% income households include 60% income households.
- 9.52.020.0050 100% Affordable Housing Project.** Housing projects with a minimum of 25 percent of the units deed restricted or restricted by an agreement approved by the City for occupancy by 60% Income Households or less and the remainder of the housing units are deed restricted or restricted by an agreement approved by the City for occupancy by 80% Income Households or less. Such projects may include non-residential uses not to exceed 33% of the project's total floor area.
- 9.52.020.0060 Abandoned, Abandonment.** When, for a continuous period of one year or more, a nonconforming building, parcel, or use ceases. Resumption of a use after abandonment is a change of use. See Division 3, Section 9.27.050(B), Nonconforming Uses, Structures, and Parcels, for additional regulations.
- 9.52.020.0070 Abutting, Adjoining, or Adjacent.** Having a common property line or district line or separated only by an alley, path, private street, or easement.
- 9.52.020.0080 Access.** The place, or way through which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.
- 9.52.020.0090 Accessory Building.** See Building, Accessory.
- 9.52.020.0100 Accessory Food Service.** Establishments where food is located on the same parcel as or within a primary permitted use and is clearly incidental to the primary permitted use that is not an eating and drinking establishment. Food service that is more extensive than these provisions will cause this use to be considered an eating and drinking establishment subject to all of the applicable regulations. See Division 3, Section 9.31.030, Accessory Food Service, for further details.
- 9.52.020.0110 Accessory Structure.** See Structure, Accessory.
- 9.52.020.0120 Accessory Use.** See Use, Accessory.
- 9.52.020.0130 Act of Nature.** A natural occurrence such as an earthquake, flood, tidal wave, hurricane, superstorm, meteor, or tornado which causes substantial damage to buildings or property.

9.52.020.0135 Affordable Rent. Affordable rent shall mean the following:

- A. For 30% income households, the product of 30 percent times 30 percent of the area median income adjusted for household size appropriate for the unit.
- B. For 50% income households, the product of 30 percent times 50 percent of the area median income adjusted for household size appropriate for the unit.
- C. For 80% income households whose gross incomes exceed the maximum incomes for 50% income households, the product of 30 percent times 60 percent of the area median income adjusted for household size appropriate for the unit.
- D. For moderate income households, the product of 30 percent times 110 percent of the area median income adjusted for household size appropriate for the unit.

For purposes herein, affordable rent shall be adjusted as necessary to be consistent with pertinent Federal or State statutes and regulations governing Federal or State assisted housing.

9.52.020.0140 Alley. A public way permanently reserved for access to the rear or side of properties otherwise abutting on a street.

9.52.020.0150 Alteration. Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

9.52.020.0160 Arcade. A public passageway or colonnade open along at least one side, except for structural supports, usually covered by a canopy or permanent roofing.

9.52.020.0165 Area Median Income (AMI). The median family income published from time to time by HUD for the Los Angeles-Long Beach Metropolitan Statistical Area.

9.52.020.0170 Artist. An individual who is recognized by critics and peers; has verifiable training, credentials, and/or reputation in the field; and works in one or more of the following areas:

- A. A person who works in or is skilled in any of the fine arts, including but not limited to painting, drawing, sculpture, book arts, and print making;
- B. A person who creates imaginative works of aesthetic value, including but not limited to literature, poetry, play writing, film, video, digital media works, literature, costume design, photography, architecture, music composition, and conceptual art;
- C. A person who creates functional art, including but not limited to jewelry, rugs, decorative screens and grates, furniture, pottery, toys, and quilts;
- D. A performer, including but not limited to singers, musicians, dancers, actors, and performance artists.

9.52.020.0180 Attic. The area less than seven feet in height, located above the ceiling of the top story and below the roof that is not usable as habitable or commercial space and is not accessible via a permanent access structure. An attic shall not be considered a story. City-designated landmarks may adapt attics to be habitable so long as they are within the historic building

envelope and result in no change to the roofline. Such an adoption will also not be considered a story.

- 9.52.020.0190 Awning.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.
- 9.52.020.0200 Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than two sides. See also Deck.
- 9.52.020.0210 Base District.** See Zoning District.
- 9.52.020.0220 Base Height.** The maximum height to which a building or structure may be built by right pursuant to the Land Use and Circulation Element (LUCE) of the General Plan. This is also called the Tier 1 height.
- 9.52.020.0230 Basement.** The level(s) of a structure located below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade, in which no portion of the level directly below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade projects more than three feet above Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade. Up to four wall surfaces of the level directly below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade may be exposed above Finished Grade, so long as this exposure does not exceed 40% of each of these wall surface areas. Each wall surface area is calculated by multiplying the height by the length of the wall. In addition, the visible wall surface height of these walls shall not exceed three feet above Finished Grade, except for an entrance to a garage, which must be designed to the minimum feasible width and not exceed the maximum size requirements set forth in Chapter 9.28, or for any light well or emergency egress as required by the Building Code. A basement shall not be considered a story.
- 9.52.020.0240 Bathroom.** A room containing a sink, a toilet, and a shower and/or bathtub.
- 9.52.020.0250 Bay Window.** An angular or curved window that projects from the building surface.
- 9.52.020.0260 Bedroom.** Any habitable space in a dwelling unit or accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.
- 9.52.020.0270 Block.** Property bounded on all sides by a public right-of-way.
- 9.52.020.0280 Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.
- 9.52.020.0290 *Building, Accessory.*** A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if located less than six feet from the principal building or if connected to it by fully enclosed space.

- 9.52.020.0300 *Building, Principal.*** A building in which the principal use of the parcel on which it is located is conducted.
- 9.52.020.0310 *Building Code.*** Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore including, but not limited to, the California Building Code, the State Historic Building Code, other state-adopted uniform codes and the Minimum Building Security Standards Ordinance.
- 9.52.020.0320 *Building Face.*** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars shall be considered to be the face of the building.
- 9.52.020.0330 *Building Envelope.*** The aggregate of building mass and building bulk permitted on a parcel which is defined by height regulations, setbacks and other property development standards.
- 9.52.020.0340 *Building Footprint.*** See Footprint.
- 9.52.020.0350 *Building Height.*** See Height.
- 9.52.020.0360 *Building Site.*** A parcel or parcels of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.
- 9.52.020.0370 *Build-to Line.*** A line parallel to the parcel line where the façade of the building is required to be located.
- 9.52.020.0380 *Buffer, Buffering.*** An area on a parcel which is designed to separate structures and uses from the general public and/or adjacent properties to reduce negative impacts. It may include landscaping, fences, and walls.
- 9.52.020.0390 *California Department of Alcoholic Beverage Control (ABC).*** The California state agency that regulates the permitting of alcohol beverage sales, including the sale of beer, wine, and distilled spirits.
- 9.52.020.0400 *California Environmental Quality Act (CEQA).*** Public Resources Code Section 21000 et seq. or any successor statute and associated guidelines (California Code of Regulations Section 15000 et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.
- 9.52.020.0410 *Canopy.*** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.
- 9.52.020.0420 *Car Sharing.*** A formal or informal membership organization that owns a variety of motor vehicles that are parked in a number of different areas. Members use the motor vehicles under the terms of their membership.

- 9.52.020.0430 Carport.** A permanently roofed structure providing space for parking or temporary storage of vehicles. It may or may not include sides, but will be considered a garage if all four sides are enclosed.
- 9.52.020.0440 Change of Use.** A discontinuance of an existing use and the substitution therefore of a use such that the new use represents a different use group (as defined in Chapter 9.51, Use Classifications) or is otherwise differently regulated by the zoning ordinance compared to the prior use. A change of ownership alone does not constitute a change of use. Resumption of a use after abandonment is a change of use.
- 9.52.020.0450 Clerestory.** A window or row of windows which typically run horizontally and are located at the upper portion of a wall to allow additional light and air into a room. A clerestory is not a skylight.
- 9.52.020.0460 City.** The City of Santa Monica.
- 9.52.020.0470 City Council.** The City Council of the City of Santa Monica.
- 9.52.020.0480 City Engineer.** The City Engineer of the City of Santa Monica.
- 9.52.020.0490 City-Designated Contributing Building or Structure.** A building or structure designated by the City as contributing to the designation of an area as a historic district pursuant to Section 9.56.130.
- 9.52.020.0500 City-Designated Historic Resource.** Any existing property or structure that is designated by the City as a Landmark, Structure of Merit, or a Contributor to a Designated Historic District.
- 9.52.020.0510 City-Designated Landmark.** An improvement designated by the City as appropriate for historic preservation pursuant to Section 9.56.120.
- 9.52.020.0520 City-Designated Structure of Merit.** An improvement designated by the City as appropriate for official recognition pursuant to Section 9.56.090.
- 9.52.020.0530 County.** The County of Los Angeles.
- 9.52.020.0540 Conditionally Permitted.** Permitted subject to approval of a Conditional Use Permit or Minor Use Permit.
- 9.52.020.0550 Construction.** Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.
- 9.52.020.0560 Corner Build-to Area.** Area of a corner parcel where the façade of the building is required to be located.
- 9.52.020.0570 Courtyard.** An unroofed area that is completely or mostly enclosed by walls of a building.

- 9.52.020.0580 Cripple Wall.** The short wood stud walls that enclose a crawl space under the first floor used to support a dwelling between the concrete foundation and the ground floor of a building. It elevates the dwelling above ground to allow access to the utility lines or to level a dwelling built on a slope.
- 9.52.020.0590 Curb Cut.** A break in a curb allowing vehicle access from the roadway to a legal parking area within the parcel.
- 9.52.020.0600 Daylight Plane.** A setback or series of setbacks on new buildings which allows the flow of light and air to adjacent residential buildings and properties.
- 9.52.020.0610 Deck.** A platform, either freestanding or attached to a building that is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a patio. See also Balcony.
- 9.52.020.0620 Demising Wall.** A partition wall that separates one tenant or owner's space from another or from the building hallway or other common area.
- 9.52.020.0630 Demolition.** The destruction, dismantling, or removal of a building or structure or substantial portion of a building or structure so that it constitutes demolition pursuant to the provisions of Section 9.25.030, Demolition Defined.
- 9.52.020.0640 Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.
- 9.52.020.0650 Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the Government Code Section 65864 et seq. and local law for such development agreements pursuant to Chapter 9.60, Development Agreements.
- 9.52.020.0660 Director.** The Director of Planning and Community Development of the City of Santa Monica or his/her designee.
- 9.52.020.0670 Disability.** Physical or mental impairment that substantially limits one or more of a person's major life activities or a record of having an impairment, but the term does not include current, illegal use of, or an addiction to, a controlled substance. Current users of illegal controlled substances, persons convicted with illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status.
- 9.52.020.0680 Discretionary Permit.** A Development Review Permit, Major Modification, Variance, Minor Use Permit, or Conditional Use Permit, or any other appealable permit that requires findings to be made.

- 9.52.020.0690 District.** See Zoning District.
- 9.52.020.0700 Domestic Violence Shelter.** A residential facility that provides temporary accommodations to persons or families who have been the victims of domestic violence. Such a facility may also provide meals, counseling, and other services, as well as common areas for the residents of the facility.
- 9.52.020.0710 Driveway.** An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.
- 9.52.020.0720 Dwelling.** A structure or portion thereof that is used principally for residential occupancy.
- 9.52.020.0730 Dwelling Unit.** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with full cooking, sleeping and bathroom facilities for the exclusive use of a single household. A dwelling unit shall exceed 375 square feet in size.
- 9.52.020.0740 Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.
- 9.52.020.0750 Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.
- 9.52.020.0760 Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- 9.52.020.0770 Entrance.** An opening, such as a door, passage, or gate, that allows access to a place.
- 9.52.020.0780 Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.
- 9.52.020.0790 Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act.
- 9.52.020.0800 Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface.
- 9.52.020.0810 Excavation.** The removal of soils or other materials below grade to install habitable space, parking, utilities, or landscaping.
- 9.52.020.0820 Façade.** The face of the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave and horizontally across the entire width of the building elevation.
- 9.52.020.0830 Façade, Street-Facing.** Any building façade whose exterior wall faces or is within 45 degrees of parallel to an adjacent street, right-of-way, or public park, plaza, or open space.
- 9.52.020.0840 Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

- 9.52.020.0850 Fee.** A payment to the City for the processing of a permit or license application by a City Agency or Department.
- 9.52.020.0860 Fence.** An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land. Fences may also be walls, hedges and screen planting.
- 9.52.020.0870 Floor Area.** See Division 1, Section 9.04.080, Determining Floor Area, for rules for calculating floor area.
- 9.52.020.0880 Floor Area Ratio.** The ratio of the total floor area of all buildings on a parcel to the total area of the parcel. See Division 1, Section 9.04.090, Determining Floor Area Ratio, for rules for calculating floor area ratio.
- 9.52.020.0890 Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves and subterranean and semi-subterranean levels.
- 9.52.020.0900 Frontage, Street.** That portion of a parcel that borders a public street. “Street frontage” shall be measured along the common parcel line separating said parcel or parcel of land from the public street, highway, or parkway.
- 9.52.020.0910 Garage.** A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.
- 9.52.020.0920 *Semi-subterranean Garage.*** A structure located partly underground used for parking and storage of vehicles.
- 9.52.020.0930 *Subterranean Garage.*** A structure entirely underground, except for openings for ingress and egress.
- 9.52.020.0940 Garage Sales.** The sale or offering for sale to the general public of over five items of personal property on a portion of a parcel in a residentially zoned district, whether inside or outside any building.
- 9.52.020.0950 General Plan.** The City of Santa Monica General Plan.
- 9.52.020.0960 Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.
- 9.52.020.0970 Government Code.** The Government Code of the State of California.
- 9.52.020.0980 Grade.** The location of the ground surface.
- 9.52.020.0990 *Average Natural Grade.*** See Division 1, Section 9.04.050(A)(1).

- 9.52.020.1000** *Existing Grade.* The elevation of the ground at any point on a parcel as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.
- 9.52.020.1010** *Finished Grade.* The finished surface of the ground, paving, lawn, or other improved surface between the building and the parcel line.
- 9.52.020.1020** *Segmented Average Natural Grade.* See Division 1, Section 9.04.050(A)(2).
- 9.52.020.1030** *Theoretical Grade.* See Division 1, Section 9.04.050(A)(3).
- 9.52.020.1040** **Ground Floor.** The lowest floor of a building other than a basement that is closest to finished grade.
- 9.52.020.1050** **Ground Floor Street Frontage.** The first level of a building, other than a basement, that borders a public street.
- 9.52.020.1060** **Habitation.** Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same parcel.
- 9.52.020.1070** **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 9.52.020.1080** **Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Division 1, Section 9.04.050, Measuring Height.
- 9.52.020.1090** **Historic Resource.** Any existing property or structure that is designated as a City Landmark, Structure of Merit, or a Contributor to a Designated Historic District, or is listed on either the California Register of Historical Resources or the National Register of Historic Places.
- 9.52.020.1100** **Historic Resources Inventory (HRI).** A database containing building descriptions and evaluations of properties that exhibit potential historic, architectural, or cultural significance in Santa Monica. Each property listed on the HRI has been evaluated by professionals using nationwide standards and criteria. The HRI is used to identify properties of potential historic significance, and properties on the HRI are eligible to apply the State Historical Building Code.
- 9.52.020.1110** **Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling. See Section 9.31.160, Home Occupation.
- 9.52.020.1120** **Household.** One or more persons living together in a single dwelling unit, with access to and use of all common living and eating areas and all common areas and facilities for the

preparation and storage of food and who maintain a single mortgage, lease, or rental agreement for all members of the household.

- 9.52.020.1130** **Illegal Use.** Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.
- 9.52.020.1140** **Intensity of Use.** The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.
- 9.52.020.1150** **Intersection, Street.** The area common to two or more intersecting streets.
- 9.52.020.1160** **Kitchen.** A room or space within a building with appliances used for cooking or preparing food.
- 9.52.020.1170** **Landscape.** The following terms are related to Division 3, Chapter 9.26, Landscaping.
- 9.52.020.1180** ***Automatic Controller.*** An automatic timing device used to remotely control valves that operate an irrigation system.
- 9.52.020.1190** ***Backflow Prevention Device.*** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- 9.52.020.1200** ***Groundcover.*** A low growing woody or herbaceous plant with low, compact growth habits which normally crawls or spreads, and which forms a solid mat or dense cover over the ground within two years of installation. Mature heights of groundcover will usually range from three inches to three feet.
- 9.52.020.1210** ***Hedge.*** A boundary or barrier of plant material formed by a row or series of shrubs, bushes, trees, or other similar vegetation that enclose, divide, or protect an area or that prevent a person from passing between any combination of individual shrubs, bushes, trees, or other similar vegetation.
- 9.52.020.1220** ***Irrigation System.*** Any system, excluding water features, for distribution of water through a pressurized system within the landscape area, including, but not limited to, any system in which any portion is installed below grade or affixed to any structure.
- 9.52.020.1230** ***Landscaping.*** The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding

materials, and other similar site improvements that serve an aesthetic or functional purpose. See Section 9.26.060.

- 9.52.020.1240** *Moisture Sensing Device.* A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- 9.52.020.1250** *Mulch.* Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- 9.52.020.1260** *Plant Area.* The portion of a parcel that is dedicated to the installation of landscaping.
- 9.52.020.1270** **Lighting.** The following terms are related to Section 9.21.080, Lighting.
- 9.52.020.1280** *Foot-Candle.* A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Equal to one lumen uniformly distributed over an area of one square foot.
- 9.52.020.1290** *Light Fixture.* The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.
- 9.52.020.1300** *Shielded Fixture.* Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.
- 9.52.020.1310** **Lightwell.** The portion of buildable area that is reserved as open space for light and air, usually enclosed by building walls on the subject property or adjacent property and extends for one or more floors.
- 9.52.020.1320** **Living Quarters.** A structure or portion thereof that is used principally for human habitation.
- 9.52.020.1330** **Loading Space.** An off-street space or berth on the same parcel with a building for the temporary parking of a vehicle while loading or unloading of goods.
- 9.52.020.1340** **Loft.** See Mezzanine.
- 9.52.020.1350** **Lot.** See Parcel.
- 9.52.020.1360** **Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

- 9.52.020.1370 Manufactured Housing.** A structure as defined by Health and Safety Code Section 18007, or any successor thereto.
- 9.52.020.1380 Mezzanine.** An intermediate floor within a building interior without walls, partitions, closets, screens or other complete enclosing interior walls or partitions that is open to the floor below and has a floor area that is no greater than one-third of the total area of the overlooked room below. When the total floor area of a mezzanine exceeds one-third of the total area of the overlooked room below it constitutes an additional story and is no longer considered a mezzanine. Mezzanines shall be concealed within the building and shall not appear as an additional story on the exterior building façade. See Story.
- 9.52.020.1390 Mixed-Use Development.** The development of a parcel or building with two or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public or entertainment in a single or physically integrated group of structures.
- 9.52.020.1400 Mobile Home Park.** Any area or tract of land where two or more lots are rented or leased, or held out for rent or lease, to accommodate mobile homes used for human habitation in accordance with Health and Safety Code Section 18214, or any successor thereto.
- 9.52.020.1410 Natural Disaster.** See Act of Nature.
- 9.52.020.1420 Nonconforming Building.** See Nonconforming Structure.
- 9.52.020.1430 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. See Chapter 9.27, Nonconforming Uses and Structures.
- 9.52.020.1440 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. See Chapter 9.27, Nonconforming Uses and Structures.
- 9.52.020.1450 Open Space.**
- 9.52.020.1460 *Open Space, Common.*** Any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents and guests of more than one dwelling unit.
 - 9.52.020.1470 *Open Space, Private.*** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

- 9.52.020.1480** *Open Space, Usable.* Outdoor areas that provide for outdoor living and/or recreation for the use of residents.
- 9.52.020.1490** *Outdoor Sales, Temporary and Seasonal.* The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.
- 9.52.020.1500** *Outdoor Storage.* The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 72 hours except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.
- 9.52.020.1510** *Overlay District.* A zoning designation specifically delineated on the Districting Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district.
- 9.52.020.1520** *Parapet.* A low wall or railing extending above the roof and along its perimeter.
- 9.52.020.1530** *Parcel.* A single unit of land separated from other units of land by legal description, the boundaries of which are shown on a parcel map or final map, described in a deed, or for which a certificate of compliance has been issued pursuant to the Subdivision Map Act. [Parcel shall also include two or more parcels where the owner(s) have recorded a covenant with the Office of the County Recorder that states the intention of the owner(s) to combine and use the parcels as a single unit of land in compliance with City regulations.]
- 9.52.020.1540** *Parcel, Corner.* A parcel of land abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
- 9.52.020.1550** *Parcel, Flag.* A parcel not fronting on or abutting a public road and where access is from a public road by a narrow right-of-way or driveway.
- 9.52.020.1560** *Parcel, Key.* The first interior parcel to the rear of a reversed corner parcel and not separated therefrom by an alley.
- 9.52.020.1570** *Parcel, Reversed Corner.* A corner parcel, the side street line of which is substantially a continuation of the front parcel line of the first parcel to its rear.
- 9.52.020.1580** *Parcel, Through.* A parcel which fronts on two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the parcel.
- 9.52.020.1590** *Parcel Area.* The total area within the property lines of a parcel, excluding any street or alley right-of-way.
- 9.52.020.1600** *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.

- 9.52.020.1610 Parcel Frontage.** The width of the front parcel line measured at the street right-of-way.
- 9.52.020.1620 Parcel Line.** A line of record bounding a parcel that divides one parcel from another parcel or from a public or private street or any other public space.
- 9.52.020.1630 Parcel Line, Front.** The parcel line separating a parcel from a street right-of-way. In the case of a corner parcel, the line separating the narrowest street frontage of the parcel from the street shall be considered the front. 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. For parcels between a walk street and an alley, the front of the parcel is considered along the walk street. For through parcels between a walk street and a street with vehicular access, the front of the parcel is considered along the street with vehicular access.
- 9.52.020.1640 Parcel Line, Rear.** The parcel line opposite and most distant from the front parcel line; or in the case of triangular or otherwise irregularly shaped parcel, a line ten feet in length entirely within the parcel, parallel to, and at a maximum distance from the front parcel line.
- 9.52.020.1650 Parcel Line, Side.** Any parcel line other than a front or rear parcel line.
- 9.52.020.1660 Parcel Width.** For rectilinear parcels, the distance between the side parcel lines determined by the length of a straight line drawn at right angles to to the side parcel lines and parallel with both the front and rear parcel lines. For 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.
- 9.52.020.1670 Parking Facility.** An area of a parcel, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.
- 9.52.020.1680 Accessory Parking.** An area of a parcel, structure, or any other area, which is designed, reserved for, and the primary purpose of which is to provide off-street parking to serve a building or use that is the primary or main use of the parcel.
- 9.52.020.1690 Long-Term Parking.** An area designed for employee or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.
- 9.52.020.1700 Parking, Bicycle.** A covered or uncovered area equipped with a rack or other device designed and useable for the secure, temporary storage of bicycles.
- 9.52.020.1710 Long-Term Bicycle Parking.** Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for three hours or longer.

- 9.52.020.1720** *Short-Term Bicycle Parking.* Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four hours.
- 9.52.020.1730** *Parking Space, Off-Street.* An area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.
- 9.52.020.1740** *Accessible Parking.* Parking spaces that are designed and reserved for a vehicle(s) that is dedicated to persons with disabilities.
- 9.52.020.1750** *Car Share Parking.* Parking spaces that are dedicated for a vehicle(s) provided by a certified car-share organization for the purpose of providing a car-share-service to occupants of a building or the general public.
- 9.52.020.1760** *Independently-Accessible Parking.* Parking spaces that allow a vehicle to be accessed without having to move another vehicle under its own power. They shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking provided that no more than one car needs to be moved under its own power to access any one space.
- 9.52.020.1770** *Shared Parking.* The management of parking spaces so that they can be used by multiple users. This allows for the more efficient use of parking facilities. Parking may be shared between multiple users on the same parcel, between multiple users on different parcels, or in dedicated shared parking facilities such as public parking lots.
- 9.52.020.1780** *Stacked Parking.* Space-efficient parking in which vehicles are stored and accessed by mechanical stackers or lifts or other space-efficient means.
- 9.52.020.1790** *Tandem Parking.* Parking spaces that are placed one behind another and where a vehicle needs to be moved to access the desired parking space.
- 9.52.020.1800** *Unbundled Parking.* The practice of selling or leasing parking spaces separate from the purchase or lease of the commercial or residential use.
- 9.52.020.1810** *Valet Parking.* Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. The automated system may or may not be managed by an attendant.
- 9.52.020.1820** *Parking Structure.* A structure used for parking and storage of vehicles.
- 9.52.020.1830** *Semi-Subterranean.* A parking structure located partially underground.
- 9.52.020.1840** *Subterranean.* A parking structure located entirely underground, except for openings for ingress and egress.

- 9.52.020.1850 Patio.** An outdoor area, often paved, adjoining a building that is used for outdoor open space. It is not fully enclosed by walls and typically is located at grade or supported by minimal footings.
- 9.52.020.1860 Paving.** A type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, patios, and front setbacks used for access by vehicles and pedestrians.
- 9.52.020.1870 Permit.** Any Zoning Conformance, Conditional Use Permit, Minor Use Permit, Temporary Use Permit, Development Review Permit, Administrative Approval, Home Occupation, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.
- 9.52.020.1880 Permitted Use.** Any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.
- 9.52.020.1890 Person.** Any natural person or other entity recognized by California law as such, including a firm, association, organization, partnership, business trust, company, or corporation.
- 9.52.020.1900 Person with a Disability.** A person who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having that type of impairment; or anyone who has a record of that type of impairment
- 9.52.020.1910 Planning Commission.** The Planning Commission of the City of Santa Monica.
- 9.52.020.1920 Plaza.** An outdoor space set aside for gathering or congregating and commercial activities, typically surrounded by building frontages.
- 9.52.020.1930 Podium.** A continuous raised platform supporting a building or a large block of two or three stories beneath a multi-story block of smaller area.
- 9.52.020.1940 Porte Cochere.** A roofed structure through which a vehicle can pass, extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building.
- 9.52.020.1950 Pre-Existing.** In existence prior to the effective date of this Ordinance.
- 9.52.020.1960 Primary Use.** See Use, Primary.
- 9.52.020.1970 Private Tennis Court.** A tennis court which is used for noncommercial purposes by the owner(s) of the property or guests.
- 9.52.020.1980 Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

- 9.52.020.1990 Public Land.** Any government-owned land, including, but not limited to, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.
- 9.52.020.2000 Public Resources Code.** The Public Resources Code of the State of California.
- 9.52.020.2010 Qualified Applicant.** The property owner, the owner’s agent, or any person or other legal entity that has a legal or equitable interest in land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.
- 9.52.020.2020 Ramp.** An access driveway leading from one parking level to another, or an access driveway from an entrance leading to parking at a different level.
- 9.52.020.2030 Reasonable Accommodation.** A type of discretionary permit that, if approved, would provide for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) in the application of building and zoning laws and other land use policies, procedures, laws, rules, and regulations.
- 9.52.020.2040 Residential Use.** One or more rooms designed, occupied or intended for occupancy as primary living quarters in a building or portion thereof.
- 9.52.020.2050 Review Authority.** Body responsible for making decisions on zoning and related applications.
- 9.52.020.2060 Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.
- 9.52.020.2070 Roof.** That portion of a building or structure above walls or columns that shelters the floor area or the structure below.
- 9.52.020.2080 Barrel Roof.** An arched roof with a semi-circular, half-cylindrical shape.
- 9.52.020.2090 Gambrel Roof.** A roof with two slopes on each of its two sides of which the lower is steeper than the upper slope.
- 9.52.020.2100 Hip Roof.** A four-sided roof with sloping ends and sides.
- 9.52.020.2110 Mansard Roof.** A roof with two sloping planes of different pitch on each of the four sides.
- 9.52.020.2120 Pitched Roof.** A roof with two sides that have at least one foot of vertical rise for every three feet of horizontal run.
- 9.52.020.2130 Shed Roof.** A roof with a single slope.

- 9.52.020.2140 Roof Deck.** A platform located on the flat portion of a roof or setback of a building that is used for outdoor space. It is distinct from a Patio.
- 9.52.020.2150 Screening.** Buffering of a building or activity from neighboring areas or from the street with a wall, fence, hedge, informal planting, or berm.
- 9.52.020.2160 Security Grate or Grilles.** A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.
- 9.52.020.2170 Senior Citizen.** An individual sixty-two years of age or older unless otherwise expressly stated in this Ordinance.
- 9.52.020.2180 Setback.** The distance between the parcel line and a building, not including permitted projections, that must be kept clear or open. See also Section 9.04.040, Measuring Distances, Section 9.04.130, Determining Setbacks, and Section 9.21.110, Projections into Required Setbacks.
- 9.52.020.2190 Setback, Front.** A space extending the full width of the parcel between any building and the front parcel line, and measured perpendicularly to the building at the closest point to the front parcel line.
- 9.52.020.2200 Setback, Rear.** A space extending the full width of the parcel between the principal building and the rear parcel line measured perpendicularly from the rear parcel line to the closest point of the principal building. When a rear parcel line abuts an alley or walkstreet, the rear setback shall be measured from the center line of the alley or walkstreet.
- 9.52.020.2210 Setback, Side.** A space extending the full depth of the parcel between the principal building and the side parcel line measured perpendicularly from the side parcel line to the closest point of the principal building. For non-rectilinear parcels, a space extending the full depth of the parcel between the principal building and the side parcel line(s) measured using a series of measurements parallel to the front parcel line to determine varying parcel widths at any given locations on the parcel.
- 9.52.020.2220 Setback, Street Side.** A space extending the full depth of the parcel between the principal building and the side parcel line adjacent to a public street right-of-way measured perpendicularly from the side parcel line to the closest point of the principal building. For non-rectilinear parcels, a space extending the full depth of the parcel between the principal building and the side parcel line(s) adjacent to a public street right-of-way measured using a series of measurements parallel to the front parcel line to determine varying parcel widths at any given locations on the parcel.
- 9.52.020.2230 Sexually-Oriented Business.** See Chapter 9.59 Sexually-Oriented Businesses for details.

- 9.52.020.2240 Shrub.** A plant with a compact growth habit and branches coming from the base of the plant. Mature heights of shrubs may vary from one foot to fifteen feet depending on their species and landscape application.
- 9.52.020.2250 Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- 9.52.020.2260 Sidewalk Cafe.** Any outdoor dining area located in or adjacent to any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.
- 9.52.020.2270 Sign-Related Definitions:** All terms relating to signage are defined in Chapter 9.61, Signs.
- 9.52.020.2280 Site.** A parcel, or group of contiguous parcels, that is proposed for development in accordance with the provisions of this Ordinance and is in a single ownership or under unified control.
- 9.52.020.2290 Skylight.** That portion of a roof which is glazed to admit light, and the mechanical fastening required to hold the glazing, including a curb not exceeding ten inches in height, to provide a weatherproofing barrier.
- 9.52.020.2300 Solar Energy System.** Any solar collector or other solar energy device, certified pursuant to State law, along with its ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- 9.52.020.2310 State Historical Building Code.** California Code of Regulations, Title 24, Part 8, or any successor thereto, which constitutes a special State-adopted building code for historic buildings allowing flexible approaches to their construction problems. This Code was developed to accommodate changes necessary for the continued use of historic buildings, while preserving their historic character and significant architectural features. Applicants may elect to use the State Historic Building Code as an alternative to standard construction codes such as the City's Building Code or Electrical Code.
- 9.52.020.2320 Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above. A mezzanine with a floor area that exceeds one third of the floor area of the overlooking room of the floor below constitutes a story. An Attic and Basement shall not be considered stories.
- 9.52.020.2330 Street.** A public or private thoroughfare which affords the access to a block and to abutting property. "Street" includes avenue, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley as defined herein.

- 9.52.020.2340 Street Tree.** Trees that are located in the public right-of-way.
- 9.52.020.2350 Street Wall.** A wall or portion of a wall of a building facing a street.
- 9.52.020.2360 Structural Alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.
- 9.52.020.2370 Structure.** Anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground.
- 9.52.020.2380 Structure, Accessory.** A detached subordinate structure, used only as incidental to the main structure on the same parcel.
- 9.52.020.2390 Structure, Main.** A structure housing the principal use of a site or functioning as the principal use.
- 9.52.020.2400 Structure, Subterranean.** A structure located entirely underground, except for openings for ingress and egress.
- 9.52.020.2410 Structure, Temporary.** A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- 9.52.020.2420 Subdivision.** See Chapter 9.54, Land Divisions, for all subdivision definitions.
- 9.52.020.2430 Swimming Pool.** A pool, pond, or open tank capable of containing a large and deep enough body of water for people to use to swim.
- 9.52.020.2440 Temporary Structure.** See Structure, Temporary.
- 9.52.020.2450 Trailer.** A vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a mobile home, trailer coach or house trailer.
- 9.52.020.2460 Trash Screen/Enclosure.** A permanent, immobile structure, designed for the storage of a mobile resource recovery, recycling, or compost bin or container.
- 9.52.020.2470 Unit.** See Dwelling Unit.
- 9.52.020.2480 Use.** The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- 9.52.020.2490 Use, Accessory.** A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.

- 9.52.020.2500** *Use, Primary.* A primary, principal or dominant use established, or proposed to be established, on a parcel. In a mixed-use building, there may be more than one primary use.
- 9.52.020.2510** **Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential; public and semi-public; commercial; industrial; and transportation, communication, and utilities. See Chapter 9.51, Use Classifications.
- 9.52.020.2520** **Use Permit.** A discretionary permit, such as a Minor Use Permit or Conditional Use Permit, which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority. See Chapter 9.41, Minor Use Permits & Conditional Use Permits.
- 9.52.020.2530** **Use Type.** A category which classifies similar uses based on common functional, product, or compatibility characteristics.
- 9.52.020.2540** **Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.
- 9.52.020.2550** **Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.
- 9.52.020.2560** **View Corridor.** An area where there is a view of all or a portion of a panoramic subject, scene, or area.
- 9.52.020.2570** **Wall.** Any exterior surface of building or any part thereof, including windows.
- 9.52.020.2580** **Window.** An opening in a wall of a building that may be filled with glass or other material in a frame. They typically allow light and air into the interior of a building but also serve as vehicles for viewing merchandise in commercial properties.
- 9.52.020.2590** **Primary Room Window.** A glazed surface whose area is larger than any other glazed surface in a living room, dining room, family room, library, or similar such activity room in a dwelling unit.
- 9.52.020.2600** **Secondary Room Window.** A glazed surface serving a bedroom, bathroom, kitchen, stairway, corridor, or storage area in a dwelling unit, or a non-primary window in a primary space.
- 9.52.020.2610** **Yard.** See Setback.
- 9.52.020.2620** **Zoning Administrator.** The Director of the Department of Planning & Community Development, or their designee.

9.52.020.2630 Zoning District. A specifically delineated area or district in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

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Division 6: Land Use and Zoning Related Provisions

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Chapter 9.53 Transportation Demand Management

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9.53.010 Purpose

The purpose and objective of this Chapter is to implement the goals and policies of the City's General Plan by proactively managing congestion, reducing automobile dependence and enhancing transportation choices by requiring trip reduction plans for all types of trips – work, shopping, leisure, school, and appointments – that will:

- A. Ensure City compliance with the applicable requirements of the South Coast Air Quality Management District (SCAQMD) Rule 2202 and implement air quality control measures required of local governments by the District's 1991 Air Quality Management Plan and subsequent updates and the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP);
- B. Accommodate land use changes allowed under the General Plan's Land Use and Circulation Element ("LUCE") while reducing peak-hour automobile trips from new and existing destinations to achieve the LUCE's goal of no net increase in PM peak hour vehicle trips by 2030;
- C. Improve the mobility and general efficiency of circulation and transportation systems by increasing reliance on public transit, ridesharing, walking, carsharing, cycling and focusing development in areas close to transit and employment;
- D. Reduce traffic impacts within the community and region, vehicular air pollutant emissions, energy usage, and ambient noise levels through a reduction in the number of per capita vehicle miles traveled and management of traffic congestion;

- E. Minimize the percentage of employees traveling in single-occupant vehicles to and from work, especially during peak-hour periods;
- F. Promote and increase work-related transit use, ridesharing, walking and bicycling to minimize parking needs, manage congestion, and protect the quality of life in Santa Monica's neighborhoods and districts;
- G. Improve the quality and level of access for residents, employees, customers, and visitors by improving transportation choices and managing congestion;
- H. Decrease the City's need for additional parking facility construction;
- I. Coordinate transportation system management, transportation demand management, and transportation facility development strategies Citywide;
- J. Coordinate transportation system management, transportation demand management, and transportation facility development strategies with other cities and counties in the region and through regional agencies;
- K. Prior to January 1, 2016, strive to achieve a City-wide average vehicle ridership of 1.5 or better among employers of fifty employees or more, in accordance with LUCE trip reduction goals; and
- L. On and after January 1, 2016, strive to achieve the average vehicle ridership targets in this Chapter or better among employers of thirty or more employees and developers, in accordance with LUCE trip reduction goals.

9.53.020 Definitions

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

- A. **Audit.** A selective inspection by the City of an employer's activities related to the fulfillment of ongoing implementation and monitoring of an approved emission reduction plan.
- B. **Average Vehicle Ridership (AVR).** The total number of employees who report to or leave the worksite or another job-related activity during the peak periods divided by the number of vehicles driven by these employees over that five-day survey period. The AVR calculation requires that the five-day period must represent the five days during which the majority of employees are scheduled to arrive at the worksite. The hours and days chosen must be consecutive. The five-day survey period cannot contain a holiday and shall represent typical operations so that a projection of the average vehicle ridership during the year is obtained.

An example of morning AVR using the survey week for an employer with three hundred employees all reporting to work weekdays between six a.m. and ten a.m. is:

	EMPLOYEES REPORTING TO WORK	NUMBER OF VEHICLES DRIVEN TO THE WORKSITE BY THESE EMPLOYEES
MONDAY	300	200
TUESDAY	300	190
WEDNESDAY	300	210
THURSDAY	300	200
FRIDAY	300	200
TOTAL	1500	1,000

In this example, AVR is arrived at by dividing the number of employees reporting to work between six a.m. and ten a.m. during the survey week (one thousand five hundred) by the number of vehicles driven to the worksite between the same hours during the week (one thousand):

$$1500/1000 = 1.5 \text{ AVR}$$

A similar calculation is required for obtaining the afternoon peak period AVR for commute trips to and from the worksite between three p.m. and seven p.m.

- C. **AVR Target.** The AVR established by this Chapter that an Employer Emission Reduction Plan (ERP) or Developer Transportation Demand Management (TDM) plan is expected to achieve for a particular worksite or project.
- D. **AVR Verification Method.** A method approved by the City for determining an employer’s current AVR, or approved by the City or SCAQMD for employers of two hundred fifty employees or more.
- E. **AVR Window.** The period of time comprised of both hours and days used to calculate AVR (i.e., six a.m. to ten a.m. and three p.m. to seven p.m.).
- F. **Carpool.** A motor vehicle occupied by two to six persons traveling together to and from the worksite for the majority (at least fifty-one percent) of the total commute.
- G. **Commute Trip.** A home-to-work or work-to-home trip.
- H. **Compressed Work Week.** This applies to employee(s) who, as an alternative to completing the basic work requirements in five eight-hour workdays in one week are scheduled in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules for purposes of Chapter 9.53 of the Municipal Code are thirty-six hours in three days (3/36), forty hours in four days (4/40), or eighty hours in nine days (9/80).
- I. **Consultant Employee Transportation Coordinator(ETC).** A person that meets the requirements of and that serves as an ETC at a single worksite for an employer other than the consultant ETC’s employer.
- J. **Developer.** Any person or entity that is responsible for development of a project that has not yet received its final approval as of the effective date of this Chapter that will result in the construction of 7,500 square feet of floor area or more, 16 residential units or more, or mixed-use projects of 16

residential units or more with any associated non-residential components. The person or entity responsible for development of a project shall be the developer and property owner. Upon transfer of title from a Property Owner to a Developer, the term “developer” shall mean the Property Owner.

- K. **Developer TDM Plan.** A trip reduction plan intended to result in a developer achieving the applicable AVR Targets specified in this Chapter.
- L. **Disabled Employee.** An individual with a physical or mental impairment which prevents the individual from traveling to and from the worksite by means other than a single-occupant vehicle.
- M. **Emission Reduction Plan (ERP).** A plan intended to reduce emissions related to employee commutes and to meet a worksite specific emission reduction target for the subsequent year.
- N. **Emission Reduction Plan Appeals Board (ERP Appeals Board).** The administrative review body for decisions of the City staff. The ERP Appeals Board shall consist of the Transportation Demand Program Manager, Director of Planning and Community Development and an at-large member appointed by the City Council. The Transportation Demand Program Manager and the Director of Planning and Community Development may designate an employee from his or her division or department as his or her representative.
- O. **Emission Reduction Target (ERT).** The annual VOC, NO_x and CO emissions required to be reduced based on the number of employees per worksite and the employee emission reduction factors (pounds per year per employee) specified in SCAQMD Rule 2202-On-Road Motor Vehicle Mitigation Options Implementation Guidelines.
- P. **Employee.** Any person employed full or part-time by a person(s), firm, business, educational institution, nonprofit agency or corporation, government agency or other entity. This term excludes the following: temporary employees, field construction workers, independent contractors, volunteers, seasonal employees and field personnel.
- Q. **Employee Transportation Coordinator (ETC).** The designated person, with appropriate training as required by the City, who is responsible for the development, administration, implementation and monitoring of the Emission Reduction Plan. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite. Employers of two hundred fifty employees or more must attend an SCAQMD ETC certification course. Employee Transportation Coordinators shall participate in City-sponsored workshops and roundtables.
- R. **Employee Trip Reduction Plan (ETRP).** A plan for implementation of strategies that are designed to reduce employee vehicle commute trips during the AVR Window.
- S. **Employer.** Any public or private employer, including the City of Santa Monica, having a permanent place of business in the City and employing ten or more employees.
- T. **Field Construction Worker.** An employee who reports directly to work at a construction site outside the City of Santa Monica for the entire day, an average of at least six months out of the year.
- U. **Field Personnel.** An employee who spends twenty percent or less of their work time, per week, at the worksite and who does not report to the worksite during peak periods for pick up and dispatch of an employer provided vehicle.
- V. **Fleet Vehicles.** Any vehicles, including passenger cars, light-duty trucks and medium duty on-road vehicles, owned or leased by an employer that totals four (4) or more vehicles.

- W. **Holiday.** Those days designated as national or State holidays, in which the worksite is closed in observance of the holiday. An AVR survey shall not be undertaken in any week where the following holidays occur:

New Year's Day	January 1
Martin Luther King Jr. Birthday	January (Third Monday)
Presidents' Day	February (Third Monday)
Memorial Day	May (Last Monday)
Independence Day	July 4
Labor Day	September (First Monday)
Columbus Day	October (Second Monday)
California Rideshare Week	October (First Week)
Veteran's Day	November 11
Thanksgiving Day	November (Fourth Thursday plus the Friday after)
Christmas Eve	December 24
Christmas Day	December 25

The days these holidays are observed may vary from year to year; therefore it shall be the responsibility of the employer to obtain these specific holiday dates to ensure exclusion of these weeks from their AVR survey week. Additionally, the employer may not survey on any week in which a religious or other holiday not listed above is observed by the employer, resulting in closing the place of employment for one day or more in observance of said holiday.

- X. **Independent Contractor.** A person who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll. An Independent Contractor providing services to an employer for a consecutive period of more than six months shall count as an employee of the employer and shall be counted in the AVR. The Independent Contractor shall also be considered an employee when figuring the employer annual transportation fee.
- Y. **Low-Income Employee.** An individual whose salary is equal to or less than the current individual income level set in California Code of Regulations, Title 25, Section 6932, as lower income for Los Angeles County. Higher income employees may be considered to be "low-income" if the employee demonstrates that the plan disincentive would create a substantial economic burden.

- Z. **Monitoring.** The techniques used to assess progress towards complying with the transportation management plan.
- AA. **Multi-Site Employer.** Any employer which has more than one worksite within the City of Santa Monica, or more than one worksite in the South Coast Air Basin with one or more of those sites located in the City of Santa Monica.
- BB. **Multi-Tenant Worksite.** A structure, or group of structures, on one worksite where more than one employer conducts a business.
- CC. **Non-Commuting AVR Credit.** This credit applies to employees who arrive at the worksite during the window for calculating AVR and remain at the worksite or out of the SCAQMD jurisdiction for a full 24 hour period or more to complete work assignments.
- DD. **On-Site Coordinator.** An employee who serves as on-site coordinator at a worksite served by a consultant ETC or for an employer with more than one worksite located in the City of Santa Monica and has knowledge of the employer's ERP and marketing. On-Site Coordinators for employers with more than two hundred fifty employees must attend a one-time SCAQMD certified training course. The On-Site Coordinator is limited to program implementation rather than program development.
- EE. **Parking Cash Out.** Health and Safety Section 43845 that requires employers with fifty or more employees who lease their parking and subsidize all or part of that parking to implement a parking cash-out program. Employers who fall under the purview of parking cash out must offer their employees the option to give up their parking spaces and receive a cash subsidy in an amount equal to the cost of the parking space. Employers who are subject to parking cash out requirements must implement a parking cash out plan. Employers who do not implement a parking cash out plan will have their emission reduction plans disapproved.
- FF. **Part-Time Employee.** Any employee who reports to a worksite on a part-time basis fewer than thirty-two hours per week but more than four hours per week. These employees shall be included in the AVR calculations of the employer provided the employees report to or leave the worksite during the AVR window.
- GG. **Peak Period.** In the morning, the peak period includes the hours from six a.m. to ten a.m. In the evening, the peak period includes the hours from three p.m. to seven p.m.
- HH. **Peak Period Trip.** An employee's commute trip that begins or ends at the worksite or a work related trip within the peak period.
- II. **Performance Target Zone.** A geographic area that determines the minimum employee emission reduction factor for a particular worksite determined by the SCAQMD. Santa Monica is located in SCAQMD Zone 2.
- JJ. **Planning Director.** The Director of Planning and Community Development of the City of Santa Monica or his/her designee.
- KK. **Project Commute Survey.** A survey of all tenant employees of a project site to determine property-wide AVR as part of the annual monitoring report on a Developer TDM Plan.
- LL. **Project Transportation Coordinator (PTC).** The designated person, with appropriate training as required by the City, who is responsible for the development, administration, implementation, and monitoring of the Developer TDM Plan. The PTC must be at the project site during normal business hours when the majority of employees are at the project unless alternative arrangements have been made pursuant to Section 9.53.150. PTCs shall participate in City-sponsored workshops and roundtables.

- MM. **Property Owner.** Any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.
- NN. **Ridesharing.** Any mode of transportation other than a single occupancy vehicle that transports one or more persons to a worksite.
- OO. **Seasonal Employee.** Any person who is employed for less than a continuous 90-day period.
- PP. **Single Occupancy Vehicle.** A privately operated motor vehicle whose only occupant is the driver, including for hire vehicles with one passenger.
- QQ. **South Coast Air Quality Management District (SCAQMD).** The air quality control agency that monitors and enforces air quality regulations in Orange County and non-desert portions of Los Angeles, Riverside and San Bernardino Counties.
- RR. **Student Worker.** A student who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for ordinance applicability and if they report to or leave work during the AVR Window(s) are counted for AVR calculation. Student workers are Employees within the meaning of this Chapter.
- SS. **Telecommuting.** Any employee(s) working at home, off-site, or at a telecommuting center for a full work day, eliminating the trip to work or reducing travel distance by more than fifty percent.
- TT. **Temporary Employee.** Any person employed by an employment service or a “leased” employee that reports to a worksite other than the employment service’s worksite, under a contractual arrangement with a temporary employer. Temporary employees are counted as employees of the employment service for purposes of calculating AVR. Temporary employees reporting to the worksite of a temporary employer for a consecutive period of more than six months shall count as an employee of the temporary employer and shall be counted in the AVR. The temporary employee shall also be considered an employee when figuring the employer annual transportation fee.
- UU. **Training Provider.** A person, firm, business, educational institution, nonprofit agency or corporation or other entity which meets the requirements of and is certified by the South Coast Air Quality Management District and the City of Santa Monica to provide training, as required by this Chapter, to Employee Transportation Coordinators (ETC)s.
- VV. **Transit.** A shared passenger transportation service which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without a private arrangement. Transit includes buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.
- WW. **Transportation Allowance.** A financial incentive offered to employees instead of a parking subsidy to provide employees flexibility in mode choice. Employees are typically required to execute an agreement that they do not commute in a single-occupant vehicle in order to be eligible to receive the benefit.
- XX. **Transportation Demand Management (TDM).** The implementation of strategies that will encourage individuals to either change their mode of travel to other than a single occupancy vehicle, reduce trip length, eliminate the trip altogether, or commute at other than peak periods.
- YY. **Transportation Facility Development (TFD).** Construction of capital improvements to a transportation or transit system and/or installation of related operating equipment.

- ZZ. **Transportation Management Organization (TMO).** Transportation Management Organizations (TMOs) are City-certified organizations that provide transportation services in a particular area or citywide. They are generally public-private partnerships, consisting primarily of area businesses with local government support. TMOs provide an institutional framework for TDM programs and services.
- AAA. **Transportation System Management (TSM).** Strategies designed to improve traffic flow through modifications in, or coordination of, the operation of existing facilities.
- BBB. **Trip Reduction.** The reduction in single occupant vehicle trips by private or public sector programs used during peak periods of commuting.
- CCC. **Vanpool.** A van or similar motor vehicle in which seven to fifteen persons commute to and from the worksite for the majority (at least fifty-one percent) of the commute trip.
- DDD. **Vehicle.** Any passenger car or truck, including Zero Emission Vehicles (ZEVs), used for commute purposes including any motorized two-wheeled vehicle. Vehicles shall not include bicycles, transit services, buses serving multiple worksites, or vehicles that stop only to load or unload passengers or materials at a worksite while on route to other worksites.
- EEE. **Vehicle Trip.** The means of transportation used for the greatest distance of an employee's commute to or from work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:

Single-occupant vehicle = 1

Carpool = 1 divided by the number of people in the carpool

Vanpool = 1 divided by the number of people in the van

Motorcycle, moped, motorized scooter, motorbike = 1 divided by the number of people on the vehicle

Zero Emission Vehicle = 0*

(*Zero Emission Vehicle = 1 for Developer TDM Plans. See Section 9.53.140)

Public transit = 0

Bicycle = 0

Walking and other non-motorized transportation modes = 0

Non-commuting = 0

Telecommuting = 0 on days employee is telecommuting for the entire day

Compressed Work Week = 0 on employee's compressed day(s) off

- FFF. **Volunteer.** Any person at a worksite who, of their own free will, provides goods or services, without any financial gain.
- GGG. **Workplace or Worksite.** A building, part of a building, or grouping of buildings located within the City which are in actual physical contact or separated solely by a private or public roadway, and are

owned or operated by the same employer. Structures that are located more than one-half mile away from each other must have a certified ETC or on-site coordinator at each site.

HHH. **Worksite Transportation Plan (WTP).** A plan for implementation of marketing strategies designed to provide employees with information about alternative commute options.

III. **Zero Emission Vehicle (ZEV).** A motor vehicle, as certified by the California Air Resources Board (CARB), which emits no tailpipe pollutants. Employees arriving to work in a Plug-In Hybrid Electric Vehicle (PHEV) meet the definition of a zero emission vehicle provided that the entire trip to work is made exclusively under electric power. This applies to plug-in vehicles with all electric range that can travel exclusively under electric power without use of the gasoline engine or cogeneration system.

9.53.030 Applicability

This Chapter shall apply to Employers and Developers as defined above. The City shall not be exempt from the requirements of this Chapter. In accordance with the Memorandum of Understanding between the City and the SCAQMD, government agencies located in Santa Monica shall be exempt from this Chapter.

9.53.040 AVR Targets

Prior to January 1, 2016, Employers shall strive to achieve and Developers shall achieve an AVR of 1.5. On and after January 1, 2016, Employers shall strive to achieve and Developers shall achieve the applicable AVR Targets in this Chapter. This Section shall not apply to residential units but shall apply to non-residential components of mixed-use projects. For non-residential uses in residential designations not represented in this Chapter, all Employers shall achieve the lowest AVR Targets established by this Chapter unless located in a land use designation with a higher AVR Target.

Table 9.53.040: AVR Targets by District

LAND USE DESIGNATION	EMPLOYER AND DEVELOPER AVR TARGET
Mixed Use Boulevard: northside of Wilshire Boulevard from Lincoln Boulevard to eastern City Limits, and southside of Wilshire Boulevard from Lincoln Court to eastern City Limits	1.75
Mixed Use Boulevard: 4 th Street from Olympic Drive to Pico Boulevard and area bounded by Cloverfield Boulevard, Olympic Boulevard, 20 th Street and Colorado Avenue	2.0
Mixed Use Boulevard: Wilshire Boulevard from 2 nd Court to 7 th Street, and Lincoln Boulevard from Wilshire Boulevard to Olympic Boulevard	2.2
Mixed Use Boulevard Low: Pico Boulevard from Main Court to Centinela Avenue, Lincoln Boulevard from Santa Monica Freeway to Bay Street, Main Street from Pico Boulevard to southern City Limits	1.75
Mixed Use Boulevard Low: Santa Monica Boulevard from 23 rd Street to Centinela Avenue, Broadway from Lincoln Court to 26 th Street, Colorado Avenue from Lincoln Court to Cloverfield Boulevard, Olympic Boulevard from Euclid Court to 17 th Street	2.0
Bergamot Transit Village; Mixed Use Creative; Conservation: Art Center; Conservation: Creative Sector	2.0

LAND USE DESIGNATION	EMPLOYER AND DEVELOPER AVR TARGET
Downtown Core	2.2
General Commercial: Pico Boulevard from Lincoln Boulevard to 11 th Street, Lincoln Boulevard from Santa Monica Freeway to Bay Street	1.75
General Commercial: Santa Monica Boulevard from Lincoln Court to 20 th Street	2.0
Industrial Conservation: Euclid Court to Stewart Street	2.0
Neighborhood Commercial: Pico Boulevard from Main Court to Centinela Avenue	1.75
Neighborhood Commercial: Olympic Boulevard from 14 th Street to 16 th Street	2.0
Office Campus: south of Ocean Park Boulevard	1.75
Office Campus: east of Cloverfield Boulevard, north of Olympic Boulevard	2.0
Oceanfront District, north of Santa Monica Pier	1.75
Ocean Front District, Santa Monica Pier and south	2.0
Healthcare Mixed Use	2.0
Institutional/Public Lands: bounded by Pico Boulevard, 20 th Street, Pearl Street and 16 th Street	1.75
Institutional/Public Lands: bounded by Santa Monica Freeway, Lincoln Boulevard, Pico Boulevard and Ocean Avenue	2.2
Institutional/Public Lands: other than specified above	1.6
All remaining districts	1.6

9.53.050 Employer Transportation Fee

- A. **Employer Annual Transportation Fee.** There shall be an employer annual transportation fee. All employer annual transportation fees collected pursuant to this Chapter shall be deposited in an account separate from the General Fund. The purpose of the employer annual transportation fee is to pay for the costs of administration, including TDM outreach and support and City TMO formation activities, implementation, investigation, inspection, audit, and enforcement of this Chapter.
1. Employers filing Emission Reduction Plans (ERPs) or Worksite Transportation Plans (WTPs) shall pay an annual transportation fee calculated using the following formula: Fee = (number of employees) x (employee cost factor). The employee cost factor shall be established by resolution of the City Council and amended each July according to the Consumer Price Index or COLA, whichever is higher or by the resolution of the City Council.
 2. For purposes of calculating an employer's annual transportation fee, the definition of employee shall include full-time and part-time employees. For purposes of calculating an employer's annual transportation fee, the definition of an employee working at a worksite for an average of six months or more shall be used.
 3. Employers shall be notified of the employer annual transportation fee when they receive written notice to submit an ERP or WTP in accordance with this Chapter. Employer annual transportation fees shall be due and paid in full with the submittal of the ERP or WTP. The

City shall provide written notice of payment required by this subsection at least ninety calendar days prior to the due date.

4. Once the employer annual transportation fee required pursuant to this Chapter has been paid, there shall be no refunds.
5. Employers of fifty or more employees, or thirty or more employees on and after January 1, 2016, who implement an employee trip reduction plan and demonstrate attainment of the applicable AVR Target shall receive the following reductions in their employer annual transportation fees:
 - a. Attainment of the applicable AVR Target for one year shall result in a forty percent reduction of employer annual transportation fees.
 - b. Attainment of the applicable AVR Target for two consecutive years shall result in a fifty percent reduction of employer annual transportation fees.
 - c. Attainment of the applicable AVR Target for a period of three or more consecutive years shall result in a sixty percent reduction of employer annual transportation fees.
6. Employers of fifty or more employees who join a TMO certified by the City, through the procedures specified in this Chapter, shall receive a twenty-five percent reduction in the annual employer transportation fee. This reduction shall be in addition to any fee reduction the employer is awarded for attainment of the applicable AVR Target. Fees charged by the TMO to employers for its operation and administrative costs shall be separate from the City's employer transportation fee. On and after January 1, 2016, this fee discount shall apply to employers of 30 or more employees who join a TMO certified by the City through the procedures specified in this Chapter.

9.53.060 Contents of Emission Reduction Plans

- A. Employers of fifty or more employees are required to submit to the City, within ninety calendar days of written notification, an Emission Reduction Plan (ERP) designed to reduce emissions related to employee commute trips and to meet specific emissions reduction targets specified for the subsequent year. The annual Emission Reduction Target (ERT) shall be the equivalent of the highest AVR Target in the City and shall be determined according to the SCAQMD's equation for VOC NOx and CO, based on employee emission reduction factors specified in Chapter V of the SCAQMD Rule 2202 Implementation Guidelines. Any employer subject to Health and Safety Section 43845 shall implement a parking cash out program. Failure to do so will result in the disapproval of an employer's ERP. On and after January 1, 2016, all employers of 30 or more employees shall be required to submit an emission reduction plan to the City annually.

[Emission Reduction Target] = [Employees x Employee Emission Reduction Factor]

For purposes of this calculation:

Employee = Average daily number of employees reporting to work in the AVR window for a typical five day work period which does not include those days defined as holidays.

Employee emission reduction factor = Determined by the year of the plan submittal as defined in Chapter V of the SCQAMD Rule 2202 Implementation Guidelines.

Vehicle trip emission credits = Determined according to Chapter V of the SCQAMD Rule 2202 Implementation Guidelines. The employer's emission reductions can be further reduced through generation of Vehicle Trip Emission Credits (VTECs) from the implementation of optional trip reduction strategies. These VTECs, obtained through peak and off-peak commute trip reductions and other work-related reductions can be applied towards meeting an employer's Emission Reduction Target (ERT). Credit for any program must go beyond the requirements of existing State and Federal programs to avoid "double counting" the emission reductions. All emission credits are valid according to the conditions, guidelines or regulations under which they were originally issued.

1. Each employer shall choose one or more of the following options in implementing their Emissions Reduction Plan:
 - a. Purchase of Mobile Source Emission Reduction Credits (MSERCs).
 - b. Employee Trip Reduction Plan.

B. Options For Implementing Emissions Reduction Plan

1. **Mobile Source Emission Reduction Credits (MSERCs).** In order to meet their Emission Reduction Target, any employer required to submit an ERP may purchase MSERCs from a vendor based on emission reduction factors as determined by Section 9.53.060(H). A list of credit vendors can be found on the SCAQMD's website.
 - a. An annual plan indicating the amount of credits purchased and the amount of emissions reduced must be submitted to the City each year.
 - b. MSERCs must be transferred to the City MSERC account no later than one hundred eighty calendar days after the approval of the ERP by the City.
2. **Employee Trip Reduction Plan.** Employers who choose this option shall prepare, implement and monitor Employee Trip Reduction Plans (ETRP) for transportation demand management, transportation system management and transportation facility development which will be reasonably likely to result in the attainment of the applicable AVR Target in this Chapter. The ETRP shall be submitted in a form approved by the City and shall be reviewed and approved by the Planning Director before it is effective.
 - a. The ETRP shall include strategies designed to encourage employees to rideshare during the morning and evening AVR windows and shall be made available to all employees upon hire and every year thereafter along with the employer's most recent ETRP annual report.
 - b. The ETRP shall consist of a report that:
 - i. Calculates and documents AVR levels for morning and evening peak periods;
 - ii. Lists plan incentives and a schedule for their implementation, including a mandatory guaranteed ride home program which provides an employee who rideshares a ride home in the event of an emergency or unplanned overtime with no cost to the employee;
 - iii. Determines a marketing strategy for the plan year, including mandatory new hire orientation which informs employees of the employer's ERP strategies at the time of hire, or new employee orientation;

- iv. Determines the use of worksite parking facilities to achieve rideshare and transit objectives (i.e., number of reserved spaces for carpools, vanpool, etc.);
 - v. Lists the bicycle paths, routes, and facilities within one-half mile of the worksite;
 - vi. Lists the public transit services within one half mile of the worksite;
 - vii. Provides a general description of the type of business;
 - viii. Includes a sample of the employee AVR survey, or other mechanism approved by the City. This survey must not be more than six months old. For employers with two hundred fifty or more employees, the survey must conform with SCAQMD requirements. The survey must be taken over five consecutive days during which the majority of employees are scheduled to arrive at or leave the worksite. The survey week cannot contain a holiday and cannot occur during “Rideshare Week” or other “event” weeks (i.e., Bicycle Week, Walk to Work Week, Transit Week, etc.). This survey must have a minimum response rate of seventy-five percent of employees who report to or leave work between six a.m. and ten a.m., inclusive, and seventy five percent response rate for employees who report to or leave work between three p.m. and seven p.m., inclusive. Employers that achieve a 90% or better survey response rate for the a.m. or p.m. window may count the “no survey responses” as “other” when calculating their AVR. Employers that receive a survey response rate between 75% and 89% shall calculate the “no survey response” as “drive alone” when calculating their AVR;
 - ix. Provides the contact information including name, e-mail address and proof of certification of the employee transportation coordinator who is responsible for implementation and monitoring of the plan;
 - x. Provides the contact information including name and e-mail address of the on-site coordinator (if different from the ETC) for each site who is responsible for implementation and monitoring of the plan;
 - xi. Identifies the objectives of the plan and provides an explanation of why the plan is likely to achieve the applicable AVR target;
 - xii. Includes a parking cash out plan if required by Health & Safety Code 43845;
 - xiii. Includes a management commitment cover letter signed by the highest ranking official on site, or the executive responsible for allocating the resources necessary to implement the plan. This letter shall include a commitment to fully implement the program and state that all data is accurate to the best of the employer’s knowledge.
- c. The ETRP shall be updated every twelve months with an annual report submitted on the anniversary date of the initial plan approval date. The annual ETRP shall include the following:

- i. AVR calculations and documentation for the plan year;
 - ii. Lists plan strategies, changes to plan strategies, and a schedule for their implementation, including a mandatory guaranteed ride home program which provides an employee who rideshares a ride home in the event of an emergency or unplanned overtime with no cost to the employee;
 - iii. Determines a marketing strategy, indicating changes from the previous plan year, and includes mandatory new hire orientation which informs employees of the employer's emission reduction plan strategies at the time of hire, or new employee orientation;
 - iv. Determines the use of worksite parking facilities to achieve rideshare and transit objectives (i.e., number of reserved spaces for carpools and vanpool, etc.);
 - v. Lists the bicycle paths, routes, and facilities within one-half mile of the worksite;
 - vi. Lists public transit services within one-half mile of the worksite;
 - vii. Provides a general description of the type of business;
 - viii. Includes a sample of the employee survey for the plan year as described in subdivision (2)(b)(viii) of this subsection (B);
 - ix. Provides the contact information including name, e-mail address and proof of certification of the employee transportation coordinator who is responsible for the preparation, implementation and monitoring of the plan;
 - x. Provides the contact information including name and e-mail address of the on-site coordinator (if different from the ETC) for each site who is responsible for the implementation and monitoring of the plan;
 - xi. Identifies the objectives of the plan and provides an explanation of why the plan is likely to achieve the applicable AVR target;
 - xii. Includes a parking cash out plan if required by Health and Safety Code Section 43485;
 - xiii. Includes a management commitment letter as defined in subdivision (2)(b)(xiii) of this subsection (C); and
 - xiv. Includes updates and revisions to the ETRP as the Planning Director deems appropriate, if the annual report indicates that the goals of the previously approved ETRP have not been met.
- d. The procedure for calculating AVR at a worksite shall be as follows:
- i. The AVR calculation shall be based on data obtained from an employee survey as defined in subdivision (2)(b)(viii) of this subsection (B).
 - ii. AVR shall be calculated by dividing the number of employees who report to or leave the worksite by the number of vehicles arriving at or leaving the worksite during the peak periods. If an employee uses more than one commute mode per trip, the mode that is used for the majority of the trip shall be the mode that is used in calculating the number of vehicles. All

- employees who report to or leave the worksite that are not accounted for by the employee survey shall be calculated as one employee per vehicle arriving at or leaving the worksite. Employees walking, bicycling, telecommuting, using public transit, arriving at the worksite in a zero-emission vehicle, or on their day off under a recognized compressed work week schedule shall be counted as arriving at or leaving the worksite without vehicles. Motorcycles shall be counted as vehicles. AVR survey reporting errors resulting from missing or incorrect information must be calculated as one employee per vehicle arriving at the worksite. Reporting errors that do not include the time when an employee arrives at or leaves the worksite must be assumed to occur in the peak period.
- iii. A child or student may be calculated for the AVR as an additional passenger in the carpool/vanpool if the child or student travels in the car/van to a worksite or school/childcare facility for the majority (at least fifty one percent) of the total commute.
 - iv. If two or more employees from different employers commute in the same vehicle, each employer must account for a proportional share of the vehicle consistent with the number of employees that employer has in the vehicle.
 - v. Any employee dropped off at a worksite shall count as arriving in a carpool only if the driver of the carpool is continuing on to the driver's worksite.
 - vi. Any employee telecommuting at home, off-site, or at a telecommuting center for a full work day, eliminating the trip to work or reducing the total distance by at least fifty-one percent shall be calculated as if the employee arrived at the worksite in no vehicle.
 - vii. Zero emission vehicles (electric vehicles) shall be counted as zero vehicles arriving at the worksite.
- e. Employers must keep detailed records of the documents which verify the average vehicle ridership calculation for a period of three years from plan approval date. Records which verify strategies in the ETRP have been marketed and implemented shall be kept for a period of at least three years from plan approval date. Approved ERPs must be kept at the worksite for a period of at least five years from plan approval date. For employers who implement their plans using a centralized rideshare service center, records and documents may be kept at a centralized location. Failure to maintain records or falsification of records will be deemed a violation of this Chapter.
- f. **AVR Performance Requirement for Employers Submitting an ETRP.** Employers who submit an ETRP to the City that does not meet the applicable AVR Target for the a.m. and p.m. peak period must implement a Good Faith Effort Plan in accordance with the following requirements:
- i. Employers shall maintain all currently approved good faith plan strategies during the plan compliance year until a new ETRP is approved.

- ii. Deletion or substitution of any plan strategies is not allowed unless approved by the Planning Director in writing.
 - iii. Unless otherwise stated, strategies must be implemented in such a way that they are reasonably likely to improve AVR. Employers must continue to demonstrate a good faith effort towards achieving the applicable AVR target for the peak period. If a worksite AVR decreases or does not improve from the previously submitted plan, the selection of strategies must be modified, and the number of strategies increased.
- g. **Good Faith Effort Determination Elements.** Employers submitting an ETRP who do not attain their applicable AVR Targets in the a.m. and p.m. peak periods shall comply with the following requirements:
- i. Employers must implement at least five of the following marketing strategies:
 - (1) Attendance at a City-approved marketing class, at least annually.
 - (2) Direct communication by the highest ranking official at the site, at least annually.
 - (3) Employer newsletter (hard copy or electronic) with rideshare content distributed at least quarterly.
 - (4) Flyers, announcements, memos or e-mails sent to employees at least quarterly.
 - (5) Company recognition of ridesharing at least annually.
 - (6) Employer rideshare events, at least annually.
 - (7) Rideshare bulletin board, kiosk, electronic exchange center, or information center, updated at least quarterly.
 - (8) New hire orientation (mandatory)
 - (9) Rideshare meetings or focus groups, at least semi-annually.
 - (10) Rideshare website, updated at least quarterly.
 - (11) Other marketing strategies that have been approved by the Planning Director and the SCAQMD as appropriate.
 - ii. Employers must implement at least five of the following basic support strategies:
 - (1) Commuter Choice Program.
 - (2) Flex time schedule.
 - (3) Guaranteed Ride Home Program (mandatory).
 - (4) Personalized commute assistance.
 - (5) Transit Information Center, updated at least quarterly.
 - (6) Free introductory transit pass.
 - (7) Preferential parking for carpools and vanpools.
 - (8) Ride matching, at least annually.

- (9) Other basic support strategies that have been approved by the Director and the SCAQMD as appropriate.
- iii. Employers must implement at least five of the following direct strategies:
- (1) Auto services (minimum dollar amount per employee per year will be indicated in ETRP forms).
 - (2) Bicycle program.
 - (3) Vanpool program.
 - (4) Compressed work week schedule.
 - (5) Employee clean vehicle purchase program.
 - (6) Off peak rideshare program.
 - (7) Telecommuting.
 - (8) Discounted or free meals (minimum dollar amount per employee per year will be indicated in ETRP forms).
 - (9) Direct financial incentives.
 - (10) Gift certificates (minimum dollar amount per employee per year will be indicated in ETRP forms).
 - (11) Parking charge or transportation allowance.
 - (12) Parking cash out program.
 - (13) Off-peak trip reduction program.
 - (14) Points program.
 - (15) Prize drawings, at least quarterly.
 - (16) Start-up incentive.
 - (17) Time off with pay.
 - (18) Transit subsidy.
 - (19) Other direct strategy programs that have been approved by the Planning Director and the SCAQMD.
- C. **Employer Clean Fleet Vehicle Purchase/Lease Program.** Employers of two hundred fifty employees or more at a worksite who utilize fleet vehicles for operations in the SCAQMD jurisdiction shall agree to acquire fleet vehicles that have emissions that are equivalent to or better than super low emission vehicle (SULEV) medium-duty trucks, ultra-low emission vehicle (ULEV) passenger cars or, ULEV light-duty trucks which meet CARB guidelines. Employers shall submit an employer clean fleet plan by completing the form provided by the City and submit it with their ERP if the employer operates fleet vehicles. SCAQMD Rule 1191 vehicle definitions are applicable for purposes of this strategy. Acquired fleet vehicles can include vehicles that have been purchased, leased for a term exceeding four consecutive months, or donated, either new or used. For the purposes of this provision, fleet is defined as four or more vehicles and a vehicle lease is for a term exceeding four consecutive months. The provisions of this strategy shall not apply to the following:

1. Emergency or rescue vehicles operated by local, state and federal law enforcement agencies, police and sheriff's department, fire department, hospital, medical or paramedic facilities, and used for responding to situations where potential threats to life or property exist, including but not limited to fire, ambulance calls, or life-saving calls as defined in Section 165 of the California Vehicle Code and are equipped with emergency lights and sirens.
2. Vehicles used by law enforcement agencies for undercover operations.
3. Heavy-duty on-road vehicles.
4. Employer fleets consisting of evaluation or test vehicles provided or operated by vehicle manufacturers for testing or evaluations, exclusively.
5. Specialized vehicles that incorporate specially designed safety and security features for the protection of employees during transit.
6. Non-passenger military vehicles.
7. Donated vehicles for the first 180 days of inclusion in the employer's fleet. At the end of 180 days employers may include the vehicle into their fleet only if it meets the emission standard requirement of this Chapter; or
8. If no comparable vehicles are available to address any performance requirements, the Planning Director, with approval of the SCAQMD, may approve use, on a case-by-case basis of non-SULEV or better vehicles.
9. Employers currently subject to SCAQMD Rule 1191 shall be deemed in compliance with this provision.

D. **Mobile Source Diesel PM/NOx Emission Minimization.** Employers of two hundred fifty employees or more shall submit a diesel PM/NOx emission minimization plan form provided by the City with their ERP if the annual plan submittal includes 1,000 or more a.m. peak period employees and the employer owns or operates mobile diesel equipment that operates exclusively and is located more than twelve consecutive months at that worksite. For multi-site employers this provision applies only to those individual sites with 1,000 or more employees in the a.m. peak period. Examples of on-site mobile sources include, but are not limited to, riding lawn mowers, yard hostlers, forklifts, or man-lifts. When implementing this strategy, the following requirements apply:

1. The employer shall submit a triennial diesel emission audit report that includes, at a minimum, an inventory of mobile diesel equipment, fuel usage, and use of control technologies, if any (e.g. clean fuels, engine modification, and after-treatment equipment). The triennial report is due the same time as the employer's ERP.
2. The employer shall implement technically feasible control strategies as identified in the plan approved by the Planning Director and the SCAQMD, provided the sum of the annualized capital costs and the annual operating and maintenance costs do not exceed the cost per number of a.m. peak period employees, according to the following schedule:

Mobile Source Diesel Emission Minimization Plan Maximum Cost per Worksite

Number of a.m. Peak period Employees	Maximum Cost
1,000-1,499	\$9,000
1,500-1,999	\$13,400

2,000-2,499	\$17,900
2,500-2,999	\$22,400
3,000-3,499	\$26,900
3,500-3,999	\$31,400
4,000-4,499	\$35,800
4,500-4,999	\$40,300
5,000-5,499	\$44,800
5,500-5,999	\$49,300
6,000-6,499	\$53,800
6,500-6,999	\$58,200
7,000-7,499	\$62,700
7,500-7,999	\$67,200
8,000-8,499	\$71,700
8,500-8,999	\$76,200
9,000-9,499	\$80,700
9,500-9,999	\$85,100
10,000 and up	\$89,600

- a. City staff will assist employers in submitting their Mobile Source Diesel Emission Minimization Plan to the SCAQMD for approval. Feasible minimization strategies shall be identified as conditions in the approved plan. Employers shall implement the plan expeditiously, but not later than two years from the date of the Diesel Emission Minimization Plan's approval.
- b. In conducting the cost analysis, the following methodology will be followed: The cost of a diesel emission control technology consists of capital costs and/or annual operating and maintenance costs. Capital costs will be annualized over the equipment life or a ten year default life may be applied with a 4% real interest rate. Capital costs are one-time costs; examples include the price of control equipment, engineering designs and installations, if applicable. Operating and maintenance costs are annual reoccurring costs and include expenditures on utilities, labor and material costs associated with control equipment operation.

- i. The cost analysis is calculated according to the following equation:

$$\text{Annualized Project Cost} = (\text{Capital Cost} * \text{CRF}) + \text{O\&M}$$

Where:

Capital Cost = One-time cost of equipment, design and installation

CRF = Capital Recovery Factor. For a 10 year default life with a 4% real interest rate the CRF is 0.123

O & M = Operation and maintenance costs for one year

- ii. Typical capital costs and operating and maintenance costs for off-road emission control strategies are listed below:

CAPITAL COSTS	O & M COSTS
Purchased Equipment Device/Cost	Fuel Costs
New Off Road Vehicle	Labor Costs for Maintenance
New Diesel Engines	Maintenance Materials
Alternative Fueling Stations	Replacement Plan
Diesel Particulate Filters	Any Savings
Engine Catalysts	
Direct & Indirect Installation Costs	
Engineering/Design	
Construction	

Only the incremental costs between new and existing equipment/devices should be accounted for.

- c. Employers may appeal the conditions of diesel minimization plan in writing first to the City and then to the SCAQMD Hearing Board pursuant to SCAQMD Rule 216-Appeals.
- d. Approval of the diesel minimization plan shall be subject to provisions of SCAQMD Rule 221-Plans

E. **MSERCs Minimum Requirements.** Employers implementing Mobile Source Emission Reduction Credits as defined in this Chapter must meet the minimum plan requirements:

- 1. **AVR Survey.** Conduct an AVR survey in accordance with the requirements of this Chapter
 - a. Employers must survey employees in both the a.m. and p.m. peak periods.

2. If the Director determines that the ERP marketing strategy is not effective, the City may require the employer to submit quarterly progress reports that demonstrate the effectiveness of such strategies.
 3. If it is necessary for an employer to amend an ERP before the plan can be approved, the employer shall have fifteen business days from the date of written notice in which to submit amendments to the Planning Director. Employers failing to submit the amendments shall have their ERP disapproved.
 4. An ERP will be disapproved if the program demonstrates a disproportionate impact on minorities, women, low-income or disabled employees.
 5. If a final determination that an element of an approved ERP violates any provision of the law issued by any agency or court with jurisdiction to make such determinations, then the employer shall, within forty-five calendar days, submit a proposed plan revision to the Director which shall be designed to achieve an AVR equivalent to the previously approved plan.
- H. **Employee Transportation Coordinators.** Employers of fifty or more employees, or thirty or more employees on and after January 1, 2016, shall designate a certified employee transportation coordinator (ETC) or an ETC and an on-site coordinator for each worksite included in the emission reduction plan.
1. An employer may elect to use a consultant ETC or TMO certified in accordance with this Chapter in lieu of an ETC; provided the consultant ETC or the TMO staff have received certified training and the site maintains an on-site coordinator.
 2. If the absence of a certified ETC, consultant ETC, or on-site coordinator exceeds eight consecutive weeks, a substitute ETC or on-site coordinator at the same level must be designated and trained. Written notice of such a change must be submitted to the Planning Director with proof of training no later than twelve weeks after the beginning of the absence.
 3. ETCs are not required to attend yearly update training.
- I. **Emission Reduction Factors.** The employee emission reduction factors (pounds per employee per year) used in calculations pursuant to this ordinance and SCAQMD Rule 2202 are specified in Rule 2202-On-Road Motor Vehicle Mitigation Options Implementation Guidelines and shall be used in calculations pursuant to this rule. The employee emission factors shall be revised upon EPA's final approval for use of the California Air Resources Board (CARB) approved on-road mobile source emission factor (EMFAC) model.

9.53.070 Contents of Worksite Transportation Plans

- A. All employers of ten to forty-nine employees shall be required to attend a City-sponsored training seminar upon written notification in accordance with Section 9.53.080 and submit a Worksite Transportation Plan (WTP) to the City in accordance with the procedures set forth in this Chapter. On and after January 1, 2016 this requirement shall apply to employers of 10-29 employees. The plan shall include at a minimum:
1. Worksite location.
 2. The contact information including name and title and e-mail address of the highest ranking official at the site.

3. The contact information including name , e-mail address and phone number of the designated on-site contact who has attended a City-sponsored training program and is responsible for the implementation of the WTP.
 4. The number of employees at the site.
 5. Description of the type of business.
 6. Description of any on-site amenities.
 7. Location of the kiosk or bulletin board and a description of the information displayed.
 8. Lists of the public transit services within one-half mile of the worksite.
 9. Lists of the bicycle paths, routes, and facilities within one-half mile of the worksite.
 10. Management commitment letter signed by the highest ranking official at the site.
 11. A Customer Incentive Plan that provides clients and visitors with information about how to access the site using green commute modes such as transit, walking, and biking. This information shall be placed in the lobby, reception area, cash register area and on the employer's website and shall include, but not be limited to: bus and transit routes within one-half mile of the site, bicycle parking and bicycle facilities within one-half mile of the site, optional incentives to encourage customers to use green commute modes (discounts, drawings, etc).
- B. Employers of ten to forty-nine employees shall make, at a minimum, the following information available to each employee. On and after January 1, 2016 this requirement shall apply to employers of 10-29 employees:
1. Carpooling/vanpooling information including information about the services provided by the regional ridesharing agency and their phone number and website address.
 2. Transit schedules and fare media purchase information.
 3. Information on air pollution and options to driving to work alone.
 4. Bicycle route and facility information, including regional/local bicycle maps. Locations of nearest bicycle racks, or locker storage facilities, and bicycle safety information.
 5. Information on walking to work and pedestrian safety.
 6. Make information available to new employees upon date of hire.
 7. Services provided by certified TMO, where available.
- C. Employers shall submit yearly an updated WTP in accordance with this Section. Employers who fail to submit an initial plan, or updated plan when required, shall be in violation of this Chapter.

9.53.080 Procedures for Submission of Emission Reduction Plans and Worksite Transportation Plans

- A. Any employer who establishes a new worksite in the City of Santa Monica, or whose employee population increases to more than ten, will be required to submit an ERP or WTP to the City of Santa Monica. Employers are required to provide notice to the Planning Director within thirty calendar days of establishing a new worksite, or increasing employee population. The notice shall be

written, and include the employer's name, the business and mailing address, the number of employees reporting to the worksite and the name of the highest ranking official at the worksite. Upon receipt of the notice, the City shall provide written notification to the employer and ninety calendar days thereafter the employer shall submit a plan and shall be subject to all provisions of this Chapter.

B. Any employer who has submitted a plan pursuant to this Chapter and whose employee population falls to fewer than ten employees for a six-month period, calculated as a monthly average, may submit a written request to the Planning Director to be exempt from this Chapter. The employer must submit documentation which demonstrates an employee population of less than ten employees. Such demonstration could be made by payroll records or other appropriate documentation.

C. **Employers with Fifty or More Employees (Thirty or More Employees after 1/1/2016).**

1. All employers with fifty or more employees, located within the City of Santa Monica and subject to this Chapter, shall submit to the City, within ninety calendar days of receipt of written notice to implement an ERP designed to reduce emissions related to employee commutes and to meet a worksite specific Emission Reduction Target (ERT) specifying pounds of emissions per employee for the subsequent year. This emission reduction program shall be in the form of an ERP. On and after January 1, 2016, this requirement will apply to all employers of thirty or more employees.

2. Employers required to submit an ERP shall identify measures in their ERP that will result in attainment of their emission reduction targets through the Emission Reduction Plan specified in this Chapter within ninety calendar days of written notification by the City.

D. **Employers of Ten to Forty-Nine Employees (Ten to Twenty-Nine Employees after 1/1/2016).**

Employers of ten to forty-nine employees are required to submit WTPs as defined in this Chapter within sixty calendar days of written notification by the City. On and after January 1, 2016, this requirement will apply to all employers of ten to twenty-nine employees.

E. **Multi-Site Employers of Two Hundred Fifty or More Employees.**

1. Multi-site employers of two hundred fifty or more employees, with one or more sites located outside the City of Santa Monica, but within the South Coast Air Basin and subject to SCAQMD Rule 2202, have the option of filing a Rule 2202 plan with the SCAQMD, or filing an ERP with the City of Santa Monica. Employers choosing to file a Rule 2202 plan with the SCAQMD will be required to notify the Planning Director in writing no later than fifteen business days prior to the plan due date.

2. Multi-site employers of two hundred fifty or more employees, with worksites owned or leased by the same employer and located wholly within the City of Santa Monica, upon the Planning Director's approval of a written request, may submit a single ERP or WTP encompassing all worksites.

F. All employer ERPs and WTPs shall be consistent with any plans previously submitted by the developer of the property at which the worksite is located, provided however, that where requirements of this Chapter are more stringent, the requirements of this Chapter shall apply.

G. If an employer's ETRP or WTP due date falls on a day City Hall is normally closed (i.e., weekend, holiday, 9/80 Friday off), the employer may submit the ERP or WTP on the first business day after the plan due date.

- H. If an ERP or WTP is mailed to the City, the plan must be postmarked on or before the plan due date. If the plan is postmarked after the plan due date, the plan shall be considered late and the employer shall be charged a penalty of 25% of the total Employer Annual Transportation Fees and forfeit any discount given for attainment of the applicable AVR target in the a.m. and p.m. windows.
- I. After an employer submits a plan, the Planning Director must either approve or disapprove the plan within ninety calendar days for an ERP and within sixty calendar days for a WTP.
 - 1. Written notice of approval or disapproval shall be given. If the plan is disapproved, the reasons for disapproval shall be given in writing to the employer.
 - 2. Once the plan is approved, the employer will have sixty calendar days from the date of approval to implement all aspects of the plan.
 - 3. Any plan disapproved by the Planning Director must be revised by the employer and resubmitted to the Planning Director within thirty calendar days of written notice of disapproval or the employer shall be deemed in violation of this Chapter. The City has ninety calendar days to review the resubmitted plan.
 - 4. Upon receipt of the second disapproval written notice, and until such time as a revised plan is submitted to the Planning Director, the employer is in violation of this Chapter.
- J. An approved ERP or WTP may be revised between plan submittal dates by submitting a plan revision in writing to the Planning Director. The revision shall not be effective until approved by the Planning Director.
- K. Employers who relocate to another worksite within the City of Santa Monica shall notify the City in writing of relocation within thirty calendar days. The City shall notify the employers in writing to submit an updated version of the employee profile and worksite analysis of the ERP or WTP.
- L. No employer of two hundred fifty or more employees shall be responsible for complying with this Chapter if the City and the SCAQMD have an agreement which provides an exception to those employers from the requirements of filing a Rule 2202 plan with the SCAQMD. If at any time he City fails to meet its obligation under the executed agreement, employers of two hundred fifty or more employees in the City shall be released from this Chapter and shall be subject to compliance with the SCAQMD Rule 2202 requirements.

9.53.090 Employer Monitoring and Enforcement

A. Audits.

- 1. **City Audits.** The City shall perform audits on a selective basis. Employers shall receive at least five days written notice of such an audit. An audit may include, but shall not be limited to, an on-site inspection and demonstration that an employer is performing the on-going monitoring required by this Chapter.
- 2. **Compliance Inspection.** Any employer subject to this Chapter is subject to a compliance inspection. This inspection will require access to records that demonstrate implementation and monitoring of the employer's Emission Reduction Plan.

B. Violations of this Chapter.

1. No business license shall be renewed if an employer has not paid the fees required by this Chapter.
2. Failure to submit an initial plan when due, annual report and plan update when due, or mandatory plan revisions when due, or failure to implement provisions of an approved plan as set forth in the plan implementation schedule, failure to keep records, falsification of records, failure to have a certified ETC or designated on-site coordinator on site if required, or failure to submit proper fees in accordance with this Chapter is a violation of this Chapter. Additionally, upon receipt of a second disapproval notice and until such time as a revised plan is approved by the City, the employer shall be deemed in violation of this Chapter.
3. If an employer chooses the employee trip reduction option and complies with all provisions of the approved plan but fails to meet the applicable AVR targets, that is not a violation of this Chapter, however, the City shall require the employer to provide additional incentives and marketing strategies in the ETRP with the goal of increasing the employer's AVR. Failure to obtain an approved updated plan shall be a violation of this Chapter.
4. If an employer chooses any emission reduction option (excluding the employee trip reduction option), the employer must meet the required emission reduction targets for that plan year. Failure to do so will be considered a violation of this Chapter.
5. Each day an employer violates the provisions of this Chapter or the terms and conditions of any approved ERP or WTP shall constitute a separate violation.

C. Enforcement Actions. In addition to any other remedy provided for by law, the City may take the following actions for violations of this Chapter or the terms and conditions of any approved ERP or WTP.

1. Require the addition of elements to a WTP and ERP submitted by an employer.
2. Revoke any approval of an ERP or WTP.
3. Revoke the business license held by any violator.
4. Impose administrative remedies as provided for in Chapter 1.09 or 1.10.
5. Any person violating any provision of this Article of the Municipal Code shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.
6. Any person convicted of violating any provision of this Article shall be ordered to reimburse the City its full investigative costs.
7. Notwithstanding any other provisions of this Chapter regarding penalties for enforcement actions or for violations, for violators with two hundred fifty or more employees, the City, in addition to any other remedies under this Chapter, shall refer the matter to the SCAQMD for appropriate action in accordance with the Memorandum of Understanding executed between the City and the SCAQMD.

9.53.100 Administrative Appeals

- A. Disapproval of an ERP or WTP by the Director's designee, including a revision of such a plan, may be appealed to the Emission Reduction Plan Appeals Board.
- B. An appeal of an action by the Director's designee shall be filed with the City within ten calendar days following the date of the action from which an appeal is taken. If no appeal is timely filed, the action taken by the Director's designee shall be final.
- C. A hearing on an appeal shall be scheduled within sixty calendar days of the date of filing an appeal. Notice of an appeal hearing shall be mailed to the appellant not less than ten calendar days prior to the hearing scheduled before the Director or Hearing Officer.
- D. A written decision on an appeal shall be issued thirty calendar days from the date of the hearing.
- E. An action by the Director's designee that is appealed to the Director or Hearing Officer shall not become effective unless and until approved by the Director or Hearing Officer.
- F. A decision of the Director or Hearing Officer shall be final except for judicial review and there shall be no appeal to the Commission or City Council.

9.53.110 Developer TDM Fee

- A. **Developer Annual TDM Fee.** An annual developer TDM fee shall be required for developers of projects that will result in the construction of:
 - 1. Nonresidential projects: 7,500 square feet or more
 - 2. Residential projects: 16 or more residential units
 - 3. Mixed-use projects: 16 or more residential units with any associated nonresidential floor area or 7,500 sf or more of nonresidential floor area with any number of residential units
- B. Developer TDM fees collected pursuant to this Chapter shall be deposited into an account separate from the General Fund. The purpose of the developer TDM fee is to pay for the cost of administration, including TDM outreach and support and City TMO formation activities, implementation, investigation, inspection, audit, and enforcement of this Chapter. The fee shall be established by resolution of the City Council and amended from time to time and shall be payable prior to issuance of Certificate of Occupancy and annually thereafter.

9.53.120 Procedures for Submission of Developer TDM Plan.

- A. **Preliminary TDM Plan Required.** Developers shall be required to submit a Preliminary Developer TDM Plan meeting the requirements of Section 9.53.130(A), with the exception of subdivisions (3), (4), and (7), at the time of application for the project's planning entitlement.
- B. **Time Limits for Review.** The Planning Director shall provide initial comments to the developer on the Preliminary Developer TDM Plan within thirty calendar days of application submittal.
- C. **Approval Required.** The Planning Director shall approve or disapprove the Preliminary Developer TDM Plan prior to project approval by the Planning Division, Planning Commission, or the City Council, based on the following findings:
 - 1. Inclusion of all applicable components of a Developer TDM Plan in this Chapter.

2. Whether the Developer TDM Plan clearly outlines site-specific strategies.
 3. Likelihood of program measures to achieve applicable AVR Target.
- D. **Notice.** Notice of approval or disapproval shall be given in writing to the developer. Any plan disapproved by the Planning Director must be revised by the developer and resubmitted to the City within thirty calendar days of the notice of disapproval.
- E. **Physical Components.** Prior to issuance of a building permit, physical components of the Plan must be shown on the construction drawings and be approved by the Planning Director.
- F. **Final TDM Plan Required.** Prior to issuance of a Certificate of Occupancy, a Final Developer TDM Plan in accordance with Section 9.53.130 shall be submitted for review and approval by the Planning Director. The Final Developer TDM Plan shall also be recorded against the property to ensure compliance with this Chapter.

9.53.130 Content of Developer TDM Plan

- A. **Developer TDM Plan Format.** The Developer TDM Plan shall result in the Developer achieving the applicable AVR Target in this Chapter and shall include:
1. Project description.
 2. Site conditions that affect commute travel.
 3. Statement of commitment from the Property Owner to:
 - a. Conduct annual surveys in conformance with this Chapter to determine vehicle trip behavior including collection of data on employee means of travel, arrival time, and interest in information on ridesharing opportunities (this shall not be applicable to residential units);
 - b. Monitor Developer TDM Plan; and
 - c. Report annually in a manner required by this Chapter.
 4. Annual Budget to implement Developer TDM Plan.
 5. Duties, responsibilities, and qualifications of a certified PTC.
 6. Developer TDM Plan program measures.
 7. Implementation Strategy that specifies how the Developer TDM Plan will be implemented, monitored, and who will be responsible for submitting annual status reports to the City.
- B. **Physical and Programmatic Elements.** The Developer TDM Plan program measures shall include the following:
1. **Physical Elements.** In addition to all physical facility improvements required by Chapter 9.28 Parking, Loading, and Circulation, the following additional physical elements shall be required to be implemented by the Developer to the satisfaction of the City:
 - a. **On-Site Transportation Information.** On-site transportation information located where the greatest number of employees, visitors, and residents are likely to see it. Such transportation information may be provided in an on-site physical location, such as a bulletin board or kiosk, or through other media, such as on a website or other digital means. Information shall include, but is not limited to, the following:
 - i. Current maps, routes and schedules for public transit routes within one-half mile of the project site.

- ii. Transportation information including regional ridesharing agency, local transit operators, and certified TMO where available.
- iii. Ridesharing promotions material supplied by commuter-oriented organizations.
- iv. Bicycle route and facility information, including rental and sales locations, regional/local bicycle maps, and bicycle safety information within one-half mile of the project site.
- v. A list of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
- vi. Walking and biking maps for employees and visitors, which shall include but not be limited to information about convenient local services and restaurants within walking distance of the project.
- vii. Information to commercial tenants and employees of the project regarding local rental housing agencies.

2. **Programmatic Elements.** Additional programmatic elements shall also be included in the Developer TDM Plan program measures based on the type of development as follows:

- a. **Project Transportation Coordinator.** A designated Project Transportation Coordinator shall manage all aspects of the Developer TDM Plan and participate in City-sponsored workshops and information roundtables. The PTC shall be responsible for making available information materials on options for alternative transportation modes and opportunities particularly programs that involve commuter subsidies such as parking cashout and vanpool subsidies. In addition, transit fare media and day/month passes will be made available through the PTC to employees, visitors, and residents during typical business hours. In the event that the project is sold or transferred, developer shall notify the Planning Director of the new point of contact for the successor and/or new PTC for the project within thirty calendar days of such sale or transfer.
- b. **Nonresidential Projects and Nonresidential Components of Mixed-Use Projects.** Nonresidential projects that result in the addition of 7,500 square feet of floor area or more and the nonresidential portion of mixed-use projects shall provide, at minimum, the following programmatic elements:
 - i. New employee orientation.
 - ii. Parking cashout.
 - iii. Incentives for employees that live within ½ mile of workplace.
 - iv. Information regarding availability of bike commute training offered either on-site or by a 3rd party.
 - v. Free on-site shared bicycles intended for employee use during the work day (e.g. Bike@Work program). This shall be optional if citywide bikeshare is available within a 2-block radius of the project site.

- vi. Commuter matching services for all employees on an annual basis, and for all new employees upon hiring.
- vii. Information regarding benefits of: Compressed Work Schedule, Flex-Time Schedule, Telecommuting, and Guaranteed Ride Home.
- viii. Transportation allowance equal to at least 50% of the current cost of a monthly regional transit pass of the employee's choice (e.g. Big Blue Bus 30-Day Pass, Metro EZ Pass, Metro TAP Pass or equivalent). An employee accepting the Transportation Allowance shall be required to execute a contract agreeing that said employee will not utilize a single occupancy vehicle for the majority (at least 51%)% of their daily commute distance more than five business days per month. The contract shall also specify the employee's alternative commute mode (e.g. transit, bike, walk). The employee must demonstrate compliance as reasonably required by the property owner.
- ix. Customer and visitor incentives for uses with significant numbers of customers and visitors such as retail, food service, hospitality, and medical office:
 - (1) Customer incentive program
 - (2) Public directions prioritizing rideshare modes
 - (3) Special event rideshare services
 - (4) Shared ride service
- x. Any additional measures that would result in the developer achieving the applicable AVR Target.
- xi. Active participation in the formation and ongoing activities of a TMO, if established and includes the project site, attendance at organizational meetings, providing parking and travel demand data to the TMO, and making available information to project tenants relative to the services provided by the TMO.

c. **Residential Projects and Residential Components of Mixed-Use Projects.** Projects that result in the addition of 16 residential units or more and the residential portion of mixed-use projects shall include the following programmatic elements:

- i. **Transportation Welcome Package for Residents.** Provide all new residents of the residential component of the project site with a welcome package on a per-unit basis. The welcome package shall at minimum, include the information required in subdivision (1)(a) of this subsection (B) (Physical Elements - On-Site Transportation Information).
- ii. **Local Preference Marketing Plan.** Prepare and implement a marketing and outreach program for the rental of units that targets (i) employees of businesses located within an one-half mile radius of the project (ii) employees of the local hospitals (iii) employees of the Santa Monica Malibu Unified School District (iv) employees of the City's police and fire departments (v) employees of businesses outside the one-half mile radius but within the City of Santa Monica. In leasing units, the developer shall give priority to applicants in the foregoing categories provided that all such

applicants meet generally applicable leasing qualifications and criteria imposed by the developer. Nothing in this Chapter shall require that any residential units be occupied by such persons.

- iii. **TMO Participation.** Active participation in the formation and ongoing activities of a certified TMO, if established and includes the project site, including payment of annual dues at a level so that trip reduction services are provided as set forth by the TMO, attendance at organizational meetings, providing travel and parking demand data to the TMO, and making available information to project tenants relative to the services provided by the TMO.
- iv. **Transportation Allowance.** Offer a monthly transportation allowance equal to at least 50% of the current cost of a monthly regional transit pass of the resident's choice (e.g. Big Blue Bus 30-Day Pass, Metro EZ Pass, Metro TAP Pass or equivalent). The Transportation Allowance shall be offered to all residents listed on a lease and their immediately family living at the same address. Immediate family includes spouse, partner, children, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, sister-in-law, and brother-in-law. A resident accepting the Transportation Allowance shall elect to not lease parking spaces at the Project and be required to execute a contract agreeing that said resident does not own or long-term lease an automobile and will not own not long-term lease an automobile for so long as they are in receipt of the Transportation Allowance. The contract shall also specify the resident's non-single occupancy vehicle commute mode (e.g. transit, bike, walk). Children who reside full-time at the building shall be eligible for the Transportation Allowance if the parent that is primarily responsible for transporting the child is also eligible for the Transportation Allowance. The child's parent or guardian shall sign an affidavit stating that the child permanently resides at the building on a full-time basis, and the child is primarily transported by a parent or guardian on the lease that is eligible for the Transportation Allowance.

C. **Developer TDM Plan Applicable to Project Occupants.** The developer shall ensure that compliance with the Developer TDM Plan is included as a requirement in lease documents and any other agreements for occupancy in the project in order to inform and commit project occupants to applicable measures of the approved Developer TDM Plan.

- 1. **All Projects.** Allowing employees and residents to participate in campaigns that promote use of carpools, vanpools, transit, walking, bicycling, carshare, bikeshare, and other trip reduction efforts.
- 2. **Nonresidential Projects.** For nonresidential projects and nonresidential components of mixed-use projects, participating in the annual project commute survey.

D. **Employer Worksite Plan Consistency.** Employer ERPs and WTPs submitted subsequent to the approval of a Developer TDM Plan shall be consistent with the approved Developer TDM Plan, at a minimum, unless the Planning Director approves alternative plan components.

- E. **Recording Required.** Prior to Certificate of Occupancy, the developer shall record an agreement, in a form acceptable to the City, that makes the Developer TDM Plan a condition of property ownership. The agreement shall include provisions to:
1. Guarantee adherence to the TDM objectives and perpetual operations of the Developer TDM Plan for all legal parcels within the site regardless of property ownership.
 2. Inform all subsequent property owners of requirement of the Developer TDM Plan.
 3. Inform the Planning Director of any change in ownership.
 4. Identify consequences of non-compliant performance.

9.53.140 Monitoring and Remedies for Violating Developer TDM Plan

- A. **Annual Monitoring Required.** Developer shall submit an annual monitoring report on the Developer TDM Plan (“Developer TDM Annual Status Report”) starting on the first anniversary of issuance of the project’s Certificate of Occupancy or Temporary Certificate of Occupancy, if applicable. The annual monitoring report shall include the following:
1. Confirmation of compliance with all Developer TDM Plan elements.
 2. For nonresidential projects and nonresidential components of mixed-use projects, AVR calculations and documentation for the monitoring year based upon cumulative employee surveys for the project undertaken for one consecutive week each year. The survey must be conducted in accordance with Section 9.53.060(B) except that zero emission vehicles shall be counted as vehicles.
 3. Updated statement of commitment from Property Owner.
 4. Updated annual budget to implement Developer TDM Plan.
 5. Contact information including name, e-mail address, and proof of certification of the PTC who is responsible for the preparation, implementation, and monitoring of the Developer TDM Plan.
 6. Effect of the Developer TDM Plan on on-site transportation choice, parking availability, and transit ridership.
 7. Updated implementation strategy.
- B. **Time Limits for Review.** The Planning Director shall provide the property owner written notification indicating whether the TDM Annual Status Report is approved or deemed unacceptable within 45 calendar days of its receipt. Alternatively, the Planning Director may notify the property owner in writing of an extension of this deadline of no more than 15 calendar days.
- C. **Violations.** Violations of the Developer TDM Plan shall include but not be limited to failure to:
1. Submit a TDM Annual Status Report.
 2. Pay the Developer TDM Fee.
 3. Implement strategies contained in the Developer TDM Plan.
 4. Achieve the established AVR requirement.
- D. **Remedies for Violation.**
1. If the developer commits a violation other than not achieving the applicable AVR target, the City shall issue a written warning and the developer shall have 30 calendar days from receipt

of the notice to correct the violation. If the developer continues to commit the violation 60 calendar days after receipt of the first written warning, the developer shall be subject to a fine of \$5/residential unit/day and \$5/employee in the project/day. The fine shall be deposited in accordance with Section 9.53.110. In the case of mixed-use projects that include both residential units and employees, the fine shall be calculated separately for each use.

2. If the annual monitoring report shows that the applicable AVR Target has not been achieved for the project, then the developer shall submit a list of modifications to the Developer TDM Plan to the Planning Director for approval within 60 calendar days of the report submittal. The Planning Director shall review the list of modifications and may also recommend modifications to the Developer TDM Plan, as appropriate, in order to ensure that the applicable AVR target is achieved. Upon approval of the requested changes, the developer shall have 30 calendar days to implement the approved measures. Developer shall then submit a follow-up monitoring report within 6 months of implementation of the new measures. If the project continues to not achieve the applicable AVR Target, developers have the option of:
 - a. Continuing to implement additional measures for approval by the Planning Director.
 - b. Alternatively bring the project AVR into alternative compliance through the payment of an Alternative Compliance Fee pursuant to Section 9.53.140(E).
3. If the project continues to not be in substantial compliance with the Developer TDM Plan, the City shall have the option to:
 - a. Withhold the issuance of building permits, certificates of occupancy, and other City issued permits or licenses.
 - b. Issue a stop work order.
 - c. Request that the City Attorney take appropriate enforcement action. Referral to the City Attorney is not a condition precedent to any enforcement action by the City Attorney.

E. **Alternative Compliance if AVR Target is Not Achieved.** If a project does not achieve the applicable AVR Target established for the project, developer may choose to pay an Alternative Compliance Fee to off-set the AVR Target in order to achieve the AVR Target/work day. The fee shall only be applicable upon completion of a fee study and shall be established by resolution of the City Council. The fee shall be based on the following calculation:

Step 1:

$$\frac{\text{Total Number of Employee Trips Per Week}}{\text{AVR}} = \text{Total Number of Vehicle Trips Produced by Project Per Week}$$

Step 2:

$$\frac{\text{Total Number of Employee Trips Per Week}}{\text{AVR Target}} = \text{Total Number of Vehicle Trips Allowed to Achieve Target AVR Per Week}$$

Step 3:

$$\frac{\text{Total Number of Produced Trips} - \text{Total Number of Allowable Trips}}{\text{Vehicle Trip Reduction Necessary to Achieve AVR Target}} / 5 = \text{Daily Vehicle Reduction Needed to Achieve AVR Target}$$

Step 4:

Alternative Compliance Fee = Compliance Fee x Daily Vehicle Reduction Needed to Achieve AVR Target x work days per year (based on 22 work days per month)

- F. **Procedures for Modification of Developer TDM Plan.** Developer may submit a request to modify the Developer TDM Plan with such request to be approved by the Planning Director. Approval to modify the Developer TDM Plan may be granted if the modifications are (i) likely to result in the project achieving its applicable AVR Target and (ii) are equally or more effective as the measures that are being modified. Developer shall provide quantifiable evidence, analysis, or consultant report that demonstrates the requested changes will not cause the project AVR to decrease.
- G. **Combined TDM Annual Status Report for Multiple Projects.** Upon the Planning Director's approval of a written request, a Developer may submit a single TDM Annual Status Report encompassing multiple projects to the requirements of this Chapter if the projects are owned by the same Developer and located wholly within the City of Santa Monica.
- H. **Maintenance of Detailed Records Required.** Developers must keep detailed records of the documents which verify the average vehicle ridership calculation for a period of three years from plan approval date. Monitoring mechanisms which verify that the Developer TDM Plan has been implemented shall be kept for a period of at least three years from plan approval date. Monitoring mechanisms may include but not be limited to:
 - 1. Printed documentation of site features (e.g. location of carpool and vanpool parking spaces).
 - 2. Photographs of TDM program facilities (e.g. vanpool and carpool parking spaces).
 - 3. Field site inspections by the City.
 - 4. Other building site reports and surveys that the City may deem appropriate.

Approved Developer TDM Plans must be kept at the project site by the PTC. Failure to maintain records or falsification of records will be deemed a violation of this Chapter.

9.53.150 Transportation Management Organizations (TMOs)

- A. Employers and Developers may propose to use the services of a City-certified TMO to implement their Employer Trip Reduction Plans or Developer TDM Plans provided that membership in a City-certified TMO includes payment of annual dues at a level so that trip reduction services are provided, as set forth by the TMO.
- B. The City may certify TMOs that submit a first year work plan which outlines the following:
 - 1. A mission statement which describes the reasons for the organization's existence and the overriding goals of the TMO, including how the TMO will implement the goals of the LUCE and No Net New p.m. Peak Trips.

2. Goals and objectives for the first year which target achievement of the mission statement. Specific activities and tasks shall be listed to show how the members will be served by the TMO and how the TMO will help meet the area and regional transportation and air quality goals.
 3. A plan for a baseline survey of commuters and employers in the area to establish existing commuter characteristics and attitudes of commuters towards traffic and the use of commute alternatives. The employer survey shall obtain a descriptive profile of existing programs and employer attitudes toward developing new programs.
 4. The services to be provided by the TMO to its members, including the commute alternatives to be provided and promoted, the advocacy and marketing activities planned including in-person outreach to employees, and the role of the TMO staff in providing the services.
 5. A marketing plan which creates an identity for the TMO and which describes how the TMO's planned services will be marketed to member employers and their employees.
 6. A monitoring and evaluation plan which will be used to measure progress against goals and objectives, including results of the TMO's activities with each member. This plan will be used to provide annual reporting information to the City.
 7. A budget which details how the work of the TMO will be accomplished, including details of public and private financing and expenditures.
- C. The TMO must provide an annual report to the City to become recertified yearly. The annual report shall include the same elements as the first year plan with the following exceptions:
1. The mission statement shall be revised based on changes in the goals and objectives of the TMO, if any.
 2. The goals and objectives shall be updated to reflect progress and changes in the TMO services.
 3. The baseline survey need not be repeated, however, the annual report shall include follow-up monitoring and evaluation activities related to the baseline survey.
 4. The evaluation and results shall be discussed and used to describe the next year's planned activities.

Chapter 9.54 Land Divisions

Sections:

9.54.010	General Provisions and Responsibilities
9.54.020	Maps Required
9.54.030	Tentative Subdivision Maps
9.54.040	Final Subdivision Maps
9.54.050	Tentative Parcel Maps
9.54.060	Final Parcel Maps
9.54.070	Procedures for Approval for Tentative Maps
9.54.080	Procedures for Approval of Final Maps
9.54.090	Expiration, Extensions, and Amendments
9.54.100	Standards for Decisions
9.54.110	Voluntary Merger
9.54.120	Fees
9.54.130	Certificates of Compliance and Conditional Certificates of Compliance

9.54.010 General Provisions and Responsibilities

A. Citation and authority.

This Chapter is adopted to supplement and implement the Subdivision Map Act, Government Code Section 66410 et seq., and may be cited as the subdivision ordinance of the City of Santa Monica.

B. Purpose.

It is the purpose of this Chapter to regulate and control the division of land within the City of Santa Monica and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and procedures to be followed in securing the official approval of the Planning Commission and City Council regarding such maps. To accomplish this purpose, the regulations outlined in this Chapter are determined to be necessary for the preservation of the public health, safety and general welfare, to promote orderly growth and development and to promote and implement the General Plan. The requirements of this Chapter are in addition to other requirements of the City of Santa Monica.

C. Conformity to General Plan, specific plan and zoning ordinances.

No land shall be subdivided and developed for any purpose which is not in conformity with the General Plan and any specific plan of the City of Santa Monica or authorized by the comprehensive land use ordinance of the City.

D. Application.

The regulations set forth in this Chapter shall apply to all subdivisions or parts thereof within the City of Santa Monica and to the preparation of subdivision maps thereof and to other maps or certificates provided for by the Subdivision Map Act. Each such subdivision and each part thereof lying within the City of Santa Monica shall be made and each such map or certificate shall be prepared and presented for approval as hereafter provided for and required.

E. **Definitions.** The following words or phrases as used in this Chapter shall have the following meanings:

1. **Advisory Agency.** A designated official or an official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property.
2. **Air Space Lot.** A division of the space above or below a lot, or partially above and below a lot, having finite width, length, and upper and lower elevations, occupied or to be occupied by a use, building or portion thereof, group of buildings or portions thereof, accessory buildings or portions thereof, or accessory uses. An air space lot shall be identified with a separate and distinct number or letter on a final subdivision or parcel map recorded in the office of the County Recorder.
3. **Block.** The area of land within a subdivision which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
4. **Community Apartment.** A project as defined in Business and Professions Code Section 11004 in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment.
5. **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property.
6. **Conversion.** The creation of separate ownership of existing improved real property together with a separate interest in space of residential, industrial or commercial buildings thereon. A conversion may be accomplished by condominium, stock cooperative, community apartment, or cooperative apartment.
7. **Cooperative Apartment.** Pursuant to the City's authority to regulate subdivisions not regulated by the Subdivision Map Act as authorized by Government Code Section 66411, a project of more than four units in which an undivided interest in land is coupled with the exclusive right of occupancy of any apartment located thereon, whether such right is contained in the form of a written or oral agreement, when such right does not appear on the face of the deed.
8. **Design.** Street alignments, grades and width; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the General Plan or any adopted specific plan.
9. **Final Map.** A map showing a subdivision for which a tentative and final map is required by this Chapter, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act and designed to be recorded in the office of the County Recorder.
10. **Final Parcel Map.** A final map for a parcel.

11. **Final Subdivision Map.** A final map for a subdivision.
12. **General Plan.** The General Plan of the City of Santa Monica.
13. **Improvement.** Street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; or to such other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary to ensure conformity to or implementation of the General Plan or any adopted specific plan.
14. **Lot.** A parcel or portion of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use.
15. **Lot Line Adjustment.** A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.
16. **Merger.** The joining of two or more contiguous parcels of land under one ownership into one parcel.
17. **Subdivision Map Act.** The Subdivision Map Act of the State of California.
18. **Parcel Map.** A map showing a division of land of four or less parcels as required by this Chapter, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act.
19. **Peripheral Street.** An existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.
20. **Remainder.** That portion of an existing parcel which is not included as part of the subdivided land. The remainder is not considered as part of the subdivision but must be shown on the required maps as part of the area surrounding subdivision development.
21. **Stock Cooperative.** A corporation as defined in Business and Professions Code Section 11003.2 which is primarily for the purpose of holding title to property if shareholders receive the right to exclusive occupancy in a portion of property and whose right to occupancy transfers concurrently with the transfer of an interest in the corporation.
22. **Subdivider.** A person who proposes to divide, divides, or causes to be divided real property into a subdivision for the subdivider or for others; except employees and consultants of such persons or entities acting in such capacity, are not “subdividers.”
23. **Subdivision.** The division, by any subdivider, of any units or unit of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes a condominium project, as defined herein or in California Civil Code Section 1351(f), a community apartment project, as defined herein or in California Civil Code Section 1351(d), a stock cooperative, as defined herein or in California Civil Code Section 1351(m), a cooperative apartment as defined herein, or two or more air space lots as defined herein. Any

conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include anything excluded from the definition of subdivision in the Subdivision Map Act unless otherwise provided for herein.

24. **Subdivision Map.** A map showing a division of land of five or more parcels as required by this Chapter, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act.
25. **Tentative Map.** A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.
26. **Tentative Parcel Map.** A tentative map for a parcel.
27. **Tentative Subdivision Map.** A tentative map for a subdivision.
28. **Zoning Ordinance.** Divisions 1 through 5 of Article 9 of the Municipal Code.

F. **City Attorney.**

The City Attorney shall be responsible for approving as to form all CC & Rs, subdivision improvement agreements, and subdivision improvement securities.

G. **City Council.** The City Council shall have the following responsibilities:

1. The City Council shall have final jurisdiction in the approval of final subdivision and parcel maps and improvement agreements and the acceptance by the City of such land and/or improvements as may be proposed for dedication to the City.
2. The City Council shall act as the appeal board for hearing appeals of the approval, conditional approval or denial of tentative maps and the approval or denial of extensions.
3. The City Council shall establish by resolution reasonable fees for the processing of maps and for other procedures required or authorized by this Chapter or the Subdivision Map Act.
4. The City Council shall approve or deny applications for a stay of expiration of tentative subdivision or parcel maps pursuant to Section 9.54.090(C).

H. **City Engineer.** The City Engineer shall have the following responsibilities:

1. Establishing design and construction details, standards and specifications;
2. Determining if proposed subdivision improvements comply with the provisions of this Chapter and the Subdivision Map Act;
3. The processing and certification of final maps, reversion to acreage maps, and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers and certificates of compliance;
4. The inspection and approval of subdivision improvements;
5. The acceptance of private improvements.

I. **Planning Commission.**

The Planning Commission is designated as the Advisory Agency and shall be responsible for approving, conditionally approving, or denying the application for tentative maps and the approval or denial of extensions.

J. **Director of Planning & Community Development.**

The Director of Planning & Community Development (Director), or designee, shall investigate proposed subdivisions for conformity to the General Plan, specific plans, and zoning ordinances of the City and reporting his or her findings, together with recommendations for approval, conditional approval or denial to the Planning Commission and City Council.

9.54.020 Maps Required

A. **General.** The necessity for tentative subdivision maps, final subdivision maps, tentative parcel maps and final parcel maps shall be governed by the provisions of this Section 9.54.020 and the Subdivision Map Act.

B. **Five or more parcels.** A tentative subdivision map and final subdivision map shall be required for all divisions of land into five or more parcels, five or more condominiums as defined in Civil Code Section 783, a community apartment project containing five or more units, a stock cooperative containing five or more units, a cooperative apartment containing five or more units, or an air space subdivision containing five or more lots.

C. **Four or less parcels.** A tentative parcel map and final parcel map shall be required for all divisions of land which create four or less parcels, four or less condominiums as defined in Civil Code Section 783, a community apartment project containing four or less units, a stock cooperative containing four or less units, or a cooperative apartment containing four or less units, or an air space subdivision containing four or less lots.

D. **Maps not required.** A tentative or final map shall not be required for any of the following:

1. Divisions of land created by short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Public Utilities Code Section 230, provided, however, that upon a showing made to the City Engineer based upon substantial evidence that public policy necessitates such a map, this exception shall not apply;
2. A lot line adjustment between four or fewer existing adjoining parcels, provided:
 - a. No additional parcels or building sites have been created,
 - b. The adjustment does not create the potential to further divide either of the two parcels into more parcels than would have been otherwise possible,
 - c. There are no resulting violations of the Santa Monica Municipal Code;
3. Land conveyed to or from a public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such a public utility for right-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map;
4. When the parcel map is waived as provided by Section 9.54.050(G), a plot map in a form as required by the City Engineer, and a certificate of compliance in accordance with Section 9.54.050(H) shall be required for lot line adjustments, mergers, certificates of compliance and parcel map waivers.

5. The voluntary merger of existing adjoining parcels as provided by Section 9.54.110.

9.54.030 Tentative Subdivision Maps

- A. **General.** The form and contents, submittal, and approval of tentative subdivision maps shall be governed by the provisions of this Section 9.54.030 and the Subdivision Map Act.
- B. **Form and contents.** The tentative subdivision map shall be prepared by a registered civil engineer and shall be clearly and legibly drawn on one sheet and contain not less than the following:
 1. A title which shall contain the subdivision number, subdivision name, and type of subdivision;
 2. Name and address of legal owner, subdivider, and person preparing the map (including registration number);
 3. Sufficient legal description to define the boundary of the proposed subdivision;
 4. Date, north arrow, scale and contour interval;
 5. Existing and proposed land use;
 6. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;
 7. Existing topography of the proposed site and at least one hundred feet beyond its boundary, including but not limited to:
 - a. Existing contours at two feet intervals if the existing ground slope is less than ten percent and at not less than five feet intervals for existing ground slopes equal to or greater than ten percent. Contour intervals shall not be spread more than one hundred fifty feet apart. Existing contours shall be represented by dashed lines or by screened lines.
 - b. Type, circumference, and dripline of existing trees. Any trees proposed to be removed shall be so indicated.
 - c. The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked.
 - d. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.
 - e. The location, pavement and right-of-way width, grade and name of existing streets or highway.
 - f. The widths, location and identity of all existing easements.
 - g. The location and size of existing sanitary sewers, water mains and storm drains. The approximate size of existing sewers and storm drains shall be indicated. The location of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets.
 - h. The approximate location of the 60, 65 and 70 CNEL (Community Noise Equivalent Level) contours, if any.

8. Proposed improvements to be shown shall include but not be limited to:
 - a. The location, grade, centering radius and arc length of curves, pavement and right-of-way width and name of all streets. Typical sections of all streets shall be shown.
 - b. The location and radius of all curb returns and cul-de-sacs.
 - c. The location, width, and purpose of all easements.
 - d. The angle of intersecting streets if such angle deviates from a right angle more than four degrees.
 - e. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.
 - f. Proposed contours at two feet intervals shall be shown if the existing ground slope is less than ten percent and not less than five feet intervals for existing ground slopes greater than or equal to ten percent. A separate grading plan may be submitted.
 - g. Proposed recreation sites, trails, and parks for private or public use.
 - h. Proposed commons areas to be dedicated to public open space.
 - i. The location and size of sanitary sewers, water mains or storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
9. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;
10. The source and date of existing contours;
11. All letter size shall be one-eighth inch minimum;
12. If the subdivider plans to develop the site as shown on the tentative map in units, then the subdivider shall show the proposed units and their proposed sequence of construction on the tentative map;
13. The Director may waive any of the foregoing tentative subdivision map requirements whenever he or she finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such waiver. The Director may require other such drawings, data or other information as deemed necessary.

C. **Accompanying data and reports.** The tentative subdivision map shall be accompanied by the following data or reports:

1. **Title Report.** A preliminary title report, showing the legal owners at the time of filing the tentative subdivision map.
2. **Environmental Impact Study.** The various time limits set forth in this Chapter for taking action on tentative subdivision maps shall not be deemed to commence until the subdivision is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.

3. **Housing Element Compliance Plan.** A plan for complying with any requirements of the Housing Element.
4. Building Plans and Elevations.
5. Landscape Plan.
6. Condominium Specification Checklist.
7. CC & R'S.
8. Tenant Displacement List.
9. Tenants' Notice of Intent to Convert.
10. Notice of Intent to Convert.
11. Building Condition and History Report.
12. Conversion Report.
13. Energy Conservation Plan.
14. Application for Conditional Use Permit.
15. Radius Map, Mailing List.
16. **Preliminary Soil Report.** A preliminary soil report as required by Health and Safety Code Section 17953. The Building Officer may waive this requirement upon a determination that no preliminary analysis is necessary because of the knowledge of the Building Officer as to soil qualities of soil of the proposed subdivision or lot.
17. **Other Reports.** Any other data or reports deemed necessary by the Director.

D. Submittal and processing of tentative subdivision maps.

The tentative subdivision map shall be accepted for filing only when such map conforms to Section 9.54.030(B) and when all accompanying data or reports as required by Section 9.54.030(C) have been submitted and accepted by the Director. The Director shall accept or reject such maps for filing in writing within thirty days of the date of submittal. Any map which is rejected for filing shall specify the reasons for the rejection. The time periods for acting upon such maps shall commence from the date of the letter accepting the map for filing. The subdivider shall file with the Director the number of tentative maps that the Director deems necessary.

E. Approval. The tentative subdivision map shall be approved, conditionally approved, or denied in accordance with the procedures set forth in Subchapter 9.54.070.

F. Vesting tentative map.

1. A "vesting tentative map" is a tentative map as defined in this Chapter which shall have printed conspicuously on its face the words "Vesting Tentative Map" and which is processed in accordance with this Section.
2. Whenever a tentative map is required by this Chapter, a vesting tentative map may be filed instead. If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be required as a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

3. A vesting tentative map shall be processed in the manner provided in Sections 9.54.030(D) and 9.54.030(E) of this Chapter. A vesting tentative map shall be filed in the same form and with the same content as provided in Sections 9.54.030(B) and 9.54.030(C) of this Chapter except that the words “Vesting Tentative Map” shall be conspicuously printed on the face thereon.
4. A vesting tentative map shall expire and be subject to the same extensions as apply to a tentative map as set forth in this Chapter.
5. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with those ordinances, policies and standards in effect as of the date the application for a vesting tentative map is determined to be complete, or as otherwise permitted by Government Code Section 66474.2. If Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. Approval of a vesting tentative map shall in no way limit or diminish the authority of the City to deny or impose reasonable conditions in conjunction with subsequent approvals relating to the project provided the City applies those ordinances, policies and standards in effect at the time of approval of the vesting tentative map.
6. Notwithstanding subsection (5), the City may condition or deny a permit, approval, extension, or entitlement for use based upon ordinances, policies and standards enacted subsequent to the time the vesting tentative map is approved or conditionally approved if any of the following are determined:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required in order to comply with State or Federal law.
7. The rights referred to in this Section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. After the final map is approved, the rights referred to in this Section shall apply for the following time periods:
 - a. An initial time period of one year after recordation of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - b. The initial time period provided in subsection (7)(a) shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if the time to process application exceeds thirty days from the date a complete application is filed.
 - c. A subdivider may apply to the Planning Commission for a one-year extension at any time prior to the expiration of the initial time period provided by this Section. If the extension is denied, the subdivider may appeal that decision to the City Council within fifteen days.
 - d. If the subdivider submits a complete application for a building permit during the time period provided in this Section, the vested right to proceed shall be extended until the expiration of the building permit or any extension of that permit granted by the City.

8. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a vesting tentative map or approve it conditioned upon the subdivider obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with development in substantial compliance with the change in the zoning ordinance and the map as approved.
9. Notwithstanding any provision of this Section, a property owner or his or her designee may seek approvals or permits for development which departs from the ordinances, policies and standards described in subsection (5), the City may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

9.54.040 Final Subdivision Maps

- A. **General.** The form, contents, accompanying data, and filing of the final subdivision map shall conform to the provisions of this Section 9.54.040 and the Subdivision Map Act. The final subdivision map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- B. **Survey required.**
 1. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
 2. At the time of making the survey for the final subdivision map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Business and Professions Code Section 8771 so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the City Engineer.
- C. **Form.** The form of the final subdivision map shall conform to the Subdivision Map Act and as set forth below:
 1. The final subdivision map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record of black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgements maybe legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
 2. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be not less than one inch equals one hundred feet or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four or more sheets including the certificate sheets are used, a key sheet will be included.

3. All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.
 4. The final form of the final subdivision map shall be as approved by the City Engineer.
- D. **Contents.** The contents of the final subdivision map shall conform to the Subdivision Map Act and as set forth below:
1. **Boundary.** The boundary of the subdivision shall be designated by a heavy black line in such manner as not to obliterate figures or other data.
 2. **Title.** Each sheet shall have a title showing the subdivision number and name and location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "In the City of Santa Monica."
 3. **Certificates.** The following certificates shall appear only once on the cover sheet.
 - a. **Owner's Certificate.** A certificate, signed and acknowledged by all parties having record title interest in the land subdivided, excepting those parties having rights-of-way, easements, other interests which cannot ripen into a fee, or other exceptions provided by the Subdivision Map Act, and consenting to the preparation and recordation of the final subdivision map and offering for dedication to the public certain specific parcels of land.
 - b. **Engineer's Certificate.** A certificate by the engineer or surveyor responsible for the survey and final subdivision map shall appear on the map. The certificate shall give the date of the survey, state that the survey and final subdivision map were made by or under the direction of the engineer or surveyor, and that the survey is true and complete as shown.
 - c. The certificate shall also state that all monuments are of the character and occupy the positions indicated, or that they will be set in such position on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.
 - d. The certificate shall be in the form required by the Subdivision Map Act.
 - e. **City Engineer's Certificate.** A certificate by the City Engineer stating that the final subdivision map has been examined and that it is in accord with the tentative map and any approved alterations thereof, complies with the Subdivision Map Act and the provisions of the Chapter, and is technically correct. The City Engineer shall not execute such certification until receiving a report from the Director of Planning of compliance with all conditions of the tentative subdivision map. The certification shall be conditional on the City Council finding that all conditions of the tentative subdivision map have been complied with.
 - f. **City Clerk's Certificate.** A certificate for execution by the City Clerk stating the date and number of the resolution adopted by the City Council approving the final subdivision map and stating that the City Council accepted, accepted subject to improvement or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.
 - g. **County Recorder's Certificate.** A certificate to be executed by the County Recorder stating that the final subdivision map has been accepted for filing, that the

- final subdivision map has been examined and that it complies with the provisions of State laws and local ordinances governing the filing of final subdivision maps.
- h. The certificate shall show who requested the filing of the final subdivision map, the time and date the map was filed and the book and page where the map was filed.
 - i. **County Clerk's Certificate.** A certificate to be executed by the County Clerk stating that all taxes due have been paid or that a tax bond assuring the payment of all taxes which are a lien but not yet payable has been filed with the County.
4. **Scale, North Point and Basis of Bearings.** There must appear on each map sheet the scale, the north point and the basis of bearings in relation to a previously recorded final map, and the equation of the bearing of true north. The basis of bearings shall be approved by the City Engineer.
 5. **Linear, Angular and Radial Data.** Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision and of the boundary lines on every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the final subdivision map.
 6. **Monuments.** The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at (or from off-sets as approved by the City Engineer) the following locations:
 - a. The intersection of street centerlines.
 - b. Beginning and end of curves in centerlines.
 - c. At other locations as may be required by the City Engineer.
 7. **Lot Numbers.** Lot numbers shall begin with the number 1 in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one sheet of the final subdivision map, unless approved by the City Engineer.
 8. **City Boundaries.** City boundaries which cross or join the subdivision shall be clearly designated.
 9. **Street Names.** The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.
 10. **Easements.**
 - a. Easements for roads or streets, paths, storm water drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the final subdivision map. If at the time the final subdivision map is approved, any streets, paths, alleys or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later

date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

- b. All easements of record shall be shown on the final subdivision map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.
- c. Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the final subdivision map, identifying the apparent dominant tenements for which the easements were created.
- d. The sidelines of all easements of record shall be shown by dashed lines on the final subdivision map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.

11. **Subdivision Improvement Agreements.** If, at the time of approval of the final map, any public improvements required pursuant to this Chapter have not been completed and accepted in accordance with the conditions of the tentative map, the subdivider shall enter into an agreement with the City to either complete the improvements at the subdividers expense or to create a special assessment for the financing and completion of such improvements. The City shall require a security guarantee for the completion of any such improvements.

12. For subdivisions of air space, an exploded isometric view of all air space lots shall be provided. Also section details, including vertical limits for all lots and public easements within the subdivision shall be furnished.

E. **Preliminary submittal for City approval.** The subdivider shall submit four sets of prints of the final subdivision map to the City Engineer for checking. The preliminary prints shall be accompanied by two copies of the following data, plans, reports and documents in a form as approved by the City Engineer:

- 1. **Improvement Plans.** Improvement plans as required by the Planning Commission or City Council.
- 2. **Title Report.** A title report showing the legal owners at the time of submittal of the final subdivision map.
- 3. **Improvement Bond Estimate.** The improvement bond estimate shall include all improvements within public rights-of-way, easements, or common areas and utility trench backfill as provided by the developer except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.
- 4. **Deeds for Easements or Rights-of-way.** Deeds for easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final subdivision map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.
- 5. **Joint Use of Right-of-Way Agreement.** Agreements, acceptable to the City, executed by all owners of all utility and other easements within the proposed rights-of-way consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the City for public use and convenience of the road shall be required. These

owners shall join in the dedication and subordinate their rights to the right of the public in the road.

6. **Traverse Closures.** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines. The error of field closures in the traverse around the subdivision and around the interior lots or blocks shall not exceed one part in twenty thousand.
 7. **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations of all storm drains.
 8. **Organization Documents.** The submittal of the final subdivision map shall include the proposed Declaration of Covenants, Conditions and Restrictions, and all other organizational documents for the subdivision in a form as prescribed by Civil Code Section 1355.
 9. Any additional data, reports or information as required by the City Engineer. All documents shall be subject to review by the City Engineer and City Attorney.
- F. **Return to subdivider's engineer for corrections.** Upon completing the preliminary check the City Engineer shall note the required corrections on the preliminary prints, reports and data and return one set to the subdivider's engineer for revision.
- G. **Resubmittal.** The subdivider's engineer shall submit two (2) sets of the revised map, reports and data to the City Engineer. After checking the revisions, one set shall be returned to the subdivider's engineer marked approved as submitted, approved when corrected as noted or revise and resubmit.
- H. **Approval by the City Engineer and Planning Director.** Upon receipt of an approved print, the subdivider shall submit to the City Engineer the original tracing of the revised map, prepared in accordance with the Subdivision Map Act and this Chapter and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificate on the map. The City Engineer and Director of Planning shall sign the appropriate certificates and transmit the original to the City Clerk.
- I. **Approval.** The final map shall be approved or denied in accordance with procedures set forth in Subchapter 9.54.080.

9.54.050 Tentative Parcel Maps

- A. **General.** The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this Section 9.54.050 and the Subdivision Map Act. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor.
- B. **Form.** The tentative parcel map shall be clearly and legibly drawn on one sheet. The scale shall be approved by the City Engineer and all lettering shall be one-eighth (1/8) inch minimum in height. The final form shall be approved by the City Engineer.
- C. **Content.** The tentative parcel map shall show the following information:
 1. Name and address of legal owner, subdivider, and the person preparing the map (including registration number). The engineer or surveyor responsible for the preparation of the map shall certify that all monuments are or will be set on or before a specified date.

2. Assessor's parcel number.
3. Date prepared, north arrow, scale and contour interval.
4. Existing and proposed land use.
5. Title.
6. A vicinity map, sufficient to show the relation to the local community.
7. Existing topography of the site and at least one hundred (100) feet from its boundary, including but not limited to:
 - a. Existing contours at two (2) foot intervals, if the existing ground slope is less than ten percent and not less than five (5) foot intervals for existing ground slopes greater than or equal to ten percent. Existing contours shall be represented by screened or dashed lines.
 - b. Type, circumference, and dripline of existing trees. Any trees proposed to be removed shall be so indicated.
 - c. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 - d. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.
 - e. The location, pavement, and right-of-way width, and grade and name of existing streets or highways.
 - f. Location and type of street improvements.
 - g. The location, size, and slope of existing storm drains. The location of existing overhead utility lines on peripheral streets.
 - h. The location, width, and identity of existing easements.
8. Any improvements proposed by the owner shall be shown.
9. If the site is to be graded, proposed contours shall be shown or on an approved grading plan.
10. The proposed lot layout and lot areas.
11. Proposed easements or rights-of-way.
12. The source and date of existing contours.
13. A preliminary report of title showing the current vested owner.
14. A soils and/or engineering geology report may be required by the City Engineer.

D. **Accompanying data and reports.** The tentative parcel map shall be accompanied by the following data or reports:

1. **Title Report.** A preliminary title report, showing the legal owners at the time of filing the tentative parcel map.
2. **Environmental Impact Study.** The various time limits set forth in this Chapter for taking action on tentative parcel maps shall not be deemed to commence until the parcel is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed and considered in accordance with the

provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.

3. **Housing Element Compliance Plan.** A plan for complying with any requirements of the Housing Element.
4. Building Plans and Elevations.
5. Landscape Plan.
6. Condominium Specification Checklist.
7. CC & R'S.
8. Tenant Displacement List.
9. Tenants' Notice of Intent to Convert.
10. Notice of Intent to Convert.
11. Building Condition and History Report.
12. Conversion Report.
13. Energy Conservation Plan.
14. Application for Conditional Use Permit.
15. Radius Map, Mailing List.
16. **Preliminary Soil Report.** A preliminary soil report as required by Health and Safety Code Section 17953. The Building Officer may waive this requirement upon a determination that no preliminary analysis is necessary because of the knowledge of the Building Officer as to soil qualities of soil of the proposed parcel or lot.
17. **Other Reports.** Any other data or reports deemed necessary by the Director of Planning.

E. **Submittal and processing of tentative parcel maps.**

The tentative parcel map shall be accepted for filing only when such map conforms to Section 9.54.050(C) and when all accompanying data or reports required by Section 9.54.050(D) have been submitted and accepted by the Director. The Director shall accept or reject such maps for filing within fifteen (15) days of the date of submittal. Any map which is rejected for filing shall specify the reasons for rejection. The time period for acting upon such maps shall commence from the date of the letter accepting the map for filing. The subdivider shall file with the Director the number of tentative parcel maps that the Director deems necessary.

F. **Approval.**

The tentative map shall be approved, conditionally approved, or denied in accordance with the procedures set forth in Subchapter 9.54.070.

G. **Waiver of parcel map.**

The Planning Commission may waive the requirements for a tentative and final parcel map when it is demonstrated that the waiver is consistent with the purpose of this Chapter and the General Plan.

No parcel map may be waived for a condominium, stock cooperative, community apartment project, or cooperative apartment, whether created by new construction or conversion. The decision of the Planning Commission shall not be appealable.

H. **Procedure for waiver of parcel maps.** The following procedure shall be followed for the waiver of a parcel map:

1. A subdivider shall submit a Request for Waiver of Parcel Map which shall set forth the manner in which the proposed division is consistent with the purpose of this Chapter and the General Plan.
2. A subdivider shall also submit a plot map of the proposed division which shall contain a detailed survey of all affected parcels. The content of the plot map shall be determined by the City Engineer.
3. The Director of Planning shall review the Request for Waiver of Parcel Map and shall set the matter for public hearing before the Planning Commission as provided in Section 9.54.070(A).
4. The Planning Commission shall approve, conditionally approve or deny the Request for Parcel Map Waiver after the contents of the plot map have been approved by the City Engineer.
5. If the Planning Commission approves or conditionally approves the Request for Parcel Map Waiver, a Certificate of Compliance shall be executed. The Certificate of Compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and this Chapter. Upon making such a determination the City shall cause the Certificate of Compliance to be filed for record with the County Recorder's Office.

9.54.060 Final Parcel Maps

A. **Final parcel maps.**

The form and contents, submittal, approval and filing of parcel maps shall conform to the provisions of this Section 9.54.060 and the Subdivision Map Act. The final parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

B. **Survey required.**

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed one part in ten thousand (1/10,000) for field closures and one part in twenty thousand (1/20,000) for calculated closures.

C. **Form and content.**

The form and content of the final parcel map shall conform to the requirements for final subdivision maps as specified by Sections 9.54.040(C) and 9.54.040(D) of this Chapter (except that any reference therein to a final subdivision map shall refer to a final parcel map). Lots shall be designated by letters commencing with "A".

D. **Preliminary submittal for city approval.** The subdivider shall submit four (4) sets of prints of the final parcel map to the City Engineer for checking. The preliminary prints shall be accompanied by

two (2) copies of the following data, plans, reports and documents in a form as approved by the City Engineer:

1. **Improvement Plans.** Improvement plans as required by the Planning Commission or City Council.
2. **Title Report.** A title report showing the legal owners at the time of submittal of the final parcel map.
3. **Improvement Bond Estimate.** The improvement bond estimate shall include all improvements within public rights-of-way, easements, or common areas and utility trench backfill as provided by the developer except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.
4. **Deeds for Easements or Rights-of-Way.** Deeds for easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final parcel map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the parcel permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.
5. **Joint Use of Right-of-Way Agreement.** Agreements, acceptable to the City, executed by all owners of all utility and other easements within the proposed rights-of-way consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the City for public use and convenience of the road shall be required. These owners shall join in the dedication and subordinate their rights to the right of the public in the road.
6. **Traverse Closures.** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines. The error of field closures in the traverse around the parcel and around the interior lots or blocks shall not exceed one part in twenty thousand (1/20,000).
7. **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations of all storm drains.
8. **Organization Documents.** The submittal of the final parcel map shall include the proposed Declaration of Covenants, Conditions and Restrictions, and all other organizational documents for the subdivision in a form as prescribed by Civil Code Section 1355.
9. Any additional data, reports or information as required by the City Engineer. All documents shall be subject to review by the City Engineer and City Attorney.

E. **Return to subdivider's engineer for corrections.**

Upon completing the preliminary check the City Engineer shall note the required corrections on the preliminary prints, reports and data and return one set to the subdivider's engineer for revision.

F. **Resubmittal.**

The subdivider's engineer shall submit two (2) sets of the revised map, reports and data to the City Engineer. After checking the revisions, one set shall be returned to the subdivider's engineer marked approved as submitted, approved when corrected as noted or revise and resubmit.

G. **Approval by the City Engineer and Planning Director.**

Upon receipt of an approved print, the subdivider shall submit to the City Engineer the original tracing of the revised map, prepared in accordance with the Subdivision Map Act and this Chapter and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificate on the map. The City Engineer and Director shall sign the appropriate certificates and transmit the original to the City Clerk.

H. **Approval of final parcel map.**

A final parcel map shall be approved or denied in accordance with the procedures set forth in Subchapter 9.54.080.

9.54.070 Procedures for Approval for Tentative Maps

A. **Notice of public hearings.**

1. Upon receipt of a valid application and upon receipt of the report and recommendations for the proposed tentative map by the Director, the Secretary of the Planning Commission shall set the matter for public hearing. At least ten (10) calendar days before the public hearing, the Secretary shall cause notice to be given of the time, date and place of said hearing including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. Notice shall be given as follows:
 - a. Notice shall be published at least once in a newspaper of general circulation, published and circulated in the City.
 - b. Notice shall be given by mail or delivery to all property owners and tenants, including businesses, corporations or other public or private entities, within three hundred (300) feet of the property which is the subject of the application.
 - c. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, notice shall be given as required by Subdivision Map Act.
 - d. In the event that the application has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, notice shall be mailed to the property owner.
 - e. Notice shall be given by first class mail to any person who has filed a written request with the Secretary of the Planning Commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The City may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

The failure to receive notice by any person entitled thereto by law or by this Chapter does not affect the validity of any action taken pursuant to the procedures set forth in this Chapter.

B. **Planning Commission action.**

The Planning Commission shall approve, conditionally approve or deny the tentative map and shall report its decision to the City Council and the subdivider within fifty (50) days after the tentative map has been accepted for filing. Any report or recommendation on a tentative map by the staff shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community

apartment project or stock cooperative project, at least three (3) days prior to any hearing or action on such map by such advisory agency or legislative body.

C. Approval.

1. In approving or conditionally approving the tentative map, the Planning Commission shall find that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the City of Santa Monica.
2. If no action is taken by the Planning Commission within the required time limit, as specified in the Subdivision Map Act, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this Chapter or other City ordinances, and it shall be the duty of the City Clerk to certify the approval. A tentative map which is deemed approved by the failure of the Planning Commission to act within the required time limit is subject to an appeal within ten (10) days of the date the tentative map is deemed approved.

D. Denial.

The tentative map may be denied by the Planning Commission on any of the grounds provided by City ordinances or the Subdivision Map Act. The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:

1. The proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.
2. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. The site is not physically suitable for the type of development.
4. The site is not physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or the type of improvement is likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previous acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
8. The proposed subdivision is inconsistent with any ordinance or law of the City of Santa Monica.

E. **Report to City Council.**

If a tentative map is approved or conditionally approved, including approval by failure of the Planning Commission to act within the time required by law, the Director shall make a written report to the City Council within five (5) days of such approval.

F. **Extension of time for Planning Commission or City Council action.**

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission or the City Council.

G. **Appeal.**

1. **By Subdivider.** If the subdivider disagrees with any action by the Planning Commission with respect to the tentative map, the subdivider may, within ten (10) days of such decision file an appeal in writing with the City Clerk. The City Council shall consider the appeal within thirty (30) days after the date of filing the appeal, unless the subdivider consents to a continuance. This appeal shall be a public hearing after notice has been given pursuant to Section 9.54.070(A). In addition, notice shall be given to the subdivider and the Planning Commission. Upon conclusion of the public hearing, the City Council shall within ten (10) days declare its findings. The City Council may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this Chapter or the Subdivision Map Act.
2. **By Interested Persons.** Any interested person, including a member of the Planning Commission or City Council, may file a complaint in writing with the City Council concerning such decision. Any such complaint shall be filed with the City Clerk within ten (10) days after the action which is the subject of the complaint. No complaint may be filed after the ten (10) day period. Within ten (10) days, or the next regular City Council meeting following the filing of the complaint, whichever is later, the City Council may, at its discretion, reject the complaint or set the matter for hearing. If the City Council rejects the complaint, the complainant shall be notified of such action. If the matter is set for public hearing, a public hearing shall be held within thirty (30) days after filing of the complaint pursuant to the procedures contained in Section 9.54.070(A) with additional notice being given to each person filing a complaint. For purposes of this Chapter, interested person includes any resident of the City of Santa Monica.

9.54.080 Procedures for Approval of Final Maps

A. **Approval by City Council.**

1. The final map together with the subdivision improvement agreement, shall be placed on the City Council agenda for its approval. The City Council shall consider the final map for approval at its next regular meeting after the meeting at which it receives the map prepared in accordance with this Chapter. The City Council shall have approved any subdivision improvement agreement before approving the final map.
2. If the subdivision improvement agreement and final map are approved by the City Council, it shall instruct the City Manager to execute the agreement on behalf of the City. If the subdivision improvement agreement and/or final map does not meet the requirements of the Subdivision Map Act or this Chapter, the City Council shall deny the final map without prejudice to the subdivider resubmitting a final map in compliance with the Subdivider Map Act and this Chapter.

B. Denial by the City Council.

The City Council shall not deny approval of the final map if it finds that the final map is in substantial compliance with the previously approved tentative map.

C. Filing with the County Recorder.

Upon approval of the final map by the City Council and receipt of the improvement security by the City Engineer, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the map, or have an authorized agent forward the map, to the Clerk of the County Board of Supervisors for transmittal to the County Recorder.

D. Submittal by units.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map; provided, however, that the subdivider, at the time the tentative map is filed, informs the Director of Planning of the subdivider's intention to file multiple final maps on the tentative map. In providing such notice the subdivider shall not be required to define the number or configuration of the proposed multiple maps. However, the Planning Commission shall approve the sequence of map approvals. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The subdivision improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

9.54.090 Expiration, Extensions, and Amendments

A. Expiration.

1. An approved or conditionally approved tentative map shall expire twenty-four (24) months after its approval or conditional approval.
2. The period of time specified in Subdivision (a) shall not include any period of time specified in Government Code Section 66452.6(b).
3. The period of time specified in Subdivision (a) shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map if a stay of the time period is approved pursuant to Section 9.54.090(C) of this Chapter.
4. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map of all or any portion of the real property included within the tentative map shall be filed with the legislative body pursuant to Government Code Section 66457 without first processing a new tentative map. Once a timely filing is made, subsequent actions may lawfully occur after the date of expiration of the tentative map.

B. Extensions.

1. **Application.** Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be

extended by the Planning Commission or City Council on appeal for a period or periods not exceeding a total of three (3) years.

2. **Request by Subdivider.** The subdivider or his engineer may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Director of Planning. The application shall be filed not less than sixty (60) days before the map is to expire and shall state the reasons for requesting the extension.
3. **Planning Commission Action.** The Director of Planning shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval or denial. A copy of the Director of Planning's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The resolution adopted by the Planning Commission approving an extension shall specify the new expiration date of the tentative map. The Planning Commission shall act upon the request within thirty (30) days of the filing of the written application.
4. **Time Limit of Extension.** The approved extension shall not exceed three (3) years.
5. **Appeal.** The subdivider or any interested person may appeal any action of the Planning Commission on the extension to the City Council within ten (10) days of such action. The City Council shall act upon the appeal within twenty (20) days.

C. **Stay of expiration.**

The subdivider may apply to the City Council for a stay of the expiration of a tentative subdivision or parcel map provided an application is filed pursuant to this section within ten (10) days of the service of the initial petition or complaint in a lawsuit involving the approval or conditional approval of a tentative subdivision or parcel map. Upon receipt of a valid application, a public hearing will be conducted pursuant to Section 9.54.070(A) within forty (40) days and the City Council shall either stay the expiration of the tentative map for up to five (5) years or deny the requested stay.

D. **Amendments to approved tentative map.** Minor changes in the tentative map may be approved by the Director of Planning upon application by the subdivider or on the initiative of the Director, provided:

1. No lots, units or building sites are added.
2. Such changes are consistent with the intent and spirit of the original tentative map approval.
3. There are no resulting violations of the Santa Monica Municipal Code. Any revision shall be approved by the Director of Planning and the City Engineer. The amendment shall be indicated on the approved map and certified by the Director of Planning and the City Engineer. Amendments of the tentative map other than minor shall be presented to the Planning Commission for approval. Processing shall be in accordance with Subchapter 9.54.070. Any approved amendment shall not alter the expiration date of the tentative map.

9.54.100 Standards for Decisions

A. **Nondiscrimination.** All tentative maps shall be conditioned upon the Declaration of Covenants, Conditions, and Restrictions containing a nondiscrimination clause in substantially the following form:

“No unit owner shall execute or file for record any instrument which imposes a restriction upon the sale, leasing or occupancy of his or her unit on the basis of sex, race, color, religion, ancestry, national origin, age, pregnancy, marital status, family composition, or the potential or actual occupancy of minor children. A condominium association shall not discriminate on the basis of sex, race, color,

religion, ancestry, national origin, age, pregnancy, marital status, family composition, or the potential or actual occupancy of minor children.”

- B. **Air space subdivision.** For air space subdivisions, minimum lot size, lot dimension and lot area requirements, parking requirements, setback requirements, building density limitations, building envelope limitations, yard requirements, landscaping requirements, inclusionary housing requirements, Building Code and other technical code requirements, and other standards affecting the development of the property shall be determined for the air space lots as if all lots in the air space subdivision were merged into the same lot. All tentative maps crating air space lots, other than condominiums, community apartments, or cooperative apartments, shall be conditioned upon the recordation, prior to final map approval, of deed restrictions, or other instruments in a form acceptable to the City Attorney, which:
1. Ensure that the air space lots have access to appropriate public rights-of-way by means of one or more easements or other entitlements to use, in a form satisfactory to the City Engineer; and
 2. Restrict each lot so that minimum lot size, dimension and area requirements, parking requirements, setback requirements, building density limitations, building envelope limitations, yard requirements, landscaping requirements, inclusionary housing requirements, Building Code and other technical code requirements, and other standards affecting the development of the property are determined for the air space lots as if all lots in the air space subdivision were merged into the same lot.

9.54.110 Voluntary Merger

- A. **Applicability.** Pursuant to the provisions of California Government Code Section 66499.20.3, a merger and certificate of merger of existing adjoining parcels of real property under common ownership may be authorized by the City Engineer and filed for record by the County Recorder only where the City Engineer makes all of the following findings:
1. The merger will not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments;
 2. The boundaries of the parcels to be merged are well-defined in existing recorded documents or filed maps and were legally created or have certificates of compliance issued on them;
 3. The merger will not alter the exterior boundary of the parcels to be merged;
 4. The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel;
 5. All parties having any record title interest in the real property affected have consented to the merger upon a form and in a manner approved by the City Engineer, excepting all those interests that are excepted from the requirement to consent to the preparation and recordation of Final Maps under the provisions of California Government Code Section 66436 and according to the terms, provisions, reservations and restrictions provided therein for such consent;
 6. All necessary fees and requirements, including a fee for recording the document have been provided.

7. The merger shall not create a parcel that exceeds the lot consolidation size limit established in Section 9.21.030(B)(1) for the zone district in which the parcel is created.
- B. **Concurrent Filing of Record of Survey.** Where a record of survey is deemed to be necessary by the City Engineer or the applicant in order to monument and define the boundaries of the merged parcel, such record of survey, otherwise in compliance with all requirements, may be filed at the same time as the merger and certificate of merger.
 - C. **Merger of Parcels.** The filing of the merger and certificate of merger for record shall constitute a merger of the separate parcels into one parcel for the purpose of the Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcels shall thereafter be treated in all respects as a single parcel.
 - D. **Recording of Merger Without Approval Prohibited.** No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and local Ordinances enacted pursuant thereto except in conformity with the provisions of this chapter.

9.54.120 Fees

The City Council shall establish by resolution such fees as may be required for the review and processing of a proposal for voluntary merger.

9.54.130 Certificates of Compliance and Conditional Certificates of Compliance

- A. **Purpose and Intent.**
 1. **Certificates of Compliance.** This Division provides procedures for the filing, processing, and approval or denial of applications for Certificates of Compliance, consistent with the requirements of Chapter 9.54 (Land Division) of the Santa Monica Municipal Code, and other applicable provisions of the City Code, including predecessor ordinances, and the requirements of the California Subdivision Map Act, as applicable to the specific application.
 2. **Conditional Certificates of Compliance.** This Division provides procedures for the filing, processing, and approval, approval with conditions or denial of applications for Conditional Certificates of Compliance, consistent with the policies and standards of the General Plan, Divisions I through VI of Article 9 of the Santa Monica Municipal Code, including predecessor ordinances, and the requirements of the California Subdivision Map Act, as applicable to the specific application.
- B. **Application Filing and Review.**
 1. **Who may apply.** Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance or Conditional Certificate of Compliance.
 2. **Certificate of Compliance.** An application for a Certificate of Compliance shall be filed with the City Engineer.
 3. **Conditional Certificate of Compliance.** Upon the City Engineer's determination that the Certificate to be recorded is required to be a Conditional Certificate of Compliance, an application for a Conditional Certificate of Compliance shall be filed with the Planning and Community Development Department.
- C. **Contents of application.**
 1. **Certificate of Compliance.** An application for a Certificate of Compliance shall be filed on a City Engineer's application form, together with required fees and/or deposits, and all other

information and materials as identified in the City Engineer's application for a Certificate of Compliance.

2. **Conditional Certificate of Compliance.** An application for a Conditional Certificate of Compliance shall be filed with the Planning and Community Development Department in compliance with the following:
 - a. **Application contents.** Each application for a Conditional Certificate of Compliance together with required fees and/or deposits, shall be filed with the Planning Director on a Planning and Community Development Department application form, together with required fees and/or deposits, and all other information and materials as identified in the Planning and Community Development Department application for the Conditional Certificate of Compliance. Submittal requirements may be increased or waived on a project specific basis as determined necessary or appropriate by the Planning Director.
 - b. **Application fees.**
 - i. *Timing of payment.* Required fees and/or deposits shall be paid at the time of filing the application with the Planning Director and no processing shall commence until the fee/deposit is paid.
 - ii. *Refunds and withdrawals.* The required application fees and/or deposits cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Planning Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.
 - c. **Filing and acceptance of an application.** An application is considered to be filed after it has been accepted for processing by the Planning and Development Department and required fees and/or deposits have been paid. The Planning Director shall review each application for receipt of all submittal requirements and accuracy prior to acceptance of the application. The Planning Director's acceptance of an application for processing shall be based on the Planning and Development Department's required application contents (see Subsection C.2.a, above).
 - d. **Environmental information.** After an application has been accepted as complete, the Planning Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the requirements of the California Environmental Quality Act and its Guidelines.
 - e. **Referral of application.** At the discretion of the Planning Director, or where otherwise required by the Santa Monica Municipal Code, or State or Federal law, an application may be referred to any County department or public agency that may be affected by or have an interest in the application.
 - f. **Right of entry/inspection.** Every applicant seeking a Conditional Certificate of Compliance in compliance with this Chapter shall allow City staff involved in the

review of the application access to any premises or property which is the subject of the application at all reasonable times.

- g. **Coastal Development Permit requirement.** If an application for a Conditional Certificate of Compliance is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit shall be processed and approved by the appropriate decision-maker before the Conditional Certificate of Compliance application may be approved and filed for record with the County Recorder.

D. Processing of Application.

1. **In general.** After receipt of an application for a Certificate of Compliance, the County Surveyor shall review all available information and determine whether the real property was divided in compliance with Chapter 9.54 (Land Division) of the City Code, and other applicable provisions of the City Code, including predecessor ordinances, and the requirements of the California Subdivision Map Act, as applicable to the specific application.
2. **Certificates of Compliance.** If the City Engineer determines that the real property was divided in compliance consistent with the requirements of Chapter 9.54 (Land Division) of the Santa Monica Municipal Code, and other applicable provisions of the City Code, including predecessor ordinances, and the requirements of the California Subdivision Map Act, as applicable to the specific application, then the City Engineer shall cause a Certificate of Compliance to be filed for record with the County Recorder in compliance with Subsection F.1, below.
3. **Conditional Certificates of Compliance.**
 - a. If the City Engineer determines that the real property was not divided in compliance with Subsection (A), above, then the City Engineer shall direct that an application for a Conditional Certificate of Compliance be filed with the Planning and Community Development Department.
 - b. After receipt of an application for a Conditional Certificate of Compliance, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - c. The Director shall be the decision-maker and shall hold at least one noticed public hearing on the requested Conditional Certificate of Compliance and Coastal Development Permit, if applicable, and either approve or conditionally approve the request.
 - d. The determination of the Director is final subject to appeal in compliance with Section 9.37.130 (Appeals).
 - e. At the time that the Conditional Certificate of Compliance is approved or conditionally approved, the decision-maker may impose conditions as provided by Subsection E (Conditions of Approval), below.

E. Conditions of approval.

1. **Owners are original subdividers.** If the owners of the real property for which a Conditional Certificate of Compliance is being requested are the original subdividers, then the decision-maker, in compliance with the Subdivision Map Act, may impose any conditions that would be applicable to a current subdivision of the property, regardless of when the property was divided.

2. **Owners are not original subdividers.** If the owners of the real property for which a Conditional Certificate of Compliance is being requested had no responsibility or are not “successors in interest” of the subdivision that created the real property, then the decision-maker may only impose conditions that would have been applicable to the subdivision at the time the real property was acquired by the current owners.
 3. **Compliance with conditions.** The conditions of approval shall be required to be fulfilled and implemented prior to the subsequent issuance of a permit or other grant of approval for development of the property.
- F. **Completion of process.**
1. **Certificate of Compliance.** The City Engineer shall file for record a Certificate of Compliance with the County Recorder. The Certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the division complies with the requirements of Chapter 9.54 (Land Division) of the Santa Monica Municipal Code, and other applicable provisions of the City Code, including predecessor ordinances, and the requirements of the California Subdivision Map Act, as applicable.
 2. **Conditional Certificate of Compliance.** Following expiration of the applicable appeal period of the final action by the decision-maker, the County Surveyor shall file for record a Conditional Certificate of Compliance with the County Recorder. The Certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions adopted in compliance with Subsection D, above, shall be required before subsequent issuance of a permit or other approval for the development of the property.
- G. **Effective date of certificate.** A Certificate of Compliance or Conditional Certificate of Compliance shall not become effective until the document has been recorded by the County Recorder.

Chapter 9.55 Architectural Review

Sections:

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9.55.010 Purpose

The purpose of this Chapter is to promote the public health, safety and general welfare by establishing such procedures and providing such regulations as are deemed necessary to preserve existing areas of natural beauty, cultural importance; to assure that buildings, structures, signs or other developments are in good taste, good design, harmonious with surrounding developments and in general contribute to the preservation of Santa Monica's reputation as a place of beauty, spaciousness and quality; to prevent the development of structures or uses which are not of acceptable exterior design or appearance, are of inferior quality or likely to have a depreciating effect on the local environment or surrounding area by reason of appearance or value; to eliminate conditions, structures, signs or uses which by reason of their effect tend to degrade the health, safety or general welfare of the community; and provide a continuing source of programs and means of improving the City's overall appearance.

9.55.020 Definitions

For purposes of this Chapter, the following definitions shall have the meanings defined herein:

- A. **Chapter** — Shall refer to Chapter 9.55, Article 9, Santa Monica Municipal Code.
- B. **Board** — Shall mean the Architectural Review Board.
- C. **Commission** — Shall mean the Santa Monica Planning Commission.
- D. **Council** — Shall mean the Santa Monica City Council.
- E. **Director** — Shall mean the Director of Planning & Community Development or his/her designee.

- F. **District** — Shall mean an officially designated architectural review district.
- G. **Member** — Shall mean a voting member of the Architectural Review Board.
- H. **Review Authority** — Shall mean the appropriate decision maker as determined by the Zoning Ordinance.

9.55.030 Architectural Review Board—Membership

An Architectural Review Board is hereby established which shall consist of seven members. At least two of the members shall be professional architects. Other members of the board shall be persons who, as a result of their training, experience, and attainments, are qualified to analyze and interpret architectural and environmental trends and information, to appraise resource uses in light of the policies set forth in this Article, to be responsive to the social, aesthetic, recreational and cultural needs of the community. Other expertise such as conservation, recreation, design, landscaping, the arts, urban planning, cultural-historical preservation, and ecological and environmental science shall, insofar as practicable, be represented on the Board. The Landmarks Commission may select one of its members to provide active liaison with the Board when the Board is considering additions to or modifications of historic resources. The Commissioner chosen shall neither have a vote on the Board nor be eligible to be its chairperson.

9.55.040 Guidelines and Standards

The Architectural Review Board may, by resolution, establish guidelines and standards for its evaluation of proposed developments within an architectural review district, to supplement the criteria set forth in this Chapter. Such guidelines and standards shall reflect and effectuate the purposes expressed by Section 9.55.010 of this Code and shall include, but need not be limited to, consideration of the following elements:

- A. The integrity of neighborhood environments:
- B. Existing local, social, aesthetic, recreational and cultural facilities, designs and patterns within the district;
- C. The disparate elements of neighborhood communities within a district and the architectural relationship of adjoining neighborhood communities; and
- D. General patterns and standards of architectural development within the entire district.

9.55.050 Guidelines and Standards—Submission for Approval—Maintenance and Availability of Copies

The guidelines and standards established by the Architectural Review Board shall be submitted for approval to the Commission after adoption by the Board. Copies of the effective, current guidelines and standards shall be maintained and made available to the public by the Department of Planning & Community Development.

9.55.060 Appointment and Term of Office

The members of the Board shall be subject to removal by motion of the City Council by at least five (5) affirmative votes. Except as otherwise provided herein, the members of the Board shall serve for a term of four (4) years, commencing on July 1 and until their respective successors are appointed and qualified.

The members first appointed to the Board shall so classify themselves by lot that the term of one of their number shall expire on the next succeeding July 1, and the balance of the Board shall be paired by lot and serve terms to such an extent as is necessary in order that the terms of at least one such pair shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

9.55.070 Rules

The Board shall adopt rules and regulations for the conduct of its business. Four (4) voting members shall constitute a quorum. The affirmative or negative vote of a majority of the entire membership of the Board shall be necessary for it to take action. No item shall be included on the consent calendar of the Board's agenda unless all members agree to the inclusion of such item. If any member of the Board objects to scheduling a particular application on the Board calendar, said application shall be removed from the consent calendar and set for public hearing, and the Board shall be granted an additional fifteen days to execute action on the application.

9.55.080 Officers, Election of Officers

As soon as practicable following the appointment or reappointment of members each year, the Board shall organize and elect from its own membership a Chairman and a Chairman Pro Tem.

9.55.090 Secretary

The Director shall serve or appoint staff to serve as the official secretary to the Committee. The records of all proceedings and basis for all findings shall be available to the Council and to the public.

9.55.100 Meetings

The committee shall meet at established intervals, at least twice each month, or as otherwise determined by the Board, on regularly scheduled dates. Meetings shall be arranged in order to process applications within the time required by this Ordinance.

9.55.110 Architectural Review Districts

The Architectural Review Board upon its own motion may recommend to the City Council, after the review and comment of the Planning Commission thereon, any commercial, industrial, residential, or other area, or a combination of areas within the corporate boundaries of the City for inclusion in an architectural review district. The City Council, upon such recommendation, or upon its own motion, may establish one or more architectural review districts by ordinance which may include any or all portions of the City.

9.55.120 Jurisdiction

A. Unless plans, elevations, landscaping and proposed signs for building or structures or alterations thereto have been approved by the Board or on appeal by the Commission, no building permit shall be issued for any building, structure or other development of property or appurtenances thereto, on any property situated in an established architectural review district, except that the Board under authority of Section 9.55.070 of this Chapter, may, by resolution, authorize the building officer or other official to approve applications for building permits for minor or insignificant development of property which would not defeat the purposes and objectives of this chapter.

The Commission shall also have the authority to undertake all review and approvals authorized by the Zoning Ordinance.

B. No completed project which receives the Board's approval prior to the issuance of a building permit for the construction thereof, shall receive a certificate of occupancy or final building inspection

approval until the Director certifies that such construction has complied with the conditions and restrictions, if any, imposed by the Board or the Commission, and that the final construction is in conformity with the plans approved by the Board and/or the Commission.

- C. Plans or proposals which require a Development Review Permit shall first be considered by the Board for a recommendation to the Planning Commission on the appropriateness of proposed urban design elements, including, but not limited to: siting, massing, scale, circulation, general relationship to adjacent structures and the adjacent street.
- D. Following a determination by the Commission or applicable Review Authority, plans or proposals shall thereafter, when appropriate, be considered by the Board which shall be authorized to approve, conditionally approve or disapprove exterior elevations, landscaping, signs and general appearance and impose such conditions as it believes reasonable and necessary and as would not be in conflict with any of the conditions or requirements of the Commission or applicable Review Authority.

9.55.130 Procedure for Review

- A. Preliminary sketches of the design of a proposed structure or alteration may be submitted to the Department of Planning & Community Development for informal review so that an applicant may be informed of Board policies prior to preparing working drawings.
- B. The applicant for a building permit when subject to requirements of this article shall submit to the Department of Planning & Community Development an application for Board approval, which shall include, but be limited to a site plan as defined by Section 9.55.150 and exterior elevations and such other data as will assist the Board in evaluating the proposed building or structure. Exterior elevation drawings shall be available when Board agendas are published.
- C. Preliminary plans and elevations shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The plot plan shall conform to Section 9.55.150. Work not thus presented may be rejected by the Director.
- D. The application shall be processed pursuant to the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation there.

9.55.140 Criteria

- A. The Board may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of whether the following criteria are complied with:
 - 1. The plan for the proposed building or structure is expressive of good taste, good design, and in general contributes to the image of Santa Monica as a place of beauty, creativity and individuality.
 - 2. 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.
 - 3. The proposed design of the building or structure is compatible with developments on land in the general area.

4. The proposed development is in conformity with the effective guidelines and standards adopted pursuant to this chapter and all other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- B. If the Board finds that the above criteria are complied with, the application shall be approved. Conditions may be imposed when the proposed building or structure does not comply with the above criteria and shall be such to bring such building or structure into conformity therewith. If an application is disapproved, the Board shall detail in its findings the criteria which are not complied with or the guidelines which are violated, or both. Any action taken by the Board in regard to a proposed development shall include findings, and be reduced to writing, signed by the Chairman, and a copy thereof shall be given to the applicant, in person, or by United States mail, upon request.
- C. A decision or order of the Board shall not become effective until the expiration of ten (10) days after the date upon which a ruling has been made.
- D. The criteria established herein may be changed, from time to time, by ordinance, upon request of the Board, or upon motion of the City Council.

9.55.150 Site Plans

- A. A site plan shall be drawn to scale and shall indicate the following sufficiently for consideration of urban design, visual, and safety factors:
 1. Dimensions and orientation of the parcel.
 2. Location of buildings and structures both existing and proposed.
 3. Location of off-street parking and loading facilities.
 4. Location of points of entry and exit for motor vehicles and internal circulation factors.
 5. Location of walls and fences and the indication of their height and the materials of their construction.
 6. Indication of exterior lighting standards and devices adequate to review possible hazards and disturbances to the public and adjacent properties.
 7. Location and size of exterior signs and outdoor advertising.
 8. A preliminary landscaping plan.
 9. Such other architectural and engineering data as may be required to permit necessary findings that the provisions of this chapter are being complied with.

9.55.160 Appeals

The applicant or any interested person may appeal to the Commission from any ruling of the Board made pursuant to this Chapter. Further, any member of the Commission may request a review by the Commission of any ruling of the Board. Notice of any appeal from the ruling of the Board must be filed within ten (10) days of the date that such ruling is made, and must be accompanied, except in the case of a review by request of a member of the Commission, by the fee established by the Santa Monica Municipal Code. When such an appeal is made from a ruling of the Board, the Commission shall set a hearing date within thirty (30) days of the receipt of said notice of appeal. The Commission shall hear the appeal at the earliest practical date. The Commission shall decide the appeal within thirty (30) days after said hearing and shall base its decision on the evidence submitted to it at said hearing, and upon the record from the Board and such other records as may exist in the case. The decision of the Commission upon such appeal, relative to any matter within the jurisdiction of the Board, shall be final.

9.55.170 Architectural Review District Boundaries

Pursuant to Section 9.55.110 of the Santa Monica Municipal Code, an architectural review district is hereby established. Said architectural review district shall be composed of all commercial, industrial, and residential areas within the corporate boundaries of the City, with the exception of those areas designated as R1 Districts by Article 9 of the Santa Monica Municipal Code, and those structures for which a certificate of appropriateness is obtained from the Landmarks Commission (or City Council on appeal) pursuant to Chapter 9.56 of the Santa Monica Municipal Code. Noncontributing structures located within Historic Districts shall be subject to architectural review unless otherwise exempted by the ordinance that establishes procedures for the alteration of structures within the Historic District. Single-family structures, including accessory structures, in all districts in the City except for those structures located in the area described in Section 9.08.030(A)(2) are also exempt from Architectural Review Board district boundaries.

9.55.180 Posting of Property

Within ten days after an application for architectural review has been filed, the applicant shall post the property with a preprinted sign or signs prepared by the City measuring thirty inches by forty inches in size. Except as set forth in this Section, the posting shall be in accordance with the requirements as to content, location(s), number of signs, height, lettering and posting period as established by the Director to ensure adequate notice. The application shall not be considered complete unless the site has been posted pursuant to this Section. Sign and landscape applications and applications subject to administrative approval are exempt from the requirements of this Section.

Chapter 9.56 Landmarks and Historic Districts

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9.56.010 Title

This Chapter shall be known as the Landmark and Historic District Ordinance of the City of Santa Monica.

9.56.020 Purpose

It is hereby declared as a matter of public policy that the purpose of this Chapter is to promote the public health, safety and general welfare by establishing such procedures and providing such regulations as are deemed necessary to:

- A. Protect improvements and areas which represent elements of the City's cultural, social, economic, political and architectural history.

- B. Safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and areas.
- C. Foster civic pride in the beauty and noble accomplishments of the past.
- D. Protect and enhance the City's aesthetic and historic attractions to residents, tourists, visitors and others, thereby serving as a stimulus and support to business and industry.
- E. Promote the use of Landmarks, Structures of Merit and Historic Districts for the education, pleasure and welfare of the people of this City.

9.56.030 Definitions

As used in this Chapter, the following words and phrases shall have the meaning set forth herein, unless it is apparent from the context that a different meaning is intended:

- A. **Certificate of Appropriateness:** A certificate issued by the Landmarks Commission approving such plans, specifications, statements of work, and any other information which is reasonably required by the Landmarks Commission to make a decision on any proposed alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Structure of Merit, Landmark or Landmark Parcel, or to a building or structure within a Historic District.
- B. **City-Designated Historic Resource:** Any existing building or structure that is designated by the City as a Landmark, Structure of Merit, or a Contributor to a Designated Historic District.
- C. **Contributing Building or Structure:** A building or structure which has been identified by the Landmarks Commission as one which contributes to the designation of an area as a Historic District.
- D. **Commission.** The Landmarks Commission.
- E. **Department.** The Department of Planning & Community Development.
- F. **Director.** The Director of the Department of Planning & Community Development or his/her designee.
- G. **Exterior Features:** The architectural style, design, general arrangement, components and natural features or all of the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences and other fixtures appurtenant to such improvement, and the natural form and appearance of, but not by way of limitation, any grade, rock, body of water, stream, tree, plant, shrub, road, path, walkway, plaza, fountain, sculpture or other form of natural or artificial landscaping.
- H. **Historic District:** Any geographic area or noncontiguous grouping of thematically related properties which the City Council has designated as and determined to be appropriate for historical preservation pursuant to the provisions of this Chapter.
- I. **Improvement:** Any building, structure, place, site, work of art, landscape feature, plantlife, life-form, scenic condition or other object constituting a physical betterment of real property, or any part of such betterment.
- J. **Landmark:** Any improvement which has been designated as and determined to be appropriate for historical preservation by the Landmarks Commission, or by the City Council on appeal, pursuant to the provisions of this Chapter.

- K. **Landmark Parcel:** Any portion of real property, the location and boundaries as defined and described by the Landmarks Commission, upon which a Landmark is situated, which is determined by the Landmarks Commission as requiring control and regulation to preserve, maintain, protect or safeguard the Landmark.
- L. **Secretary of Interior Standards:** The Secretary of the Interior Standards for Treatment of Historic Properties published by the U.S. Department of the Interior found at 36 C.F.R. § 68.3 as it may be amended from time to time.
- M. **Structure of Merit:** Any improvement which has been designated as and determined to be appropriate for official recognition by the Landmarks Commission pursuant to the provisions of this Chapter.

9.56.040 Landmarks Commission

A Landmarks Commission is hereby established which shall consist of seven members appointed by the City Council, all of whom shall be residents of the City over eighteen years of age. Of the seven members, at least one shall be a registered architect, at least one shall be a person with demonstrated interest and knowledge, to the highest extent practicable, of local history, at least one shall have a graduate degree in architectural history or have demonstrated interest, knowledge and practical or professional experience to the highest extent practicable of architectural history and at least one shall be a California real estate licensee. The Director, or his or her designated representative, shall act as the Secretary of the Commission and shall maintain a record of all resolutions, proceedings, and actions of the Commission.

9.56.050 Vacancies

In the event of a vacancy occurring during the term of a member of the Landmarks Commission, the City Council shall make an interim appointment to fill the unexpired term of such member, and where such member is required to have special qualifications pursuant to Section 9.56.040, such vacancy shall be filled by interim appointment with a person possessing such qualifications.

9.56.060 Powers

In addition to any other powers set forth in this Chapter or in the Zoning Ordinance, the Landmarks Commission shall have the power to:

- A. Designate Structures of Merit, Landmarks and Landmark Parcels, and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto, in order to effectuate the purposes of this Chapter. Except as provided in Section 9.56.110, the designation of any improvement as a Structure of Merit, Landmark, or Contributing Building or Structure shall only include the exterior features of the improvement and shall not include any portion of its interior space.
- B. Conduct studies and evaluations of applications requesting the designation of a Historic District, make determinations and recommendations as such appropriateness for consideration of such applications, and make any preliminary or supplemental designations, determinations or decisions, as additions thereto, in order to effectuate the purposes of this Chapter.
- C. Regulate and control the alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Structure of Merit, a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District, and make any preliminary or supplemental designations, determinations, decisions, as additions thereto, in order to effectuate the purposes of this Chapter.

- D. Adopt, promulgate, amend, and rescind, from time to time, such rules and regulations as it may deem necessary to effectuate the purposes of this Chapter.
- E. Maintain a current listing and description of designated structures of merit, landmarks and historic districts.
- F. Provide for a suitable sign, plaque or other marker, at public or private expense, on or near a Landmark or Historic District, indicating that the Landmark or Historic District has been so designated. The sign, plaque or other marker shall contain information and data deemed appropriate by the Commission, and the placement of such shall be mandatory in the case of a landmark held open to the public use, and shall be at the discretion of the owner of the landmark in the case of a landmark not held open to the public use.
- G. Certify and/or ratify applicable environmental documents, or when acting in an advisory capacity only, recommend certification or ratification of environmental documents, in accordance with the California Environmental Quality Act or the National Environmental Policy Act.
- H. Evaluate and comment upon proposals and environmental reviews pending before other public agencies affecting the physical development, historic preservation and urban design in the City.

9.56.070 Jurisdiction

Unless a certificate of appropriateness has been issued by the Landmarks Commission, or by the City Council upon appeal, or unless an express exemption as provided for in this Chapter specifically applies, any alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Structure of Merit, Landmark or Landmark Parcel, or of or to a building or structure within a Historic District is prohibited, and no permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted by any Department of the City.

9.56.080 Structure of Merit Criteria

For the purposes of this Chapter, an improvement may be designated a Structure of Merit if the Landmarks Commission determines that it merits official recognition because it has one of the following characteristics:

- A. The structure has been identified in the City's Historic Resources Inventory.
- B. The structure is a minimum of 50 years of age and meets one of the following criteria:
 - 1. The structure is a unique or rare example of an architectural design, detail or historical type.
 - 2. The structure is representative of a style in the City that is no longer prevalent.
 - 3. The structure contributes to a potential Historic District.

9.56.090 Structure of Merit Designation Procedure

Structures of Merit shall be designated by the Landmarks Commission in accordance with the following procedure:

- A. Except as limited by 9.25.040(E), any person may request the designation of an improvement as a Structure of Merit by properly filing with the Director an application for such designation on a form furnished by the Department. Additionally, the Commission may file an application for the designation of a Structure of Merit on its own motion. Within thirty days of filing a Structure of

Merit designation application, the property owner and tenants of the subject property shall be notified of the application filing.

- B. Upon determination that an application for designation of an improvement as a structure of merit is complete, removal or demolition, in whole or in part, of or to a proposed Structure of Merit is prohibited, and no permit issued by any City Department, Board or Commission including, but not limited to, a conditional use permit, a tentative tract map, or tentative parcel map permit, a development review permit, any Zoning Conformance permit, architectural review, rent control permit, or building permit, authorizing any such removal or demolition shall be granted while any action on the application is pending.
- C. The Director shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the structure merits such designation. A public hearing to determine whether the structure merits such designation shall be scheduled before the Landmarks Commission within ninety days of the determination that the application is complete.
- D. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and occupants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Structure of Merit is situated, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- E. No later than ninety days from the determination that the application is complete, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Structure of Merit. If the Commission fails to take action on the application for the designation of a Structure of Merit at the conclusion of the public hearing, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director to certify such disapproval.
- F. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director.
- G. Upon the rendering of a decision to designate a Structure of Merit, the owner of the designated Structure of Merit shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the Los Angeles County Assessor.
- H. Subject to other provisions of this Section and Section 9.56.180 of this Chapter, a decision of the Commission to designate a Structure of Merit shall be in full force and effect from and after the date of the rendering of such decision by the Commission.
- I. The Commission shall have the power, after a public hearing, to amend, modify, or rescind any decision to designate a Structure of Merit and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- J. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- K. Whenever an application for the designation of a Structure of Merit has been disapproved or deemed disapproved by the Commission, no application which contains the same or substantially the same

information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application by the owner of the improvement proposed for Structure of Merit designation may be resubmitted or reconsidered notwithstanding said five year time period.

- L. If an improvement is designated as a Structure of Merit because the improvement contributes to a potential Historic District, this designation shall remain in full force and effect only if within ninety days from the date of designation, either by the Landmarks Commission or by the City Council on appeal, an application for designation of an Historic District has been filed pursuant to Section 9.56.130 which would include the Structure of Merit within its area. If an Historic District application is timely filed, the Structure of Merit designation shall remain in full force and effect during the Historic District designation process. If an application for designation of an Historic District is not timely filed or an Historic District is not designated in accordance with Section 9.56.130, then the Structure of Merit designation shall be automatically nullified without any action required by the Commission.

9.56.100 Landmark or Historic District Designation Criteria

- A. For purposes of this Chapter, the Landmarks Commission may approve the landmark designation of a structure, improvement, natural feature or an object if it finds that it meets one or more of the following criteria:
 - 1. It exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political or architectural history of the City.
 - 2. It has aesthetic or artistic interest or value, or other noteworthy interest or value.
 - 3. It is identified with historic personages or with important events in local, state or national history.
 - 4. It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study.
 - 5. It is a significant or a representative example of the work or product of a notable builder, designer or architect.
 - 6. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.
- B. For the purposes of this Chapter, a geographic area or a noncontiguous grouping of thematically related properties may be designated a Historic District if the City Council finds that such area meets one of the following criteria:
 - 1. Any of the criteria identified in Section 9.56.100(A)(1) through (6).
 - 2. It is a noncontiguous grouping of thematically related properties or a definable area possessing a concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality.

3. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.
4. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.

9.56.110 Public Spaces

For the purpose of this Chapter, any interior space regularly open to the general public, including, but not limited to, a lobby area may be included in the landmark designation of a structure or structures if the Landmarks Commission, or the City Council upon appeal, finds that such public spaces meet one or more of the criteria listed under Section 9.56.100.

9.56.120 Landmark Designation Procedure

Landmarks shall be designated by the Landmarks Commission in accordance with the following procedure:

- A. Except as limited by 9.25.040(E), any person may request the designation of an improvement as a Landmark by filing a complete application for such designation with the Department on a form furnished by the Department. Additionally, the Commission may file an application for the designation of a Landmark on its own motion. Within thirty days of filing a landmark designation application, the property owner and tenants of the subject property shall be notified of the filing of such application.
- B. Upon the filing of an application for designation of an improvement as a Landmark, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a proposed Landmark or Landmark Parcel is prohibited. No permit shall be issued by any City Department, board or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any Zoning Conformance permit, Architectural Review Board approval, certificate of appropriateness permit, rent control permit, or building permit, which would authorize any such alteration, restoration, construction, removal, relocation or demolition until a final determination on the application is rendered by the Commission, or the City Council on appeal.
- C. The Director shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the improvement merits designation. A public hearing to determine whether the improvement merits designation shall be scheduled before the Landmarks Commission within sixty-five days of the determination that the application is complete. The owner of the improvement may agree to extend the time period for the Commission to hold the public hearing on the application.
- D. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, the owner of the improvement, all owners and residential and commercial tenants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Landmark is situated, and to residential and commercial tenants of the subject property, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings

in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

- E. At the conclusion of the public hearing, or any continuation thereof, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Landmark, and may define and describe an appropriate Landmark Parcel. Any continued public hearing must be completed within sixty-five days from the date set for the initial public hearing. If the Commission fails to take action on the application for the designation of a Landmark within the sixty-five day time period, the application for such designation shall be deemed disapproved. The owner of the improvement may agree to extend the time period for the Commission to hold and conclude the public hearing on the application.
- F. The Commission shall have the power, after a public hearing, whether at the time it renders such decision to designate a Landmark or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a Landmark or Landmark Parcel which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The Commission shall also have the power, after a public hearing, to amend, modify or rescind any decision to designate a Landmark or Landmark Parcel and any specifications made pursuant to this subsection. The Commission shall further have the power to make any preliminary or supplemental designations, determinations or decisions, as additions to its designation determinations.
- G. Subject to other provisions of this Section and Section 9.56.180 of this Chapter, a decision of the Commission to designate a Landmark shall be in full force and effect from and after the date of the rendering of such decision by the Commission.
- H. Within thirty-five days after the decision has been rendered, the Commission shall approve a statement of official actions which shall include:
 - 1. A statement of the applicable criteria and standards against which the application for designation was assessed.
 - 2. A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.
 - 3. The reasons for a determination to approve or deny the application.
 - 4. The decision to deny or to approve with or without conditions and subject to compliance with applicable standards.
- I. The official owner of the designated Landmark shall be provided a copy of the statement of official action after Commission approval using for this purpose the name and address of such owner as is shown in the records of the Los Angeles County Assessor.
- J. Whenever an application for the designation of a Landmark has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no new application which contains the same or substantially the same information shall be filed within a period of five years from final action on the prior application. However, if significant new information is available, the Landmarks Commission may waive the time limit by resolution and permit a new application to be filed. In addition, an application of the owner of the subject improvement proposed for Landmark designation may be resubmitted or reconsidered notwithstanding the five year time period.

9.56.130 Historic District Designation Procedure

Historic Districts shall be designated by the City Council in accordance with the following procedure:

- A. Any person may request the designation of an area as a Historic District by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Landmarks Commission may file an application for the designation of a Historic District on its own motion.
- B. No later than sixty days after the application for the designation of a Historic District is determined to be complete, City staff shall conduct a public meeting to discuss the potential District designation, including but not limited to, the designation process, the effect of designation on future property development, and the benefits of designation. The Landmarks Commission may request that City staff conduct this public meeting prior to the Landmark Commission's determination to file an application on its own motion. No more than twenty days and not less than ten days prior to the date scheduled for the public meeting, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, and to all owners and occupants of all real property within the potential Historic District.
- C. Upon determination by City staff that an application for designation of an Historic District is complete, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a building or structure within a proposed Historic District is prohibited, and no permit issued by any City Department, board or commission including a conditional use permit, a tentative tract map or parcel map permit, a final tract map or parcel map permit, a development review permit, any Zoning Conformance permit, architectural review permit, rent control permit, or building permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.
- D. Any person subject to subdivision (C) of this Section may apply to the Director, and to the Landmarks Commission, on appeal, for an exception. Exceptions may be granted for repairs or alterations which do not involve any detrimental change or modification to the exterior of the structure in question or for actions which are necessary to remedy emergency conditions determined to be dangerous to life, health or property.
- E. The Director shall conduct a preliminary evaluation of the proposed designation and shall make a recommendation to the Commission as to the appropriateness and qualification of the application for consideration by the Commission.
- F. A hearing to determine whether to recommend to the City Council that the application for the designation of a Historic District be approved, in whole or in part, or disapproved shall be scheduled before the Commission within one hundred eighty days after the application has been determined to be complete but no sooner than forty-five days after the public meeting held pursuant to subsection (B) of this Section.
- G. Not more than twenty days and not less than ten days prior to the date scheduled for such public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owners of all real property within the proposed Historic District and to the owners and residents of all real property within three hundred feet of the exterior boundary of the Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with

the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

- H. At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall recommend to the City Council the approval, in whole or in part, or disapproval of the application for the designation of a Historic District, and shall forward such recommendation to the City Council stating in writing the findings of fact and reasons relied upon in reaching such a recommendation. If the Commission fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director to certify such disapproval.
- I. Within forty-five days from the date the Landmarks Commission renders a recommendation on the Historic District application, a public hearing shall be scheduled before the City Council. The same notice requirements set forth in subsection (G) of this Section shall apply to the hearing before the City Council. At the conclusion of the public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the City Council shall by ordinance approve, in whole or in part, the application for the designation of the Historic District, or shall by motion disapprove the application in its entirety. If the City Council fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the City Clerk to certify such disapproval.
- J. The decision of the City Council to approve the application for the designation of a Historic District, in whole or in part, by ordinance, or to disapprove the application in its entirety by motion, shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the City Clerk.
- K. The City Council shall by ordinance have the power, after a public hearing, whether at the time it renders a decision to designate a Historic District or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a building or structure within a Historic District which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The City Council shall by ordinance also have the power after a public hearing to amend, modify or rescind any specification made pursuant to the provisions of this subsection.
- L. Upon the rendering of such decision to designate a Historic District, the owners of all real property within the designated Historic District shall be given written notification of such designation by the City Council, using for this purpose the names and addresses of such owners as are shown in the records of the Los Angeles County Assessor.
- M. Subject to other provisions of this Section 9.56.130, a decision of the City Council to designate a Historic District shall be in full force and effect from and after the effective date of the ordinance approving, in whole or in part, the application for the designation of a Historic District.
- N. The City Council shall by ordinance have the power, after a public hearing, to amend, modify or rescind any decision to designate a Historic District and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto. The Commission shall have the power to forward the recommendations of the Commission to the City Council on its own motion or at the direction of the City Council.

- O. The City Council shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- P. Whenever an application for the designation of a Historic District has been disapproved or deemed disapproved by the Commission or the City Council, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application of all owners of the majority of parcels within the subject area proposed for Historic District designation, may be resubmitted or reconsidered notwithstanding said five year time period.

9.56.140 Alterations and Demolitions: Criteria for Issuance of a Certificate of Appropriateness

For purposes of this Chapter, the Landmarks Commission, or the City Council on appeal, shall issue a certificate of appropriateness for any proposed alteration, restoration, construction, removal, relocation, demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a Structure of Merit if the Structure of Merit is subject to a deed restriction pursuant to Section 9.43.100 G9, or of or to a building or structure within a Historic District if it makes a determination in accordance with any one or more of the following criteria.

- A. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, of or to a Landmark or to a Landmark Parcel or upon a parcel that contains a City-designated Historic Resource subject to a deed restriction pursuant to Section 9.43.100(G)(9), the proposed work would not detrimentally change, destroy or adversely affect any exterior feature of the Landmark or Landmark Parcel upon which such work is to be done.
- B. In the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part, of or to a building or structure within a Historic District, the proposed work would not be incompatible with the exterior features of other improvements within the Historic District, not adversely affect the character of the Historic District for which such Historic District was designated, or not be inconsistent with such further standards as may be embodied in the ordinance designating such Historic District. For any proposed work to any building or structure whose exterior features are not already compatible with the exterior features of other improvements within the Historic District, reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.
- C. In the case of any proposed construction of a new improvement upon a Landmark Parcel or upon a parcel that contains a City-designated Historic Resource subject to a deed restriction pursuant to Section 9.43.100(G)(9), the exterior features of such new improvement would not adversely affect and not be disharmonious with the exterior features of other existing improvements situated upon such Landmark Parcel.
- D. The applicant has obtained a certificate of economic hardship in accordance with Section 9.56.160.
- E. The Commission makes both of the following findings:
 - 1. That the structure does not embody distinguishing architectural characteristics valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship and does not display such aesthetic or artistic quality that it would not

reasonably meet the criteria for designation as one of the following: National Historic Landmark, National Register of Historic Places, California Registered Historical Landmark, or California Point of Historical Interest.

2. That the conversion of the structure into a new use permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternative for preserving the structure, including relocation within the City, is not feasible.
- F. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, to interior public space incorporated in a Landmark designation pursuant to Section 9.56.110, the proposed work would not detrimentally change, destroy or adversely affect any interior feature of the Landmark structure.
 - G. The Secretary of Interior's Standards shall be used by the Landmarks Commission in evaluating any proposed alteration, restoration, or construction, in whole or in part, of or to a Landmark, Landmark Parcel, or to a Contributing Building or Structure within a Historic District.
 - H. Notwithstanding subsections (A) through (F) of this Section, a City-designated Historic Resource protected by a deed restriction pursuant to Section 9.43.100(G)(9) shall not be relocated, removed, or demolished in contravention of the deed restriction.

9.56.150 Certificate of Appropriateness for Structures of Merit

- A. Except as provided in Section 9.56.140, a certificate of appropriateness shall not be required for the alteration, restoration, construction or relocation of a Structure of Merit. However, the Architectural Review Board or the Planning Commission shall take into consideration the fact that the building has been designated a Structure of Merit in reviewing any permit concerning such structure.
- B. Application for a certificate of appropriateness for the demolition of a Structure of Merit shall be made on a form furnished by the Department. An application shall be processed in accordance with the same procedures set forth in Sections 9.56.170 and 9.56.180 of this Code and shall be reviewed in accordance with the standards set forth in Section 9.56.140.
- C. In an effort to agree to a means of historically preserving a Structure of Merit proposed for demolition, the Landmarks Commission shall have the following powers:
 1. During a one hundred and eighty day time period commencing from proper filing of an application for certificate of appropriateness, the Commission may negotiate with the owner of a Structure of Merit, or with any other parties, in an effort to agree to a means of historically preserving the designated property. The negotiations may include, but are not limited to, acquisition by gift, purchase, exchange, condemnation or otherwise of the Structure of Merit.
 2. Notwithstanding any of the foregoing, the Commission shall have the power to extend the required one hundred and eighty day time period to a duration not to exceed a three hundred and sixty day time period in any case where the Commission determines that such an extension is necessary or appropriate for the continued historical preservation of a Structure of Merit.
- D. Notwithstanding subsection C of this Section, a Structure of Merit shall not be demolished in contravention of a deed restriction recorded pursuant to Section 9.43.100.

9.56.160 Certificate of Economic Hardship

- A. Application for a certificate of economic hardship shall be made on a form furnished by the Department. An application shall be processed in accordance with the same procedures set forth in Sections 9.56.170 and 9.56.180 of this Code.
- B. The Landmarks Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
 - 1. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Commission for changes necessary for the issuance of a certificate of appropriateness. In connection with any such estimate, rehabilitation costs which are the result of the property owner's intentional or negligent failure to maintain the designated landmark or property in good repair shall not be considered by the Landmarks Commission in its determination of whether the property may yield a reasonable return to the owner.
 - 2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - 3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal; estimated market value after any changes recommended by the Landmarks Commission; and, in the case of a proposed demolition, estimated market value after renovation of the existing property for continued use.
 - 4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - 5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 - 6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - 7. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition, in its rehabilitated condition, or under such conditions that the Landmarks Commission may specify.
 - 8. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
 - 9. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - 10. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
 - 11. Assessed value of the property according to the two most recent assessments.
 - 12. Real estate taxes for the previous two years.

13. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 14. Any other information considered necessary by the Landmarks Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- C. In considering an application for a certificate of economic hardship, the Commission shall consider all relevant factors. In order to grant a certificate of economic hardship, the Landmarks Commission must make a finding that without approval of the proposed demolition or remodeling, all reasonable use of or return from a designated landmark or property within a Historic District will be denied a property owner. In the case of a proposed demolition, the Landmarks Commission must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from such landmark or property to a property owner.
- D. Upon a finding by the Commission that without approval of the proposed work, all reasonable use of or return from a designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed one hundred twenty days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to, provisions for relocating the structure, a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.
- E. If, by the end of this one hundred twenty day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship and notify the applicant by mail of the final denial.

9.56.170 Certificate of Appropriateness/Certificate of Economic Hardship Procedure

An application for a certificate of appropriateness or an application for a certificate of economic hardship approving any proposed alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District shall be processed in accordance with the following procedure:

- A. Any owner of a Landmark, or of a building or structure within a Historic District, may request the issuance of a certificate of appropriateness or certificate of economic hardship by properly filing with the Director an application for such certificate of appropriateness or certificate of economic hardship on a form furnished by the Department. Each application for a certificate of appropriateness or certificate of economic hardship shall include such plans, specifications, statements of work, and any other information which are reasonably required by the Landmarks Commission to make a decision on any such proposed work. An application shall be determined complete within thirty days after the Department receives a substantially complete application together with all information, plans, specifications, statements of work, and any other materials and documents required by the appropriate application forms supplied by the City. If, within the specified time period, the

Department fails to advise the applicant in writing that his or her application is incomplete and to specify additional information required to complete that application, the application shall automatically be deemed complete.

- B. The Director shall schedule a public hearing to be held within forty-five days of the date on which an application for a certificate of appropriateness or certificate of economic hardship is determined complete and shall make a preliminary recommendation to the Commission on or before the date scheduled for a public hearing as to the appropriateness and qualification of the application for a certificate of appropriateness or certificate of economic hardship.
- C. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, shall be mailed to the applicant, and to the owners and residents of all real property within three hundred feet of the exterior boundaries of the Landmark Parcel upon which a Landmark is situated in the case of any proposed work to a Landmark, or within three hundred feet of the exterior boundaries of the lot or lots on which a building or structure within a Historic District is situated in the case of any proposed work to a building or structure within a Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- D. The Commission shall have up to six months, or one year if the project requires an Environmental Impact Report, to render a decision on the certificate application. If the Commission does not render a decision within this time period, then the certificate application shall be automatically determined approved if any required environmental review has been completed. Notwithstanding the foregoing, the Commission may mutually agree with the applicant for a certificate of appropriateness or certificate of economic hardship to extend the six months or one year time period in which the Commission must take action to another time period which is mutually agreeable. The time period provided for in this Section shall be extended by the time period provided for in Section 9.56.160(D) when applicable.
- E. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- F. Subject to the provisions of Section 9.56.180 of this Chapter, upon the rendering of such decision to approve an application for a certificate of appropriateness or certificate of economic hardship, the Commission shall issue the certificate of appropriateness or certificate of economic hardship within a reasonable period of time and such issued certificate of appropriateness or certificate of economic hardship may be obtained by the applicant from the Department.
- G. Subject to other provisions of this Section 9.56.170 and Section 9.56.180 of this Chapter, a decision of the Commission shall be in full force and effect from and after the date of the rendering of such decision by the Commission. A certificate of economic hardship may be appealed to the City Council in the same manner and according to the same procedures as for a certificate of appropriateness.
- H. Subject to other provisions of this Section 9.56.170 and Section 9.56.180 of this Chapter, a certificate of appropriateness or certificate of economic hardship shall be in full force and effect from and after the date of the issuance by the Commission. Any certificate of appropriateness or certificate of economic hardship issued pursuant to this Chapter shall expire one year from its date of issuance unless the work authorized by the certificate has been commenced. In addition, any such certificate of appropriateness or certificate of economic hardship shall also expire and become null and void if

such work authorized is suspended or abandoned for a one hundred eighty day time period after being commenced.

- I. The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to approve, in whole or in part, an application for a certificate of appropriateness or certificate of economic hardship and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- J. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- K. The following rules shall limit the resubmittal of an application for a certificate of appropriateness or certificate of economic hardship:
 - 1. Whenever an application for a certificate of appropriateness or certificate of economic hardship for demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council for a period of five years from the effective date of the final action upon the prior application. A certificate of appropriateness or certificate of economic hardship for demolition may be re-filed at any time during the five year period provided that the applicant submits significant additional information which was not and could not have been submitted with the previous application. A re-filed application shall be processed in the manner outlined in this Section 9.56.170. Under this provision, should the applicant still seek to demolish the Landmark structure after the five year period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be re-filed. This application shall be subject to the same conditions as the prior application.
 - 2. Whenever an application for a certificate of appropriateness or certificate of economic hardship for other than demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of one hundred eighty days from the effective date of the final action upon such prior application. A certificate of appropriateness or certificate of economic hardship for other than demolition may be re-filed at any time during the one hundred eighty day period provided that the applicant submits significant additional information, which was not and could not have been submitted with the previous application. A re-filed application shall be processed in the manner outlined in this Section 9.56.170. Under this provision, should the applicant still seek approval for other than the demolition of a Landmark structure after the one hundred eighty day period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be re-filed. This application shall be subject to the same conditions as the prior application.
- L. Under the authority of Section 9.56.060, the Commission, may, by resolution, establish criteria under which the Landmarks Commission Secretary may approve certificate of appropriateness applications for minor or insignificant alterations, restorations, or construction, in whole or in part, of or to a

Landmark or Landmark Parcel, or of or to a building or structure within a Historic District which would not defeat the purposes and objectives of this Chapter.

9.56.180 Appeals

An appeal to the City Council of an action of the Landmarks Commission shall be processed in accordance with the following procedure:

- A. Each of the following actions by the Commission may be appealed to the City Council:
 1. Any decision relating to an application for the designation of a Landmark.
 2. Any decision defining and describing a Landmark Parcel upon which a Landmark is situated.
 3. Any decision amending, modifying or rescinding any decision to designate a Landmark or Landmark Parcel, or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
 4. Any decision relating to an application for a certificate of appropriateness.
 5. Any decision relating to a structure of merit.
 6. The approval or disapproval of an application of a Landmark, Historic District, Structure of Merit, or certificate of appropriateness that occurred as a result of the expiration of the required time periods for processing such applications.
- B. Any person may appeal a determination or decision of the Commission by filing a notice of appeal with the Department on a form furnished by the Department. Such notice of appeal shall be filed within ten consecutive days commencing from the date that such determination or decision is made by the Commission or from the date an application is deemed approved or disapproved because of the failure to comply with any time period set forth in this Chapter. The notice of appeal shall be accompanied by a fee required by law. Notwithstanding any of the foregoing, any member of the Commission or City Council may request a review by the Commission or City Council of any determination or decision of the Commission without the accompaniment of such fee in the amount required by law. Once an appeal is filed, the review is de novo, and the City Council may review and take action on all determinations, interpretations, decisions, judgments, or similar actions taken which were in the purview of the original hearing body on the application or project and is not limited to only the original reason stated for the appeal.
- C. The City Council shall schedule a public hearing to be held within forty-five days after the notice of appeal is properly filed with the Department. The owner of the improvement may agree to extend the time period for the City Council to hold and conclude the public hearing on the application.
- D. **Notice.**
 1. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by the Director by at least one publication in a daily newspaper of general circulation, and shall be mailed to:
 - a. The appellant;
 - b. The owner and residential or commercial tenants of the Landmark in the case of any action regarding a Landmark;
 - c. The owners of all real property within the Historic District in the case of any action regarding an entire Historic District;

- d. The owners of all real property and residential and commercial tenants within three hundred feet of the exterior boundaries of the lot or lots on which a Landmark is located in the case of any action regarding a Landmark;
 - e. The owners and all commercial and residential tenants of all real property within three hundred feet of the exterior boundaries of the Historic District in the case of any action regarding an entire Historic District;
 - f. The owners of all real property and all commercial and residential tenants within three hundred feet of the exterior boundaries of the lots or lots on which a building or structure is located in the case of any action regarding a building or structure within a Historic District.
2. The names and addresses of such owners as are shown on the records of the Los Angeles County Assessor shall be used for providing this notification. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The failure to send notice by mail to any such real property where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission or the City Council may also give such other notice as it may deem desirable and practicable.
- E. At the conclusion of the public hearing, or any continuation thereof, the City Council shall render its decision on the notice of appeal and shall approve, in whole or in part, or disapprove the prior determination or decision of the Commission. Any continued public hearing must be completed within thirty days from the date set for the initial public hearing. The City Council decision shall be in full force and effect from and after the date such decision is made. If the City Council fails to take action on the notice of appeal within the thirty day time period, the notice of appeal shall be deemed disapproved. The owner of the improvement may agree to extend the time period for the City Council to hold and conclude the public hearing on the application.
- F. Within thirty days after the decision has been made, the City Council shall approve a statement of official action which shall include:
1. A statement of the applicable criteria and standards against which the application for designation was assessed.
 2. A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.
 3. The reasons for a determination to approve or deny the application.
 4. The decision to deny or to approve with or without conditions and subject to compliance with applicable standards.
- G. The appellant and the owner of the Landmark in the case of a decision regarding a Landmark, the owners of all real property within the Historic District in the case of a decision regarding an entire Historic District, or the owner of a building or structure in the case of a building or structure within a Historic District shall be provided a copy of the statement of official action, using for this purpose the names and addresses of such owners as are shown in the records of the Los Angeles County Assessor.

9.56.190 Maintenance and Repair

- A. Every owner, or person in charge, of a Landmark, a Structure of Merit protected by a deed restriction pursuant to Section 9.43.100, or of a building or structure within a Historic District, shall have the duty of keeping in good repair all of the exterior features of such Landmark, Structure of Merit, or of such building or structure within a Historic District, and all interior features thereof which, if not so maintained, may cause or tend to cause the exterior features of such Landmark, or of such building or structure within a Historic District to deteriorate, decay, or become damaged, or otherwise to fall into a state of disrepair. All designated buildings or structures shall be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:
1. Façades which may fall and injure members of the public or property.
 2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration.
 4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
 6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
- B. This Section 9.56.190 of this Chapter shall be in addition to any and all other provisions of law requiring such Landmark, Structure of Merit protected by a deed restriction pursuant to Section 9.43.100 or such building or structure within a Historic District to be kept in good repair.

9.56.200 Unsafe or Dangerous Conditions

Nothing contained in this Chapter shall prohibit the making of any necessary alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or a Structure of Merit protected by a deed restriction pursuant to Section 9.43.100, or of or to a building or structure within a Historic District pursuant to a valid order of any governmental agency or pursuant to a valid court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. A copy of such valid order of any governmental agency or such valid court judgment shall be filed with the Director of Planning and in such cases, no certificate of appropriateness from the Landmarks Commission shall be required.

9.56.210 Ordinary Maintenance

Nothing contained in this Chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a Landmark, a Structure of Merit protected by a deed restriction pursuant to Section 9.43.100, or of a building or structure within a Historic District which does not involve any detrimental change or modification of such exterior features. In such cases, the work must be approved by the Landmarks Commission Secretary and no certificate of appropriateness from the Landmarks Commission shall be required. The administrative determination is appealable to the Landmarks Commission and shall be filed and processed in the same manner as a certificate of appropriateness. Examples of this work shall include, but not be limited to, the following:

- A. Construction, demolition or alteration of side and rear yard fences.

- B. Construction, demolition or alteration of front yard fences, if no change in appearance occurs.
- C. Repairing or repaving of flat concrete work in the side and rear yards.
- D. Repaving of existing front yard paving, concrete work, and walkways, if the same material in appearance as existing is used.
- E. Roofing work, if no change in appearance occurs.
- F. Foundation work, if no change in appearance occurs.
- G. Chimney work, if no change in appearance occurs.
- H. Landscaping, unless the Landmark designation specifically identifies the landscape layout, features, or elements as having particular historical, architectural, or cultural merit.

9.56.220 Map

All designations of Landmarks and any definitions and descriptions of a Landmark Parcel thereto, and all designations of Historic Districts, shall be recorded on a Landmark and Historic District map by the Director of Planning.

9.56.230 Voluntary Restrictive Covenants

Upon approval by the City Council, the owner of a Landmark may enter into a restrictive covenant with the City regarding such Landmark after negotiations with the Landmarks Commission.

9.56.240 Waiver

The Building Officer of the City shall have the power to vary or waive any provision of the Santa Monica Building, Electrical, Housing, Mechanical or Plumbing Codes, pursuant to such Codes, in any case which he determines that such variance or waiver does not endanger the public health or safety, and such action is necessary for the continued historical preservation of a Landmark.

9.56.250 Extension of Certificate of Appropriateness

The Landmarks Commission Secretary may extend the time period for exercising a certificate of appropriateness as provided for in Section 9.56.170(h) for a period of up to one hundred eighty days upon such terms and conditions as the Secretary deems appropriate consistent with the original approval and Section 9.56.170 if the development standards relevant to the project have not changed since project approval. An extended certificate of appropriateness shall expire if the work authorized thereby is not commenced by the end of the extension period. Except as otherwise provided for in this Section, all provisions of this Code applicable to a certificate of appropriateness shall apply to an extended certificate of appropriateness.

9.56.260 Recordation of Landmarks and Historic Districts

All buildings or structures designated as Landmarks or as part of a Historic District pursuant to this Chapter shall be so recorded by the City in the office of the Los Angeles County Recorder. The document to be recorded shall contain the name of the owner or owners, a legal description of the property, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this Section 9.56.260 authorizing the recordation.

9.56.270 Preservation Incentives

A. Architectural Review Exemption.

1. Provided that a certificate of appropriateness is obtained from the Landmarks Commission, the following projects shall be exempt from review by the Architectural Review Board:
 - a. All work to a designated landmark building or contributing building or structure to an adopted Historic District; and
 - b. All additions to, modifications of, alterations of, or new construction on a landmark parcel or parcel containing a contributing building or structure to an adopted Historic District.
2. The Landmarks Commission may refer any of these matters to the Architectural Review Board for comment.

B. Building Permit and Planning Application Fees. All building permit and planning fees for administrative approval applications shall be waived for designated landmarks, or contributing buildings or structures located in a Historic District.

C. Certificates of Appropriateness/Administrative Approval Fees. All certificate of appropriateness and certificate of administrative approval fees for any alteration, restoration or construction, in whole or in part, to a designated landmark or to a contributing building or structure located in a Historic District shall be waived.

D. Parking Incentives. Any parking incentives permitted by the Zoning Ordinance.

E. Streetscape Improvements in Historic Districts. Whenever streetscape improvements are proposed by the City in areas that are designated Historic Districts, the City shall consider the use of materials, landscaping, light standards and signage that are compatible with the area's historic and architectural character.

F. State Historical Building Code. The California State Historical Building Code (Title 24, Part 8, California Administrative Code) shall be applied to alterations to designated structures of merit, landmarks, and contributing building or structures located in Historic Districts.

G. Historical Property Contracts. Designated structures of merit, landmarks and contributing buildings or structures located in Historic Districts that are privately owned and not exempt from taxation shall be considered qualified historical properties eligible for historical property contracts submitted or entered into, pursuant to the provisions of Article 12, commencing with Section 50280, Chapter 1, Part 1, Division 1, Title 5, of the California Government Code. The City Council shall, by resolution approve a historical property contract with the owner of a qualified historical property, provided that:

1. The property has no confirmed and outstanding violations of this Code, or any other applicable Federal, State or local law, rule or regulation;
2. The property is not subject to a tax delinquency; and

3. All completed or ongoing alterations, construction or rehabilitation to designated buildings or structures located on the property conform to the Secretary of Interior's Standards for the treatment of Historic Properties.
- H. **Plan Check Processing.** Structures designated as landmarks or contributing buildings or structures to a Historic District shall receive priority Building Division plan check processing.

9.56.280 CEQA Time Extensions

Any time periods set forth in this Chapter may be extended by the Director of Planning by such periods as are necessary to comply with the California Environmental Quality Act (CEQA).

9.56.290 The Third Street Neighborhood Historic District

- A. The City Council has reviewed and considered the Historic District application for the Third Street Neighborhood, and has reviewed and considered the recommendation on the application transmitted from the Landmarks Commission.
- B. The City Council finds and declares that:
 1. The Third Street Neighborhood Historic District possesses aesthetic significance to Santa Monica in that the area displays a high percentage of original, turn of the century, structures, a consistency in building type, primarily the California bungalow, and a close association with the natural environment, as demonstrated in the particular by the siting of the homes on the east side of Third Street which are set into the slope of the hill. These elements combine to create an area with both a sense of place and a sense of Santa Monica's past.
 2. The Third Street Neighborhood Historic District possesses historical economic significance to Santa Monica in that the Vawter family, leading developers of the Neighborhood, were also influential in the economic success of Ocean Park through the founding and operation of Ocean Park's first bank and through the ownership and operation of one of Ocean Park's earliest businesses and tourist attractions, the Ocean Park Floral Company. In addition, the development of piers, bathhouses and hotels stimulated growth in the Ocean Park area by providing jobs and attracting both residents and visitors to Ocean Park and to the Third Street Neighborhood.
 3. The Third Street Neighborhood Historic District possesses historic significance to Santa Monica in that the neighborhood is associated with many prominent early City residents, including the Vawter, Hostetter and Archer families, and Abbot Kinney. The Vawters subdivided the District into residential lots, and also assisted in the establishment of Ocean Park's first water company and Santa Monica's first regular transportation service to Ocean Park. Moses Hostetter and his son William were both Neighborhood residents (2601 Second Street and 237 Beach Street, respectively). Moses Hostetter was a member of the Santa Monica Board of Trustees between 1896 and 1900, serving as chairman of the police, fire, and light committees. Alvin Archer constructed the American Colonial Revival home at 245 Hill Street and was also a founder of Ocean Park's first volunteer fire brigade. His wife, Louetta, was Ocean Park's first postwoman. Abbot Kinney, before developing "Venice of America," owned property on the west side of Second Street in the District, and also gave Ocean Park its name, naming the area after the eucalyptus groves planted by the Vawters near South Santa Monica Beach.

4. The Third Street Neighborhood Historic District possesses architectural significance to Santa Monica in that the area displays a variety of architectural styles, from Victorian to Gothic, to American Colonial Revival, to California Craftsman, to Spanish Colonial Revival, which provide a visual representation of the Neighborhood's development through the 1930s. In addition, the Neighborhood is dominated by bungalows; twenty-nine bungalows and one bungalow court are extant in the District. While typically designed in a variety of architectural styles, the common bungalow theme is the association with the surrounding environment, the use of front porches, sun porches, front steps, overhanging eaves, and numerous windows to provide views and to merge the interior and exterior landscapes. The Third Street Neighborhood is a representative example of this architectural movement in Santa Monica.
 5. The Third Street Neighborhood Historic District possesses cultural significance to Santa Monica in that the area has ties to Santa Monica's religious, artistic and political life through the inclusion of both the Church in Ocean Park and the Iglesia El Sermonete Del Monte Asambleas De Dios (built in 1916 as the First Baptist Church) in the District, the Neighborhood's proximity to the murals along the Ocean Park Boulevard/Fourth Street Overpass, and the use of the Archer House by the Ocean Park Community Center.
- C. The Third Street Neighborhood Historic District boundaries consist of the area bounded on the east by the rear property line of the parcels on the east side of Third Street; bounded on the south by Hill Street including the parcels on the south side of the street but excluding the parcel on the southeast corner of Hill Street and Third Street; bounded on the west by the rear property line of the parcels on the west side of Second Street; and bounded on the north by Ocean Park Boulevard.
 - D. Structures that contribute to the character and integrity of the Third Street Neighborhood Historic District shall be defined as all structures built prior to 1935; noncontributing structures and sites shall be defined as post 1935 developments and vacant parcels.
 - E. Pursuant to Santa Monica Municipal Code Section 9.56.130, until such time as an ordinance is adopted that specifies the nature of any alteration, restoration, construction, removal, relocation, or demolition of or to a building or structure within the Historic District that can occur without prior approval of a certificate of appropriateness, any such work must obtain approval of a certificate of appropriateness or certificate of economic hardship by the Landmarks Commission.

9.56.300 The Bay Craftsman Cluster Historic District

- A. The City Council has reviewed and considered the Historic District Application for the four buildings located at 137, 141, 145, and 147 Bay Street (hereinafter "The Bay Street Cluster"), and has reviewed and considered the recommendation on the application transmitted from the Landmarks Commission.
- B. The City Council finds and declares that:
 1. The Bay Street Cluster exemplifies, symbolizes, and manifests elements of the cultural, social, economic, political, or architectural history of the City in that:
 - a. The Bay Street Cluster are intact representations of Craftsman architecture style. Craftsman architecture was developed in Southern California, and this prototype complex provides an early, intact example of this style of architecture in the two-story, multi-family format. These structures exemplify classic Craftsman characteristics such as low-pitched overhanging roofs with wide eaves, extended rafters, tripartite windows, and sleeping porches.

craftsmanship, or is a unique or rare example of an architectural design, detail, or historical type to such a study in that the early Craftsman design and high degree of integrity remaining in these structures makes these buildings a rare example of the Craftsman period and style. The buildings exist as an intact representative of circa 1910 Craftsman architecture which had its genesis in Southern California. As more fully described in subdivisions (1) and (2) above of this subsection (b), these 1910 buildings retain most of their original components with the exception of what appears to be some simulated brickwork siding.

4. The Bay Street Cluster has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City in that these buildings have a unique location on the north side of Bay Street between Neilson Way and Main Street. They exist as a mostly intact block face in a neighborhood that is highly fragmented in terms of age and building styles. As most other buildings of this era have been replaced, the buildings have become an established visual feature of the neighborhood that represents turn of the century Ocean Park.
 5. The Bay Street Cluster reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning. These buildings are located on the north side of Bay Street between Neilson Way and Bay Street. Neilson Way was originally the Pacific Electric right-of-way known as the "Trolley way." It became a vehicular street in the 1930s. The tracks, which connected Santa Monica to the rest of the region, were a major stimulus for the development of the City and the Ocean Park area. In addition to its proximity to transportation, these structures were close to both the beach and the retail area on Main Street. This remains a desirable location to this day.
- C. Pursuant to Sections 9.56.130 and 9.56.140 of this Code, until such time as an ordinance is adopted that specifies the nature of any alteration, restoration, construction, removal, relocation, or demolition of or to a building or structure within the Historic District that can occur without prior approval of a Certificate of Appropriateness, any such work must obtain approval of a Certificate of Appropriateness or Certificate of Economic Hardship by the Landmarks Commission.

Chapter 9.57 Historic Resource Disclosure

Sections:

9.57.010	Definitions
9.57.020	Disclosure of Historic Resources
9.57.030	Remedies

9.57.010 Definitions

- 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.

9.57.020 Disclosure of Historic Resources

If real property has been designated by the City of Santa Monica as a landmark, structure of merit, or a contributor to a historic district; has been identified in the City’s Historic Resource Inventory or any update thereto; or is located within a Neighborhood Conservations Overlay District; 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 as soon as practicable before transfer of title. The buyer shall execute a receipt therefore 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.

9.57.030 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 9.57.020 may bring a civil action for damages.

Chapter 9.58 The Third Street Neighborhood Historic District Standards

Sections:

9.58.010	Definitions
9.58.020	Applicability
9.58.030	Criteria for Issuance of Applications
9.58.040	Procedures
9.58.050	Demolition
9.58.060	Architectural Review Board Exemption
9.58.070	Design Guidelines
9.58.080	Maintenance and Repair
9.58.090	Citizen Participation
9.58.100	Conceptual Review by Landmarks Commission
9.58.110	Landscape Survey

9.58.010 Definitions

Words or phrases as used in this Chapter shall have the meaning as defined in Section 9.56.030 except as otherwise defined as follows:

- A. **Certificate of Administrative Approval.** A certificate issued by the Landmarks Commission Secretary, or Landmarks Commission on Appeal, for a project in the Third Street Neighborhood Historic District pursuant to Section 9.58.030(B).
- B. **Certificate of Appropriateness.** A certificate issued for a project in the Third Street Neighborhood Historic District pursuant to Section 9.58.030(C).
- C. **Certificate of Exemption.** A certificate issued by the Landmarks Commission Secretary for a project in the Third Street Neighborhood Historic District pursuant to Section 9.58.030(A).
- D. **Contributing Structures.** All structures located within the Third Street Neighborhood Historic District boundaries that were constructed in 1935 or earlier.
- E. **District.** The Third Street Neighborhood Historic District.
- F. **Project.** Any alteration, restoration, construction, reconstruction, removal, relocation or demolition of a structure within the Third Street Neighborhood Historic District.
- G. **Third Street Neighborhood Historic District Boundaries.** The Third Street Neighborhood Historic District boundaries consist of the area bounded on the east by the rear property line of the parcels on the east side of Third Street; bounded on the south by Hill Street, including the parcels on the south side of the street but excluding the parcel on the southeast corner of Hill Street and Third Street; bounded on the west by the rear property line of the parcels on the west side of Second Street; and bounded on the north by the southside of Ocean Park Boulevard.

- H. **Noncontributing Structures and Sites.** All structures located within the Third Street Neighborhood Historic District boundaries constructed after 1935 as well as vacant parcels.
- I. **Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.** Those certain guidelines for the planning and review of historic building rehabilitation, restoration, alteration and addition, prepared by the United States Department of Interior dated 1976, and as may be amended from time to time.

9.58.020 Applicability

- A. **Automatic Exemption.** No City approval shall be required for work to a contributing or non-contributing building if no building permit is required and if the work does not require a certificate of administrative approval or certificate of appropriateness under this Section.
- B. **Certificate of Exemption.**
 - 1. A certificate of exemption shall be required for the following work to contributing and non-contributing buildings within the District if a building permit is required:
 - a. All interior alterations.
 - b. House painting resulting in no change in color.
 - c. New screens.
 - d. Flat concrete work in the side and rear yards.
 - e. Repaving of existing front yard paving, concrete work and walkways, if the same material in appearance as existing is used.
 - f. General maintenance and repair if it results in no change in existing appearance.
 - g. Removal or addition of minor landscape features, including sprinkler systems and excluding mature trees.
 - h. Removal of mature trees if severely damaged or diseased.
 - i. Emergency repairs necessary to preserve life, health or property as determined by the Building Officer to be immediate and necessary.
 - j. Rear or side yard fences.
 - 2. A certificate of exemption shall be required for the following work to noncontributing buildings within the District if a building permit is required:
 - a. Roofing work, other than general maintenance.
 - b. Foundation work, other than general maintenance.
 - c. Chimney work, other than general maintenance.
- C. **Certificate of Administrative Approval.**
 - 1. A certificate of administrative approval shall be required for the following work to contributing and noncontributing buildings within the District:
 - a. House painting resulting in a change in color.
 - b. Retaining walls.
 - c. New windows or doors.

- d. Skylights.
 - e. Removal of mature trees if specifically identified in a landscape survey adopted by the Landmarks Commission.
 - f. Removal, demolition, addition or alteration to front yard fences.
 - g. Removal, demolition, addition, alteration or repaving of front yard paving, concrete work or walkways, if material used changes existing appearance.
 - h. Roof top solar equipment or exterior telecommunication equipment.
 - i. Mechanical systems including air conditioning or heating.
2. A certificate of administrative approval shall be required for the following work to contributing buildings within the District:
 - a. Roofing work, other than general maintenance.
 - b. Foundation work, other than general maintenance.
 - c. Chimney work, other than general maintenance.
- D. **Certificate of Appropriateness.** A certificate of appropriateness shall be required for the following work to contributing and noncontributing buildings within the Third Street Neighborhood Historic District:
1. Surfacing and resurfacing of exterior walls if it changes appearance.
 2. Removal, demolition, addition or alteration to the front of structures.
 3. Removal, demolition, addition or alteration to the side or rear of structures.
 4. Construction of new buildings within the Third Street Historic District boundaries.
 5. Relocation of buildings within, out of, or into the Third Street Neighborhood Historic District.
 6. Removal, demolition, addition or alteration to building roof lines.
 7. Any other similar work not enumerated in subdivision (A), (B), or (C) of this Section, as determined by the Landmarks Commission Secretary within his or her sole discretion, except that any demolition of a contributing or noncontributing structure shall be governed by the provisions of Section 9.58.050.

9.58.030 Criteria for Issuance of Applications

- A. **Criteria for Issuance of Application for Exemption.** The Landmarks Commission Secretary shall issue a certificate of exemption for projects in the District if the Secretary finds that the proposed project is included within the list of work enumerated in Section 9.58.020(B).
- B. **Criteria for Issuance of Application for Certificate of Administrative Approval.** The Landmarks Commission Secretary, or the Landmarks Commission on appeal, shall issue a certificate of administrative approval for projects in the District if the Secretary or Commission finds that the project is included within the list of work enumerated in Section 9.58.020(C); that the project is not detrimental to the character of the structure; and that the project does not detract from the integrity of the district.

- C. **Criteria for Issuance of Application for Certificate of Appropriateness.** The Landmarks Commission, or the City Council on appeal, shall issue a certificate of appropriateness for projects in the District if it finds that the project is included within the list of work enumerated in Section 9.58.020(D), and it makes a determination in accordance with any one or more, as appropriate, of the following criteria, which shall be in lieu of those otherwise required by Section 9.56.140:
1. That in the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part of or to a contributing building or structure within the District, the proposed work would not be incompatible with the exterior features of other contributing improvements within the District, not adversely affect the character of the District, and not be inconsistent with any design guidelines and standards that may be developed and adopted by the Landmarks Commission specifically for the District.
 2. That in the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part, of or to a contributing building or structure within the District, the proposed work would not adversely affect any exterior feature of the historic structure.
 3. That in the case of any proposed work to a noncontributing building or structure within the District reasonable effort has been made to produce compatibility with the District character as set forth in Section 9.36.290, and with the scale, materials and massing of the contributing structures within the District.
 4. That in the case of any proposed construction of a new improvement on any parcel located within the District boundaries, the exterior features of such new improvement and its placement on the property would not adversely affect and not be disharmonious with the District character as set forth in Section 9.36.290, and with the scale, materials and massing of the contributing structures within the District.
 5. That the applicant has obtained a certificate of economic hardship in accordance with Section 9.56.160.

9.58.040 Procedures

A. **Certificate of Exemption and Certificate of Administrative Approval.**

1. **Application Process.** An application for a certificate of exemption and certificate of administrative approval for a project in the District shall be filed only by the property owner or the property owner's authorized agent on a form supplied by the City. An application shall be deemed complete within thirty days after the Planning Division receives a substantially complete application together with all information, plans, specifications, statements of work, photographs of the affected area of the property, verification that notice of the pending application has been posted on the property, and other material and documents required by the application. If, within the specified time period, the Planning Divisions fails to advise the applicant in writing that his or her application is incomplete and to specify additional information required to complete that application, the application shall automatically be deemed complete. A public hearing shall not be required for issuance of a certificate of exemption or a certificate of administrative approval, but posting of the property pursuant to Section 9.58.040(A)(3) shall be required.
2. **Timing of Application.** A certificate of exemption for a project in the District approved by the Landmarks Commission Secretary shall be required to be issued prior to issuance of any building permit for the use or activity. A certificate of administrative approval shall be required to be issued prior to issuance of any building permit for, or commencement of, the use or activity.

3. **Posting of Property.** Prior to filing an application for a certificate of administrative approval for a project in the District, the applicant shall post notice of the pending application on the property in the manner set forth by the Zoning Administrator in the application form supplied by the City. This notice must be continuously posted while the application is pending. This requirement shall not apply to applications for a certificate of exemption.
4. **Determination.** The Landmarks Commission Secretary shall issue or deny a certificate of exemption or a certificate of administrative approval for a project in the District within thirty days of the application being deemed complete. For a certificate of administrative approval, the Landmark Commission Secretary shall post this determination on the property and the applicant shall ensure that the determination remains posted for the duration of the appeal period. The Landmarks Commission Secretary shall also post this determination on the City's website. The Landmarks Commission Secretary shall send a copy of the determination to all members of the Landmarks Commission and to the Committee created pursuant to Section 9.58.090 of this Chapter.

B. Certificate of Appropriateness and Certificate of Economic Hardship

1. **Application Process.** An application for a certificate of appropriateness, or certificate of economic hardship for a project in the District shall be filed only by the property owner or the property owner's authorized agent on a form supplied by the City. A certificate of appropriateness and certificate of economic hardship shall be processed in accordance with Section 9.56.170(A) through 9.56.170(J), except that the applicant shall also be required to post notice of the pending application as provided in Section 9.58.040(B)(3), that notice of the public hearing shall be conducted as provided in Section 9.58.040(B)(4), and that the applicant must provide verification at the time of application that they have met with representatives of any Third Street Neighborhood Historic District neighborhood association as may exist.
2. **Timing of Application.** A certificate of appropriateness or certificate of economic hardship for a project in the District approved by the Landmarks Commission shall be required to be issued prior to issuance of any demolition permit, building permit for, or commencement of, the use or activity.
3. **Posting of Property.** Prior to filing an application for a certificate of appropriateness, or certificate of economic hardship for a project in the District, the applicant shall post notice of the pending application on the property in the manner set forth by the Zoning Administrator in the Application Form supplied by the City. This notice must be continuously posted while the application is pending.
4. **Notification.** Within ten days of deeming an application for a certificate of appropriateness or certificate of economic hardship complete, notice of the date, time, place, and purpose of the public hearing shall be given by at least one publication in a daily newspaper of general circulation shall be mailed to the applicant, and to the residents and owners of all real property within the Third Street Neighborhood Historic District, as well as to the residents and owners of all real property within three hundred feet of the exterior boundaries of the property involved. The notice shall also be posted on the City's website. The public hearing for said notice shall occur not less than ten days and no more than thirty-five days after notice is given. The failure to send notice by mail to any such real property owner where the

address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed project. The Commission may also give such other notice as it may deem desirable and practical.

5. **Determination.** The Landmarks Commission shall issue its determination on a certificate of appropriateness or certificate of economic hardship for a project in the District in accordance with Section 9.56.170(E) through 9.56.170(G).
- C. **Appeals.** Appeals shall be processed according to the following procedures:
1. **Certificate of Exemption.** The approval, conditions of approval, or denial of a certificate of exemption shall not be appealable, except that upon the request of the applicant the Landmarks Commission Secretary shall process any such denial as an application for a certificate of administrative approval or certificate of appropriateness, as appropriate. The applicant must comply with all rules and procedures, including the payment of any applicable fees, governing the applicable certificate.
 2. **Certificate of Administrative Approval.** The approval, conditions of approval, or denial of a certificate of administrative approval for a project in the District may be appealed to the Landmarks Commission by any aggrieved person. Appeals must be filed within fourteen days of the date the determination is posted on the property. A public hearing before the Landmarks Commission shall be scheduled at the next available regular meeting. Public notice of the appeal hearing shall conform to the manner in which the original notice of application was given. Notice of the appeal hearing shall also be posted on the City's website.
 3. **Certificate of Appropriateness and Certificate of Economic Hardship.** The approval, conditions of approval, or denial of an application for a certificate of appropriateness or certificate of economic hardship may be appealed to the City Council according to the procedures set forth in Section 9.56.180.
- D. **Expiration of Approvals.** Any certificate issued for a project in the District pursuant to this Chapter shall expire of its own limitation within a one-year time period commencing on the effective date of the certificate if the work authorized is not commenced by the end of such one-year time period. In addition, any certificate shall also expire and become null and void if such work authorized is suspended or abandoned for a one-hundred-eighty day time period after being commenced.
- E. **Effective Date of Decision.** A decision on a project in the District that is subject to appeal shall not become effective until after the date the appeal period expires. A decision not subject to appeal shall become effective upon issuance.
- F. **Extension of Approvals.** The Landmarks Commission may, by resolution, for good cause, extend the time period for exercising a certificate of exemption, a certificate of administrative approval, certificate of appropriateness or certificate of economic hardship for a project in the District for a period of up to one hundred and eighty days upon such terms and conditions as the Commission deems appropriate. Such extended certificate shall expire if the work authorized by the extension is not commenced by the end of the extension period.
- G. **Resubmittal of an Application.** Notwithstanding Section 9.56.170(K), whenever an application for a certificate of exemption or certificate of administrative approval, for a project in the District has been deemed disapproved by the Landmarks Commission Secretary or by the Landmarks Commission on appeal, or whenever an application for a certificate of appropriateness or certificate of economic hardship for a project in the District has been deemed disapproved by the Landmarks Commission or by the City Council on appeal, no application which is substantially the same may be

resubmitted to or reconsidered by the Landmarks Commission Secretary, Landmarks Commission or City Council for a period of twelve months from the date of the effective date of the final action. However, any such certificate application may be refiled at any time during the twelve-month period provided that the applicant submits significant additional information which was not and could not have been submitted with the previous application. The refiled application shall be processed in the same manner as the original application.

- H. **Fees.** The City Council may by resolution establish fees for any application or appeal permitted by this Chapter. Members of the Landmarks Commission shall not be required to pay a fee when filing an appeal of the determination for a certificate of administrative approval or certificate of appropriateness. No fee shall be required for a certificate of exemption and a certificate of administrative approval.
- I. **Other City Approvals.** In connection with any project that requires a certificate of exemption, certificate of administrative approval, certificate of appropriateness, or certificate of economic hardship under this Chapter, any approval of such project by any other City body, board, commission or officer shall be conditioned on obtaining the necessary approval pursuant to this Chapter.

9.58.050 Demolition

- A. **Contributing Structures.** The demolition of contributing structures located within the District shall only be permitted upon issuance of a certificate pursuant to subsections (1) or (2) below:
 - 1. The Landmarks Commission's issuance of a certificate of appropriateness based upon all of the following findings:
 - a. That the structure does not embody distinguishing architectural characteristic valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship and does not display such aesthetic or artistic quality that it would not reasonably meet the criteria for designation as one of the following: National Historic Landmark, National Register of Historic Places, California Registered Historical Landmark, or California Point of Historical Interest.
 - b. That the conversion of the structure into a new use permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternative for preserving the structure, including relocation within the District boundaries is not feasible.
 - c. That the removal of the structure from the District will not result in a loss of the District's historic integrity.
 - 2. The Landmarks Commission's issuance of a certificate of economic hardship in accordance with Section 9.56.160.
- B. **Noncontributing Structures.** The demolition of noncontributing structures located within the District shall be permitted only upon compliance with the procedures set forth in Chapter 9.25.
- C. **Demolition Permit Order of Review.** Whenever a project is proposed for a structure or site within the District boundaries that involves the demolition of a contributing structure and will require the review, approval or issuance of any Zoning Conformance Review permit, conditional use permit, development review permit, tentative parcel map, tentative tract map or building permit the applicant

must first obtain either a certificate of appropriateness or a certificate of economic hardship from the Landmarks Commission to permit such demolition.

9.58.060 Architectural Review Board Exemption

All structures located within the boundaries of the District shall be excluded from any City architectural review district, and be exempt from Architectural Review Board approval.

9.58.070 Design Guidelines

- A. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be used by the Landmarks Commission and Landmarks Commission Secretary to assist in its evaluation of proposed projects within the District. The Secretary's Guidelines, however, shall not be considered dispositive with respect to any project or determination on any certificate required for work in the District.
- B. The Landmarks Commission shall adopt design guidelines for the District within one hundred eighty days of the date of adoption of this Chapter.

9.58.080 Maintenance and Repair

Every property owner of a structure within the District shall have the duty of keeping in good repair all exterior features of the District structure, and all interior features thereof which, if not so maintained, may cause or tend to cause the exterior features of the Historic District structure to deteriorate, decay or become damaged, or otherwise to fall into a state of disrepair. Any property owner who fails to comply with this Section shall be given written notice by the City of the violation of this Section and shall within sixty days of receipt of written notice from the City bring the property into compliance with this Section.

9.58.090 Citizen Participation

The Landmarks Commission, within ninety days of the date of adoption of this Chapter, shall adopt a resolution establishing an ongoing process to ensure citizen participation in the proceedings under this Chapter. The resolution shall include:

- A. A committee established by and reporting to the Landmarks Commission consisting of at least one member of the Landmarks Commission and two members of the public residing within the District.
- B. Distribution to the Committee of all applications for certificates of appropriateness filed under this Chapter, all determinations and appeals concerning certificates of administrative approval, and any pending conceptual review proceeding pursuant to Section 9.58.100.
- C. Procedures by which the Committee shall make recommendations to the Landmarks Commission concerning applications filed under this Chapter.

9.58.100 Conceptual Review by Landmarks Commission

Any project that requires a certificate of appropriateness pursuant to this Chapter and also requires discretionary review by the Planning Commission shall be reviewed in concept by the Landmarks Commission before the review by the Planning Commission. Following such conceptual review, the Landmarks Commission shall transmit the results of its deliberations to the Planning Commission. The Planning Commission in its deliberations shall consider the comments of the Landmarks Commission.

9.58.110 Landscape Survey

The Landmarks Commission shall prepare a landscape survey within one hundred eighty days of the date of adoption of this Chapter. The landscape survey shall survey the mature trees within the District.

Chapter 9.59 Sexually-Oriented Businesses

Sections:

9.59.010	Purpose
9.59.020	Definitions
9.59.030	Location of Sexually-Oriented Businesses
9.59.040	Amortization of Sexually-Oriented Business
9.59.050	Processing and Approval of Business License Applications
9.59.060	Business License Validity and Conditions
9.59.070	Sale or Transfer of Business
9.59.080	Displays
9.59.090	Judicial Review

9.59.010 Purpose

- A. It is the purpose and intent of this Chapter to regulate the operations of sexually-oriented businesses, which have judicially recognized adverse secondary effects, including, but not limited to, increases in crime in the vicinity of adult businesses; decreases in property values in the vicinity of adult businesses; increases in vacancies in residential and commercial areas in vicinity of adult businesses; interference with residential property owners' enjoyment of their properties; and the deterioration of neighborhoods.
- B. Special regulation of these businesses is necessary to prevent these adverse secondary effects while at the same time protecting the First Amendment rights of those individuals who desire to own, operate or patronize adult businesses.
- C. It is therefore the purpose of this Chapter to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their close proximity to incompatible uses, while permitting the location of sexually-oriented businesses in certain areas.

9.59.020 Definitions

- A. **Adult-oriented merchandise.** Any goods, products, commodities or other ware, including, but not limited to videos, CDs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which are distinguished or characterized by an emphasis upon the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas.
- B. **Designated Commercial Districts.** Shall mean the MUB, MUBL, GC, Bergamot, and Downtown Districts.
- C. **Distinguished or Characterized by an Emphasis Upon.** The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.
- D. **Establishment of a Sexually-Oriented Business.** A sexually-oriented business shall mean and include any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
 2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business defined herein;
 3. The addition of any of the sexually-oriented businesses defined herein to any other existing sexually-oriented business; or
 4. The relocation of any such sexually-oriented business.
- E. **Regularly Features.** A regular and substantial course of conduct. Live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical area or specified sexual activities which occur on four or more occasions within a thirty-day period; six or more occasions within a sixty-day period; or eight or more occasions within a one hundred eighty day period shall be deemed to be a regular and substantial course of conduct.
- F. **Religious Institution.** A church, convent, monastery, synagogue, mosque, or other place of religious worship.
- G. **Residential Districts.** Shall mean the R1, R2, R3, R4, OF, OP1, OPD, OP2, OP3, and OP4 Districts or any other district designated by the City Council as a residential district.
- H. **School.** Any child care and early education facility or day care center, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, charter school, or any special institution of education or work training program for physically and mentally disabled adults, but does not include a vocational or professional institution of higher education, including a community or junior college, or college or university.
- I. **Sexually-Oriented Businesses.** Sexually-oriented business shall mean any of the following:
1. **Adult Arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas.
 2. **Adult Cabaret.** A nightclub, restaurant, or similar business establishment which:
 - a. Regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities;
 - b. Regularly features persons who appear semi-nude; or
 - c. Shows films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas.
 3. **Adult Hotel/Motel.** A hotel or motel or similar business establishment offering public accommodations for any form of consideration which:

- a. Provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas; and
 - b. Rents, leases, or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a twenty-four hour period.
- 4. ***Adult Motion Picture Theater.*** A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas.
 - 5. ***Adult Retail Use Establishment.*** An establishment that has thirty percent or more of its stock in adult-oriented merchandise.
 - 6. ***Adult Theater.*** A theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

J. **Specified Sexual Activities.** Specified Sexual Activities shall mean:

- 1. Human genitals in a state of sexual stimulation or arousal;
- 2. Sex acts, actual or simulated, including acts of masturbation, sexual intercourse, oral copulation, or sodomy;
- 3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts; or
- 4. Excretory functions as part of or in connection with any of the other activities described in subdivisions (1) through (3) of this subsection.

K. **Specified Anatomical Areas.** Specified anatomical areas shall mean:

- 1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttock; and
 - c. Female breast below a point immediately above the top of the areola; or
- 2. Human male genitals, less than completely and opaquely covered, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3. Any device, costume, or covering that simulates any of the body parts included in subdivisions (1) or (2) of this subsection.

- L. **Stock.** Stock shall mean any of the following:
1. The business devotes thirty percent or more of the retail floor area to adult-oriented merchandise.
 2. The business devotes thirty percent or more of its annual retail inventory (measured by the number of items or the consumer retail price of the inventory) to adult-oriented merchandise.
 3. The retail value of merchandise that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas is thirty percent or more of the total retail value of inventory offered in each of the following categories:
 - a. Books;
 - b. Magazines;
 - c. Video tapes or any material in digital format including, but not limited to, compact disc (CD) or digital video disc (DVD), for sale or rental;
 - d. Non-clothing novelties and devices; and
 - e. On-premises viewing of images, films and/or videos.
 4. Annual gross revenue derived from adult-oriented merchandise is thirty percent or more of the total gross revenue.
 5. There is a rebuttable presumption that a business constitutes a sexually-oriented business where the business:
 - a. Offers or advertises merchandise that is distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas; and
 - b. Fails to make revenue and inventory related business records available to the City upon reasonable advance notice.

9.59.030 Location of Sexually-Oriented Businesses

- A. It shall be unlawful to operate or cause to be operated a sexually-oriented business except as provided in this Code:
1. Sexually-oriented businesses shall be considered a permitted use only in designated commercial districts. Sexually-oriented businesses shall be prohibited in all other zoning districts in the City.
 2. Within the designated commercial districts, no person shall cause or permit the establishment of any sexually-oriented business within five hundred feet of any, religious institution, school, public park, public library, public playground, or residential district, or within one thousand feet of another sexually-oriented business.
- B. The required separation distance between sexually-oriented businesses and any of the uses specified above shall be measured in a straight line from the closest points on the property lines of each site.
- C. No more than one sexually-oriented business may be operated or maintained in the same building, structure, or portion thereof.

9.59.040 Amortization of Nonconforming Uses

The following amortization provisions shall apply to nonconforming uses:

- A. Any use of real property existing on September 27, 2005, which does not conform to the provisions of this Chapter, but which was constructed, operated and maintained in compliance with all previous regulations governing sexually-oriented uses, shall be regarded as a legal nonconforming use which may be continued until November 24, 2006.
- B. The owner or operator of a nonconforming use may apply to the City Council for an extension of time within which to terminate the nonconforming use. An extension shall be for a reasonable period of time commensurate with the investment involved and shall be approved if the City Council makes all of the following findings or such other findings as are required by law:
 - 1. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to September 27, 2005.
 - 2. The applicant will be unable to recoup said investment as of November 24, 2006.
 - 3. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location to meet the requirements of this Chapter.
- C. For purposes of this section, in the case of two adult uses located within one thousand feet of one another, that use which was first lawfully established and is otherwise in conformity with this Chapter, shall be entitled to continue in its present location.

9.59.050 Processing and Approval of Business License Applications

- A. The City shall act upon any application for a business license to operate a sexually-oriented business within 30 days. The failure to act on the application within 30 days shall be deemed an approval unless the applicant voluntarily agrees to extend the time for the City to act upon the application. The City shall approve the business license application unless it is determined that:
 - 1. The applicant, its employee, agent, partner, director, officer, stockholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application or in any report or record required to be filed with the Finance Department.
 - 2. The application does not contain the information required by this Chapter or Chapter 6 of this Code.
 - 3. All required fees have not been paid.
 - 4. The operation of the sexually-oriented business is or would be in violation of one or more provisions of this Chapter.
 - 5. The premises where the sexually-oriented business is or would be located does not comply with all applicable laws, including, but not limited to the City's building, health, zoning and fire ordinances.
 - 6. A business license for the operation of the sexually-oriented business has been issued to the applicant, a partner of the applicant or a stockholder of the applicant which stockholder owns more than ten percent of the applicant's corporate stock, which business license has been suspended and the period of suspension has not yet ended.

- B. Notice of the business license denial shall be in writing and shall state the grounds for denial. Notice shall be personally served to the business license applicant or mailed to the address listed on the application form.

9.59.060 Business License Validity and Conditions

The City may condition issuance of a business license to ensure compliance with the provisions of this Chapter and other standards and regulations of the City's Municipal Code applicable to the operation of a sexually-oriented business. Each business license shall be valid only:

- A. For the business owner(s) specified in the business license application.
- B. For the business name for the sexually-oriented business listed in the business license application.
- C. For the specific type of sexually-oriented business described in the business license application.
- D. For the specific location described in the business license application.

9.59.070 Sale or Transfer of Business

- A. No business license issued in compliance with this Chapter shall be assigned or transferred without the prior written approval of the City. The applicant shall apply for a transfer on a form provided by the City and shall pay the application processing fee established by Council resolution for a new sexually-oriented business.
- B. An application for approval of a transfer of a business license shall be required prior to any change in an interest in a partnership or ownership of ten percent or more of the stock of a corporation to any person not listed on the original approved application.
- C. An application for transfer of a business license may be denied for any of the grounds specified for denial of an original business license application.

9.59.080 Displays

A sexually-oriented business authorized by this Section shall not display any signs, advertising, posters, photographs, graphic representations or adult-oriented merchandise that can be viewed by persons off the site and which depict specified sexual activities or specified anatomical areas.

9.59.090 Judicial Review

Anyone seeking judicial review of any administrative action under this Chapter may seek a writ of mandate for prompt judicial review of such administrative action pursuant to California Code of Civil Procedure Section 1094.8.

Chapter 9.60 Development Agreements

Sections:

9.60.010	Purpose
9.60.020	Authority and Scope
9.60.030	Application Forms
9.60.040	Qualified Applicant
9.60.050	Proposed Agreement
9.60.060	Filing of Application
9.60.070	Review of Application
9.60.080	Processing
9.60.090	Notice of Intention
9.60.100	Notice Requirements
9.60.110	Required Findings
9.60.120	Hearing by City Council
9.60.130	Decision by City Council
9.60.140	Approval of Development Agreement
9.60.150	Amendment and Cancellation
9.60.160	Recordation
9.60.170	Periodic Review
9.60.180	Modification or Termination
9.60.190	Irregularity in Proceedings

9.60.010 Purpose

The purpose of this Chapter is to establish procedures and regulations for Development Agreements.

9.60.020 Authority and Scope

This Chapter is adopted pursuant to Article 11, Section 7 of the California Constitution and pursuant to Government Code Section 65864 et seq. All Development Agreement entered into after the effective date of this Chapter shall be processed in accordance with the provisions of this Chapter. In performing his or her functions under this Chapter, the Planning Director shall act under the direction of the City Manager.

9.60.030 Application Forms

The Planning Director shall prescribe the form of each application, notice and documents provided for or required under this Chapter for the preparation, processing, and implementation of Development Agreement. The application shall include a fiscal impact statement on the proposed development. The Planning Director may require an applicant for a Development Agreement to submit such information and supporting data as the Planning Director considers necessary to process the application.

9.60.040 Qualified Applicant

An application for a Development Agreement may only be filed by a person who has a legal or equitable interest in the real property for which a Development Agreement is sought or the authorized representative of such a person.

9.60.050 Proposed Agreement

Each application shall be accompanied by the form of Development Agreement proposed by the applicant.

9.60.060 Filing of Application

The Planning Director shall endorse on the application the date it is received. The Planning Director shall review the application and may reject the application if it is not completed in the manner required by this Chapter.

9.60.070 Review of Application

The application shall be reviewed by the Planning Director. After reviewing the application and any other pertinent information, the Planning Director shall prepare a staff report. The staff report shall analyze the proposed development and shall contain a recommendation as to whether or not the Development Agreement proposed or in an amended form should be approved or disapproved.

9.60.080 Processing

- A. The Planning Commission shall consider the proposed development agreement and make a recommendation thereon to the City Council in the manner set forth in this Chapter. The Planning Commission shall conclude its consideration of and make its recommendation on the proposed development agreement within ninety days of the time specified for the public hearing in the notice of intention. The applicant may agree to extend this ninety-day review period.
- B. In addition to formal consideration of the proposed development agreement by the Planning Commission pursuant to this Section, the City Council may establish procedures for early conceptual review of the development agreement proposal by the City Council and City Boards and Commissions or a combination thereof preceding the Planning Commission's formal consideration.

9.60.090 Notice of Intention

Upon completion of the staff report required by Section 9.60.070, the Planning Director shall give notice of intention to consider adoption of a Development Agreement. The notice shall contain:

- A. The time and place of the public hearing.
- B. A general explanation of the Development Agreement including a general description of the property proposed to be developed.
- C. Other information that the Planning Director considers necessary or desirable.

9.60.100 Notice Requirements

- A. The Planning Commission shall hold a public hearing on the proposed Development Agreement at the time and place specified in the notice.
- B. All notice required by this Chapter shall be given in the following manner:

1. Mailing or delivery to the applicant and to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within 500 feet of the property which is the subject of the development agreement.
 2. Mailing or delivery to all tenants of property within 500 feet of the property which is the subject of the development agreement.
 3. Mailing by first class mail to any person who has filed a written request therefore with the Planning Director.
 4. Publication at least once in a newspaper of general circulation published and circulated in the City.
- C. The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.

9.60.110 Required Findings

The Planning Commission shall make its recommendation to the City Council in writing. The recommendation shall include whether or not the proposed Development Agreement:

- A. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
- B. Is compatible with the uses authorized in the district in which the real property is located;
- C. Is in conformity with the public necessity, public convenience, general welfare, and good land use practices;
- D. Will be detrimental to the health, safety and general welfare;
- E. Will adversely affect the orderly development of the property; and
- F. Will have a positive fiscal impact on the City.

9.60.120 Hearing by City Council

After the recommendation of the Planning Commission or after the expiration of the time period specified in Section 9.60.080, the Planning Director shall give notice of a public hearing before the City Council in the manner provided for in Section 9.60.100.

9.60.130 Decision by City Council

- A. After it completes the public hearing and considers the recommendation, if any, of the Planning Commission, the City Council -may accept, modify or disapprove the proposed Development Agreement. It may, but need not, refer the matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission shall hold a public hearing on matters referred back to it by the City Council.
- B. The Development Agreement may not be approved unless the City Council finds that the Development Agreement is consistent with the general plan and any applicable specific plan.

9.60.140 Approval of Development Agreement

The Development Agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the City shall enter into the Development Agreement by the execution thereof by the City Manager.

9.60.150 Amendment and Cancellation

- A. Either the City or the applicant or successor in interest thereto may propose an amendment or cancellation in whole or in part of the Development Agreement.
- B. The procedure for proposing and approving an amendment to or cancellation in whole or in part of the Development Agreement shall be the same as the procedure for entering into a Development Agreement.
- C. Except as provided for in Section 9.60.180, the development agreement may only be amended or cancelled in whole or in part by the mutual consent of all parties to the Development Agreement.

9.60.160 Recordation

No later than ten days after the City enters into the development agreement, the City Clerk shall record with the County Recorder a copy of the Development Agreement.

9.60.170 Periodic Review

- A. The City Council shall review the Development Agreement at least every twelve months from the date the development agreement is entered into.
- B. The Planning Director shall give the applicant or successor in interest thereto at least ten days' advance notice of the time at which the City Council will review the Development Agreement.
- C. The applicant or successor in interest thereto shall demonstrate good faith compliance with the terms of the Development Agreement.
- D. If, as a result of such periodic review, the City Council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the Development Agreement, the City Council may commence proceedings to enforce, modify or terminate the Development Agreement.

9.60.180 Modification or Termination

- A. If upon a finding under Section 9.60.170, the City Council determines to proceed with modification or termination of the Development Agreement, the City Council shall give notice to the applicant or successor in interest thereto of its intention to do so. The notice shall contain:
 - 1. The time and place of the hearing;
 - 2. A statement as to whether or not the City Council proposes to modify or terminate the development agreement;
 - 3. Any proposed modification to the development agreement; and
 - 4. Other information which the City Council considers necessary to inform the applicant or successor in interest thereto of the nature of the hearing.

- B. At the time set for the hearing on the modification or termination, the City Council may take such action as it deems necessary to protect the interests of the City.

9.60.190 Irregularity in Proceedings

No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless after an examination of the entire record the court is of the opinion that the error complained of was prejudicial and that a different result would have been probable if the error had not occurred or existed.

Chapter 9.61 Signs

Sections:

9.62.010	Sign Code
9.62.020	Findings, Purposes, and Policies
9.61.030	Definitions
9.61.040	Sign Permit
9.61.050	Landmarks Commission Review
9.61.060	Fees
9.61.070	Sign Permit Application Procedures
9.61.080	Review of Sign Permit Applications
9.61.090	Action on Sign Permit Applications
9.61.100	Appeals
9.61.110	Time for Exercising Sign Permit and Proof of Compliance
9.61.120	Administrative Approval of Sign Permits
9.61.130	Sign Adjustment
9.61.140	Exempt Signs
9.61.150	Permanent Signs Exempt from Architectural Review Board
9.61.160	Temporary Sign Regulations
9.61.170	Permitted Signs
9.61.180	Prohibited Signs
9.61.190	Total Sign Area Permitted by District
9.61.200	Bayside District Specific Plan Area
9.61.210	Maintenance
9.61.220	Consent of Property Owner
9.61.230	Signs on Street
9.61.240	Removal or Modification of Prohibited Nonconforming Signs
9.61.250	Building Officer's Powers
9.61.260	Enforcement

9.61.010 Sign Code

The Uniform Sign Code, 1997 Edition, three copies of which are on file in the office of the City Clerk for use and examination by the public, is hereby adopted as the structural sign code for the City of Santa Monica and shall be referred to, together with all sections of this Chapter, as the Santa Monica Sign Code. If there is any conflict between the provisions of the Uniform Sign Code, 1997 Edition, and this Chapter, the provisions of this Chapter shall control.

9.61.020 Findings, Purposes, and Policies

The City Council finds and declares:

- A. It is the intent of the Santa Monica Sign Code to preserve and enhance the aesthetic, traffic safety and environmental values of the city while at the same time providing for channels of

communication to the public, including, but not limited to, identifying and advertising businesses within the City. The purpose of this Code is to provide minimum standards to safeguard life, health, property and public welfare through the regulation and control of the design, materials, construction, size, location and maintenance of signs and sign structures;

- B. It is the City's policy to regulate signs in a manner which is consistent with the free speech provisions of the United States Constitution and the liberty of speech provisions of the California Constitution, by enacting regulations which are content neutral;
- C. An excess of large, ugly, intense signs causes a visual blight on the appearance of the City by detracting from views of structures and open space. This visual blight adversely affects the aesthetic quality of life and traffic safety in Santa Monica for residents, businesses, pedestrians, tourists, and persons in vehicles. In order to promote the appearance of the City, while protecting the rights of sign owners to expression and identification, the regulation of existing and proposed signs is necessary to protect the public health, safety and general welfare;
- D. The purpose of the Santa Monica Sign Code is to encourage signs which are integrated with and harmonious to the buildings and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the City as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision;
- E. The Santa Monica Sign Code provides minimum standards to safeguard life, safety, property and public welfare by reviewing design and by regulating size, construction, location, electrification, operation and maintenance of all signs and sign structures exposed to public view within the City. The visual appearance and traffic safety of the City cannot be achieved by measures less restrictive than the procedures and standards of this Chapter;
- F. The City has extensive and wide-ranging programs regulating the aesthetics of its public streetscape and private development; and
- G. It is also the intent of the City to regulate signs consistent with California Business and Professions Code Section 5490—5497 to the maximum extent permitted by State law.
- H. To ensure that the Santa Monica Sign Code is neutral with respect to noncommercial messages, subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, This provision does not create a right to increase the total amount of signage on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-premises commercial message in place of an on-premises commercial message; does not allow one particular on-premises commercial message to be substituted for another without otherwise complying with this Sign Code; and does not excuse compliance with an approved sign program.

9.61.030 Definitions

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

- A. **Abandoned Sign.** A sign which no longer advertises or identifies a legal business establishment, product or activity.
- B. **Alteration.** Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on an attraction or reader board is not an alteration.
- C. **Animated Sign.** Any sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means.
- D. **Area of Sign.** The surface area of a sign calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles. On signs with more than one face, that face or those faces visible from any one direction at one time will be counted at one hundred percent of visible area; other faces will be counted at fifty percent of their area in calculating total sign area.
- E. **Attraction or Reader Board.** Any sign having changeable copy for the purpose of advertising events, sales, services or products provided on the site.
- F. **Awning.** A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
- G. **Awning Sign.** Any sign painted on or attached to or supported by an awning.
- H. **Balloon Sign.** A lighter-than-air gas-filled balloon tethered in a fixed location.
- I. **Billboard or Poster Panel.** An off-premises sign.
- J. **Building Frontage.** The linear dimensions of a building which faces upon a public street, projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.
- K. **Building Identification Sign.** Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.
- L. **Changeable Copy Sign.** An attraction or reader board.
- M. **Commercial Sign.** Any sign with wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, profession, commodity, event, person, institution, or other commercial activity or otherwise contains commercial speech.
- N. **Commercial Speech.** Any message proposing a commercial transaction or related to the economic interests of the speaker and its audience.
- O. **Emitting Sign.** A sign which emits sound, odor, or visible matter such as smoke or steam.
- P. **Free-Standing Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

- Q. **Grade.** The level of the site at the property line located at the closest distance to the sign.
- R. **Ground Sign.** Any sign which is neither attached to nor part of a structure and which is permanently affixed in or upon the ground with no air space between the ground and the sign face.
- S. **High Rise Sign.** Any sign located on a building four or more stories in height that is between the top of the parapet or high point of the building, exclusive of penthouse structures, and the horizontal line not more than fifteen feet below the top of the parapet or high point of the building on the side of the building to which the sign is affixed.
- T. **Illegal Sign.** Any sign placed without proper approval or permits as required by the Santa Monica Municipal Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with the provisions of Sections 9.61.240 and 9.61.250 of this Chapter.
- U. **Illuminated Sign.** Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.
- V. **Light Bulb String.** A display consisting of a row or rows of bare light bulbs.
- W. **Logo, Logogram, or Logotype.** An emblem, letter, character, pictograph, trademark, or symbol used to represent the firm, organization, entity, or product.
- X. **Marquee.** A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.
- Y. **Marquee Sign.** Any sign painted on or attached to or supported by a marquee.
- Z. **Monument Sign.** A ground sign having a horizontal dimension greater than its vertical dimension.
- AA. **Mural.** A picture on an exterior surface of a structure.
- BB. **Neon Signs.** A sign with tubing that is internally illuminated by neon or other electrically charged gas.
- CC. **Noncommercial Sign.** Any sign which is not a commercial sign as defined herein.
- DD. **Noncommercial Speech.** Any message which is not commercial speech as defined herein.
- EE. **Nonconforming Sign.** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the provisions of the Santa Monica Sign Code.
- FF. **Off-Premises Sign.** A commercial sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where such sign is located.
- GG. **On-Premises Sign.** A commercial sign that is other than an off-premises sign.
- HH. **Permanent Sign.** Any sign that is a legally placed sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position and in a permanent manner affixed to the ground, wall, or building.
- II. **Pole or Post Sign.** A free-standing sign.
- JJ. **Portable Sign.** Any movable sign not permanently attached to the ground or a building.
- KK. **Projecting Sign.** A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

- LL. **Public Sign.** A sign, on public property open to the public which is erected or maintained by a public agency, or which serves to fulfill a permit condition imposed by a public agency, such as a sign erected to preserve the safe and efficient control of traffic and parking or to provide notification of essential governmental services.
- MM. **Pylon Sign.** A ground sign having a vertical dimension greater than its horizontal dimension.
- NN. **Revolving or Rotating Sign.** An animated sign.
- OO. **Roof Sign.** Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.
- PP. **Sign.** Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.
- QQ. **Sign Cans.** A sign with a metal can and an internally illuminated plastic face. A change in the face of a sign can is considered to be a change in copy and not subject to review if it affects only the message of the sign, and does not change the color of background or letters, size or location of letters, or otherwise alter the general appearance of the sign. Painted or panel signs shall be reviewed similarly to sign cans.
- RR. **Sign Face.** An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.
- SS. **Sign Program.** A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.
- TT. **Site.** All the contiguous ground area legally assembled into one development location.
- UU. **Special Event Sign.** A sign authorized through a community events permit issued pursuant to Santa Monica Municipal Code Chapter 4.68.
- VV. **Statue.** A three-dimensional representation, including a sculpture. A statue that is related to the advertisement of any product or service or the identification of any business is a sign.
- WW. **Super Graphic.** A painted design which covers all or a major portion of a wall, building or structure.
- XX. **Temporary Sign.** Any sign, not permanently attached to the ground or a structure, which is installed or placed for a limited duration.
- YY. **Total Sign Area.** The sum of the areas of all externally viewable signs on a site, excluding the area of any signs exempt from Architectural Review Board approval under Sections 9.61.140, 9.61.150, and 9.61.160.
- ZZ. **Upper Level Sign.** Any sign mounted on a building that is placed in whole or in part between thirty inches above the second-floor floor line and the top of a parapet or roof line, but does not include a high rise sign.
- AAA. **Vehicle Sign.** Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

- BBB. **Wall Sign.** Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.
- CCC. **Window Sign.** Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building.

9.61.040 Sign Permit

In addition to any other permit required by this Code, a sign permit shall be obtained from the Architectural Review Board prior to placing, changing, altering, or displaying any sign unless specifically exempted by this Code. No sign permit shall be required where the only work to be performed is the repair, maintenance, or replacement of a lawful and conforming sign, the repair or maintenance of a lawful nonconforming sign, or the replacement or repair of a destroyed sign except when such sign is required to be removed in accordance with Section 9.61.240.

9.61.050 Landmarks Commission Review

In the case of any new sign proposed to be placed, changed, altered or displayed on a designated City landmark or structure located in a designated historic district, a sign permit must be obtained from the Landmarks Commission, instead of the Architectural Review Board, through the approval of a certificate of appropriateness application. Such signage applications shall be subject to the same standards specified in this Chapter. The Landmarks Commission shall have the same powers as the Architectural Review Board to approve, deny, modify or approve adjustments to sign applications. All signage decisions by the Landmarks Commission may be appealed to the Planning Commission. The Landmarks Commission Secretary shall have the same powers as the Architectural Review Board Secretary in the administrative approval of sign permits.

9.61.060 Fees

The City Council shall from time to time amend by resolution following a public hearing a schedule of fees for applications, permits, sign adjustments, appeals, and other approvals under this Chapter.

9.61.070 Sign Permit Application Procedures

- A. Applications for sign permits shall be made on forms provided by the Planning Department and shall be accompanied by the following material:
1. Site Plan. Scale plans indicating the location of existing signs to be retained or removed and proposed new signs.
 2. Existing Building Elevation. Scale drawings indicating locations of all existing signs on the site or building that are to be retained and indicating the location of all existing signs on the site or building that are to be removed. Dated and signed color photographs (not slide transparencies) at least three inches by three inches minimum in size of all existing signs.
 3. Proposed Building Elevations. Scale drawings indicating locations of proposed signs and existing signs that are to be retained on the site.
 4. Sign Illustration. Scale drawing indicating dimensions, colors, materials, copy, illumination, and exterior structural fixtures of each sign on the site.
 5. Sign Program. A sign program submitted in accordance with the guidelines and standards of the Architectural Review Board shall be required for all new projects and building remodels which directly affect existing signs and for any change in a sign in a multitenant building.

6. Other Information. Other information required by the guidelines and standards of the Architectural Review Board.
- B. Within 6 months after the effective date of this Chapter, the Architectural Review Board shall prepare, and the Planning Commission shall approve, a standard application form meeting the requirements of this Section.

9.61.080 Review of Sign Permit Applications

The Secretary of the Architectural Review Board shall review all sign applications to determine if the application is complete. If the sign application can be administratively approved pursuant to Section 9.61.120, such administrative approval shall occur within 10 days after the application is deemed complete. If the sign application cannot be administratively approved, the application shall be reviewed by the Architectural Review Board at its next regularly scheduled meeting unless that meeting would occur less than fourteen days after the application is deemed complete. The sign permit application shall be processed in accordance with the provisions of Section 9.61.070 of this Code.

9.61.090 Action on Sign Permit Applications

- A. The Architectural Review Board, or the Planning Commission on appeal, shall approve, approve with modification or conditions, or deny the sign permit application. A sign application for signs meeting the size, construction, location, electrification, operation, and other applicable provisions of this Chapter shall be approved without modifications or conditions unless the Architectural Review Board makes one or more of the following findings:
 1. That the shape, design, placement, color, style or quantity of text, illumination, or reflected light of a sign or signs conflicts or interferes with traffic, both vehicular and pedestrian, from a public safety standpoint, by distracting attention or obstructing vision;
 2. That the shape, design, placement, color, style or quantity of text, illumination, or reflected light of a sign or signs is incongruous with or detracts from the distinct architectural or historic design or character of the building to which the sign is affixed or of the neighborhood in which the sign is located;
 3. The sign or signs obscures other signs from primary view or dominates its immediate vicinity to such an extent as to detract from the visibility of other signs, buildings of architectural or historic significance, or public view corridors.
- B. If the Architectural Review Board denies, modifies, or conditionally approves a sign application pursuant to this Section, it shall state with particularity the factual bases justifying the findings and shall afford the applicant an opportunity to submit a revised application to remedy the inadequacies of the original sign application.
- C. The Architectural Review Board shall not deny a sign application because of the contents or message of a sign or direct that the contents or message of a sign be altered or modified as a condition of approval.
- D. The Secretary of the Architectural Review Board shall certify the final action of the Architectural Review Board, or Planning Commission on appeal, on the sign permit application and when required, on any permit to be issued by the Building and Safety Division.

- E. Approval of the sign permit application does not imply approval by the Building and Safety Division from which one or more permits may also be required.
- F. The Secretary of the Architectural Review Board shall maintain a record of all applications filed under this Chapter and of all action of the Architectural Review Board or Planning Commission of such applications.

9.61.100 Appeals

Any decision of the Architectural Review Board under this Chapter may be appealed to the Planning Commission by the applicant or any interested person, or by any member of the City Council or Planning Commission. Notice of any appeal from the ruling of the Board must be filed within ten calendar days of the date that such ruling is made, and must be accompanied, except in the case of a review by request of a member of the City Council or the Commission, by the fee established by Chapter 9.63. When such an appeal is made from a ruling of the Board, the Commission shall hear the appeal within thirty days of the receipt of said notice of appeal unless unique and unforeseeable circumstances prevent the hearing of the appeal at that time. The Commission shall base its decision on the evidence submitted to it at said hearing, and upon the record from the Board and such other records as may exist in the case. The decision of the Commission upon such appeal, relative to any matter within the jurisdiction of the Board, shall be final.

9.61.110 Time for Exercising Sign Permit and Proof of Compliance

A sign permit shall become null and void if the sign for which the approval was granted and all conditions imposed in connection with the approval have not been completed within 6 months of issuance of the sign permit or, in the case of a sign approved for a building not yet completed, 6 months after the issuance of the certificate of occupancy. Within 30 days of the completion of the sign, the applicant shall file with the Planning Department a color photograph at least 3 inches by 3 inches minimum in size showing completion of the sign or sign program in accordance with the sign permit.

9.61.120 Administrative Approval of Sign Permits

The Secretary of the Architectural Review Board or his or her designee is empowered to review and approve those signs that conform to the requirements of this ordinance and to written guidelines established by the Architectural Review Board and approved by the Planning Commission. Such guidelines shall include, but not be limited to, provisions for administrative approval in the following situations:

- A. Where the sign application complies with a sign program that has been approved by the Architectural Review Board or Planning Commission in conjunction with the design review of the building to which the sign is affixed.
- B. Where the sign application is for a change in the face of a sign, and does not involve alteration, additional or altered illumination, or relocation of the physical sign.

9.61.130 Sign Adjustment

- A. In order to assure adequate business identification, a variance from any nonstructural provision of this Chapter may be granted upon the filing of an application for sign adjustment and subject to the following findings:
 - 1. The strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships for the business or property owner which would be inconsistent with the purposes of this Chapter and which would arise from unique physical or topographic circumstances or conditions of project design;

2. The granting of the requested variance would not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;
 3. The granting of the requested variance would not be incompatible with other nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering;
 4. The granting of the variance would not be inconsistent with the purposes of this Chapter.
- B. A sign adjustment application shall be processed in accordance with the procedures for a sign permit application.
- C. For purposes of this Section, the prohibitions contained in Section 9.61.180 shall be deemed to be nonstructural provisions of this Chapter. However, after February 1, 2000, no applications for sign adjustments may be accepted to request retention of any nonconforming signs subject to Section 9.61.240.

9.61.140 Exempt Signs

The following signs are exempt from the provisions of the Sign Code:

- A. All signs which are placed inside a structure or building and which are either not visible through windows or building openings or are located a minimum of five feet from such windows or openings and from an adjacent window merchandise display base, if any.
- B. Signs authorized by a community events permit issued pursuant to Santa Monica Municipal Code Chapter 4.68.
- C. Pole banners and over-the-street banners authorized pursuant to Santa Monica Municipal Code Section 4.08.500.
- D. Noncommercial signs provided that they are not of the type prohibited by subsections (1), (2),(3),(4), (9), (10), (11), or (12), of Section 9.61.180(A) or by Section 9.61.230.

9.61.150 Permanent Signs Exempt from Architectural Review Board Approval

The following signs are exempt from the permit requirements of this Code. The use of these signs does not affect the amount or type of signage otherwise allowed by this Chapter. All signs listed in this Section must be in conformance with all other applicable requirements of this Code:

- A. ***Building Identification Signs.*** Building identification signs not to exceed 2 square feet in area which are authorized based on the City's compelling health and safety interest in ensuring that safety personnel and members of the public can immediately identify the name and/or location of the property, the hours of operation and emergency information;
- B. ***Information Sign.*** Exterior signs erected on or immediately adjacent to an entrance, exit, rest room, office door, telephone or similar property feature provided that the sign does not exceed 2 square feet in area for each sign (which typically contains information such as "no parking," "entrance," "service entrance," "restrooms," "manager," and "exit") so long as the number of exempt exterior signs do not exceed 2 per parcel for each street frontage.

- C. **Public Signs.** Public signs provided that they are not of the type prohibited by subsections (1), (2), (3), (8), (9), (10), (11), and (12) of Section 9.61.180(A).
- D. **Tablets and Plaques.** Tablets and plaques of metal or stone, installed by an historical agency, including names of buildings and date of erection, and not exceeding 24-four inches in any dimension.
- E. **Theatre Sign.** Theatre sign copy or display changes on existing theatre marquee signs or permanently affixed display cases.
- F. **Banners, Flags and Pennants.** Banners, flags, and pennants that do not directly advertise the business or activity located on the building site, provided that no more than 3 such banners, flags, or pennants for each site are exempt under this Section.
- G. **Change of Copy of Billboards.** The change of copy of any off-premises sign.

9.61.160 Temporary Sign Regulations

The following signs are exempt from the permit requirements of this Code. The use of these signs does not affect the amount or type of signage otherwise allowed by this Chapter. All signs listed in this Section must be in conformance with all other applicable requirements of this Chapter and the City's Municipal Code:

- A. **Basic Requirements Governing Temporary Signs.**
 - 1. **Illumination.** No temporary sign shall be internally or externally illuminated.
 - 2. **Location.**
 - a. Except as provided by this Section, no temporary sign shall extend into, on or over the public right-of-way of any street, alley, or other public property.
 - b. No temporary sign shall extend into the hazardous visual obstruction zone as established by Santa Monica Municipal Code Section 9.21.180, Hazardous Visual Obstructions.
 - 3. **Maintenance.** Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - 4. **Placement.** No temporary sign shall be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.
 - 5. **Public Hazard.** No temporary sign shall be erected or maintained which, by reason of its size, location or construction, constitutes a hazard to the public or impairs accessibility.
 - 6. **Collection and Retrieval of Temporary Signs Placed in the Public Right-of-Way.**
 - a. The City may collect temporary signs placed in the public right-of-way which are not authorized by this Chapter.
 - b. Each sign collected will be stored for a minimum of 30 days.
 - c. Notice will be mailed or otherwise provided within 3 business days of the date of collection to the owner of each sign if the ownership is reasonably discernible from the sign or is on file with the City's Community Maintenance Department.

- d. The owner of a sign may retrieve a sign collected by the City within 30 days of the collection date. The owner must present proof of ownership of the sign and pay a sign retrieval fee in an amount established by resolution of the City Council.

B. **Authorized Temporary Signage in Any Residential Zone.** In any residential zone, temporary signage shall be allowed for each and every lot without issuance of a permit and shall not affect the amount of type of signage otherwise allowed by this Code. This signage shall not be restricted by content, but usually and customarily relates to an event such as a real estate sale, garage sale, home construction or remodeling, etc. Signage shall be allowed for each lot as follows:

1. One temporary on-premises sign on property that is for sale, lease or rental not exceeding 6 square feet in total area and not more than 6 feet in height; plus no more than 3 12-inch by 4-inch riders, plus no more than one 6-inch by 18-inch pennant for each 20 linear feet for street frontage, provided the sign is removed within 15 days from the sale, lease or rental of the property. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On tracts of land of more than 2 acres in residential zones the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.
2. One temporary on-premises sign on property that is undergoing construction or remodeling not exceeding 24 square feet each in area and not more than 6 feet in height above grade and limited to one sign for each street frontage provided the sign is removed within 7 days of completion of any construction or remodeling.
3. One temporary on-premises sign not exceeding 4 square feet in area which is erected a maximum of 2 times per calendar year for a maximum of 2 days each display and which is removed by sunset on any day it is erected.
4. Four temporary signs not exceeding 6 feet in height placed on private property within 5 hundred feet of a property for sale or lease during the hours that the property is open to the public for viewing.
5. Public signs provided that they are not of the type prohibited by subsections (1), (2), (3), (9), (10), (11), or (12) of Section 9.61.180(A).

C. **Authorized Temporary Signage in Any Commercial Zone.** In any commercial or industrial zone, temporary signage shall be allowed for each and every lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Code. This signage shall not be restricted by content, but is usually and customarily related to an event such as a real estate sale, construction or remodeling, etc. The signage shall be allowed for each lot as follows:

1. One temporary on-premises sign which is located on the building that is for sale, lease, or rental, not exceeding 24 square feet each, are not higher than 30 inches above the 2nd floor line, and which are limited to one sign for each building, and must be attached to the building, provided said signs are removed within 15 days from the sale, lease or rental of the property. Properties with a lot width of 50 feet or less shall be limited to 16 square feet per site. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
2. One temporary on-premises sign on property that is ongoing construction or remodeling not exceeding 24 square feet each in area and not more than 6 feet in height above grade and

limited to one sign for each street frontage provided the sign is removed within 7 days of completion of any construction or remodeling.

3. One temporary on-premises banner on a business that is newly opened not exceeding 20 percent of a business' front building façade area or one 100 square feet, whichever is less, not extending above the second floor line, and limited to one 60-day period.
4. One temporary on-premises banner on a business where, due to construction activities, the front façade to the building is blocked from the street by barricades or related construction materials or equipment, not exceeding 20 percent of a business' front building façade area or 100 square feet, whichever is less, not extending above the second-floor floor line, and limited to the time that the front façade is blocked from the street.
5. Temporary signs not exceeding 16 square feet in area erected at the same time as the temporary uses allowed by Santa Monica Municipal Code Part 9.31.360, or any successor legislation thereto. The signage shall be allowed for the same duration as the temporary use.
6. Temporary window signs not to exceed twenty percent of the first floor's total frontage glass area and limited to two thirty-day periods in any calendar year for each site. Temporary window signs shall not extend above the second floor line.
7. Public signs provided that they are not of the type prohibited by subsections (1), (2), (3), (9), (10), (11), or (12) of Section 9.61.180(A).

D. Within the Main Street Commercial Zoning District, each business shall be allowed one temporary on-premises sign, if the temporary sign complies with the following requirements:

1. The sign shall not be larger than 10 square feet in size.
2. The sign face shall be no wider than two and a half feet and no taller than four feet and limited on two sides/faces with a total square footage of sign area not to exceed 20 square feet.
3. The sign shall remain portable and shall not be attached or anchored to any public or private property.
4. The sign is not of the type prohibited by subsections (1), (2), (3), (4), (6), (7), (8), (9), (10), (11), or (12) of Section 9.61.180(A) by Section 9.61.230.
5. The sign shall be removed when the business is closed.

E. Temporary signs are prohibited signs except as provided by this Section or otherwise exempt pursuant to Section 9.61.140.

9.61.170 Permitted Signs

A. When reviewed and approved by the Architectural Review Board, signs shall be permitted under the following provisions:

1. **Attraction or Reader Boards.** Attraction or reader boards so long as they do not exceed 20 percent of total allowable sign area or are otherwise authorized pursuant to Section 9.61.190(G). Copy must be changed periodically during each calendar year.
2. **Awning Signs.** Awning signs painted or printed on the surface of the awning material.
3. **Ground Signs.** One ground sign for each site in the commercial and industrial districts. A monument type sign is permitted so long as it does not exceed six feet in height above grade. A pylon type sign is permitted as long as it does not exceed thirty inches in width and does

not exceed sixteen feet in height above grade. The maximum area of one side of a ground sign, including its base, is forty square feet.

4. ***Light Bulb Strings.***
5. ***Marquee Signs.*** Marquee signs that do not extend more than 12 inches from the surface of the marquee, nor provide less than 8 feet of clearance above ground level are permitted.
6. ***Statues.***
7. ***Wall Signs.*** Wall signs so long as the display surface of the sign does not extend more than 12 inches from the wall, is parallel with the wall, does not project above the top of the wall or parapet or more than 30 inches above the second-floor floor line in multistoried buildings, and does not contain copy or lighting on any surface parallel with the wall other than the sign face. A wall sign may be located on the sloping surface of a roof, with no air space between the roof and the sign, may not project above the high point of the roof and may not be more than 12 inches in depth.
8. ***Permanent Window Signs.*** Permanent window signs so long as the sign area does not exceed 20 percent of the first floor's total frontage glass area.
9. ***Projecting Signs.*** Projecting signs so long as the sign is no greater than four and one half square feet.

9.61.180 Prohibited Signs

- A. The following signs, and any sign not authorized by Section 9.61.150 or Section 9.61.170, are prohibited:
 1. ***Animated Signs.*** Animated signs, except that:
 - a. The City may use animated signs to preserve roadway safety and traffic circulation; and
 - b. Primary and secondary schools may use animated signs on school property for school purposes.
 2. ***Balloon Signs.***
 3. ***Emitting Signs.*** Emitting signs except that devices for communicating with customers at drive-in restaurants, automated bank tellers, and drive-through banks may use sound communication.
 4. ***Free-Standing and Pole Signs.***
 5. ***Miscellaneous Signs and Posters.*** Miscellaneous signs and posters tacked, painted, posted or otherwise affixed on the walls of a building, or on a tree, pole, fence or other structure, and visible from a public way.
 6. ***Off-Premises Signs.***
 7. ***Paper, Cloth or Plastic Streamers and Bunting.*** Paper, cloth, or plastic streamers and bunting.
 8. ***Portable Signs,*** except temporary signs authorized pursuant to Section 9.61.160.

9. ***Roof Signs.***
10. ***Upper Level Signs.***
11. ***Vehicle Signs.*** No person shall park any vehicle or trailer on a public right-of-way or public property or on a private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property. This Section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.
12. ***High-Rise Signs.***

9.61.190 Total Sign Area Permitted by District

- A. The total sign area factors set forth in this Section govern the aggregate square footage of all nonexempt signs externally placed or externally visible at a given site. The factors are related to the building or store frontage measured along the site street address.
- B. The total operative frontage dimension for structures located on a street corner site is one and one-half times the building's address frontage. For such corner locations, no more than two-thirds of the total allowable sign area shall be permitted facing on one or the other street.
- C. For all multiple-use buildings in commercially or industrially zoned districts, the size of signs pertaining to each business or use is governed by that portion of the building frontage occupied by that business or use; the total sign program is governed by the total building frontage. If in addition to any entrance from public streets there is a public entrance from an alley or from a parking lot, additional sign area of one-half square foot per foot of that building frontage is allowed on that side of the premises, not to exceed 20 square feet. If there is no public entrance, signage on that side is limited to a business identification sign, not to exceed 2 square feet.
- D. Notwithstanding the maximum sign area calculated by use of these factors, no single sign shall exceed 100 square feet in area at any location.
- E. Notwithstanding the maximum sign area calculated by use of these factors, no business in a commercial or industrial district is required to have signage of less than 25 square feet in area.
- F. The maximum sign area is as follows:
 1. **R1/OP1**—Single Family Residential District. Applicable exempt signs;
 2. **R2/OPD**—Duplex Residential Districts. Applicable exempt signs;
 3. **All Multiple Residential Districts Except the Beachfront District.** A maximum of one-fourth square foot of sign area for each linear foot of building frontage with the total nonexempt sign area not to exceed 25 square feet. Externally illuminated signs are permitted for the purpose of building name and address identification;
 4. **Hotels in R4 High Density Residential District.** A maximum of one square foot of sign area for each linear foot of building frontage. Internally illuminated signs are permitted;
 5. **All Downtown Districts and Beachfront Districts.** For other than street corner locations, a maximum of one square foot of sign area for each linear foot of building or store frontage. For street corner locations, a maximum of one square foot of sign area for each linear foot of building or store frontage for each street facing frontage. The provisions of Section 9.61.190(B) shall not apply;

6. **All Other Commercial and Industrial Districts.** A maximum of one square foot of sign area for each linear foot of building or store frontage;
 7. **Off-Street Parking Districts.** The same as the sign requirements in the appropriate adjacent residential district.
- G. In the NC and Downtown Districts, one changeable copy sign that does not exceed one-and one-half feet by 2 feet affixed either to the exterior of the building or to a location visible through a window shall not be included as part of the total allowable sign area for a business.

9.61.200 Bayside District Specific Plan Area

The standards for signs contained in the approved Bayside District Specific Plan shall prevail over conflicting provisions contained in Sections 9.61.150, 9.61.170, 9.61.180, and 9.61.190 with respect to signs on buildings located within the Bayside District Specific Plan area.

9.61.210 Maintenance

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

9.61.220 Consent of Property Owner

No person, except a public officer or employee in the performance of a public duty, or a private person in the giving of a legal notice, shall paste, post, paint, print, nail or tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind upon any property, without the written consent of the owner, holder, lessee, agent or trustee thereof.

9.61.230 Signs on Street

- A. No person shall erect, suspend or maintain a sign on, across, or above any street, alley or public property, or any portion thereof, except as may be allowed or required by the Municipal Code, or the laws of the State or of the United States.
- B. Nothing in the Santa Monica Sign Code shall be deemed or construed to prohibit, upon this issuance of the permits required herein, the erection, suspension, or maintenance of any such sign within or at the recognized boundary of the City, on, across, or above any such streets, alleys, or public places or any portion thereof, such signs to bear exclusively the name of such City and any appropriate words of welcome, or information concerning said City, without the addition of any words, advertising, figure or devices of any kind.

9.61.240 Removal or Modifications of Prohibited Nonconforming Signs

- A. Signs that have been lawfully placed before the effective date of this Chapter and are not in conformance with the provisions of this Chapter shall be removed or where applicable, modified to conform to the requirements of this Chapter, in accordance with the following schedule:
 1. Animated signs and emitting signs shall be stopped from such activity within 6 months from April 11, 1985.

2. Balloon signs; temporary signs and posters that are visible from a public way; paper, cloth or plastic streamers, flags, pennants and bunting; portable signs; vehicle signs that are not in conformance with Section 9.61.180(A)(11) of this Chapter; and temporary window signs above the first story level shall be removed within six months from April 11, 1985.
 3. Traffic sign replicas shall be removed or modified to comply with the provisions of this Chapter within six months from April 11, 1985.
 4. Freestanding, roof, upper level, projecting and off-premises signs, including those signs which were previously animated or emitting signs shall be removed or modified to conform to the requirements of this Chapter within 15 years from the effective date of this Chapter unless the sign was designated a meritorious sign by the Santa Monica City Council on March 22, 2000. Notwithstanding the preceding sentence, if the character defining features of a meritorious sign are altered, the sign shall be removed or where applicable, modified to conform to the requirements of this Chapter.
- B. Notwithstanding any other provision of this Section, any nonconforming sign that would otherwise be prohibited by this Chapter shall be removed or modified to conform to the requirements of this Chapter upon any of the following:
1. If the owner, outside of a change in copy, requests permission to remodel a sign, including the replacement of electrical parts and tubing of a neon sign involving a change in the external appearance or intensity of illumination of the sign, or expands or enlarges the building or land use upon which the sign is located, and the sign is affected by the construction, enlargement, or remodeling, or the cost of construction, enlargement, or remodeling of the sign exceeds fifty percent of the cost of reconstruction of the building. For purposes of this subsection, remodel does not include normal repair or maintenance of a sign;
 2. If the owner seeks relocation of the sign;
 3. If the sign has been more than 50 percent destroyed, and the destruction is other than facial copy replacement, and the display is not repaired within 90 days of the date of its destruction;
 4. If the City and the owner of the sign agree to its removal on a given date;
 5. If the use of the sign has ceased, or the structure upon which the sign is located has been abandoned by its owner, for a period of not less than 90 days;
 6. If the sign is or may become a danger to the public or is unsafe as determined by the Building Officer;
 7. If the sign constitutes a traffic hazard not created by relocation of streets or highways or by acts of the City, as determined by the Director of General Services.
- C. The time period to conform to the requirements of this Chapter shall not be extended because of any repair, maintenance or other permitted remodeling or alteration of a sign.
- D. An extension of time to remove or modify any nonconforming sign subject to this Section may be requested by filing an application on the form approved by the Secretary of the Architectural Review Board and in accordance with the procedures for a sign permit application. The application may be granted only upon a finding that the time for removal or modification set forth in this Section does not provide for a reasonable amortization period commensurate with the investment involved. An application for an extension under this subsection shall be made within two years after April 11, 1985.

- E. Notwithstanding any other provision of the associated enterprise or occupant has this Section, this Section shall not apply to any sign that may not be removed pursuant to the provisions of Business and Professions Code Section 5412.5 but only during the period of time that Business and Professions Code Section 5412.5 remains in force and effect.

9.61.250 Building Officer's Powers

The Building Officer shall have and is hereby granted the power and authority to revoke any sign permit granted hereunder if the sign does not meet all specifications or requirements indicated on the approved permit application and on the approved plans.

9.61.260 Enforcement

- A. The Building Officer and Zoning Inspector are hereby granted the power and authority to issue a notice of violation to the sign owner or to the sign owner's agent or manager for any sign maintained in violation of any provision of this Chapter. Action to correct such violation issued by either the Building Officer or Zoning Inspector shall be commenced by the sign owner or the sign owner's agent or manager within 30 days of the issuance of the notice of violation. Proof of the commencement of action to correct the violation must be furnished to the officer issuing the notice or his or her representative within 30 days of the issuance of the notice of violation.
- B. If the sign owner, or any person responsible for the sign, fails to respond to the notice of violation within 30 days or fails to correct the violation within 60 days, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within 60 days following the notice of violation. The Building Officer may cause the removal of the sign in accordance with the abatement procedures set forth in the Municipal Code.
- C. Any signs in conformance with this Code pertaining to enterprises or occupants that are no longer utilizing the site shall be removed from the site or shall have the copy/text obliterated from such signs upon the expiration of 90 days after the associated enterprise or occupant has vacated the premises. Any such sign not removed or modified within the required period shall be considered as abandoned and shall be removed by the Building Officer in accordance with the abatement procedures set forth in the Municipal Code.
- D. Any nonconforming signs pertaining to enterprises or occupants that are no longer utilizing the site shall be removed from the site upon the expiration of 90 days after the associated enterprise or occupant has vacated the premises. Any such sign not removed within the required period shall be considered as abandoned and shall be removed by the Building Officer in accordance with the abatement procedures set forth in the Municipal Code.
- E. A sign removed by the City shall be held for not less than 30 days by the City during which time it may be recovered by the owner upon payment to the City for removal and storage costs. If not recovered prior to the expiration of the 30-day period, then the sign shall be sold in accordance with the procedures for sale of unclaimed property. The proceeds of the sale, less removal, storage, and sale costs, shall be paid to the owner thereof.
- F. The provisions of this Section may be utilized separately from, as an alternative to, in addition to, or in conjunction with any other remedy provided by law.

Chapter 9.62 City Council CEQA Appeals

9.62.010 City Council CEQA Appeals

Any person may appeal to the City Council from the decision of a nonelected decision-making body of the City to certify an environmental impact report, approve a negative declaration or mitigated negative declaration or determine that a project is not subject to Public Resources Code Section 21080 et seq. (California Environmental Quality Act) if that decision is not otherwise subject to further administrative review. Any such appeal must be filed with the Secretary of the nonelected decision-making body within fourteen consecutive calendar days of the date that the decision is made. The appellant shall state the specific reasons for the appeal on an appeal form prepared by the City. The appeal must be accompanied by the required filing fee.

Chapter 9.63 Planning, Zoning, and Land Use Fees

9.63.010 Planning, Zoning, and Land Use Fees

- A. The City Council shall establish by resolution fees for the filing and processing of applications and appeals, and any documents necessary therefore, for any approval required to be obtained from the Planning Director, Zoning Administrator, Planning Commission, Landmarks Commission, Architectural Review Board, or City Council in connection with any planning, zoning, land use or any permit or approval required by Article 9 of this Code.
- B. No application or appeal shall be filed or processed until the fee has been paid as provided for in any resolution adopted pursuant to subsection (A).
- C. Any resolution pursuant to subsection (A) shall govern over any conflicting provision contained in any ordinance adopted prior to the effective date of this Section.

Chapter 9.64 Affordable Housing Production Program

Sections:

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9.64.020	Definitions
9.64.030	Applicability of Chapter
9.64.040	Affordable Housing Obligation
9.64.050	On-site Option
9.64.060	Off-site Option
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9.64.100	Pricing Requirements for Affordable Housing Units
9.64.110	Eligibility Requirements
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9.64.010 Findings and Purpose

The City's affordable housing production program requires developers of market rate multi-family developments to contribute to affordable housing production and thereby help the City meet its affordable housing need. As detailed in the findings supporting the ordinance codified in this Chapter, the requirements of this Chapter are based on a number of factors including, but not limited to, the City's long-standing commitment to economic diversity; the serious need for affordable housing as reflected in local, state, and federal housing regulations and policies; the demand for affordable housing created by market rate development; the depletion of potential affordable housing sites by market-rate development; and the impact that the lack of affordable housing production has on the health, safety, and welfare of the City's residents including its impacts on traffic, transit and related air quality impacts, and the demands placed on the regional transportation infrastructure.

9.64.020 Definitions

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

- A. **30% Income Household** means a household whose gross income does not exceed the 30% income limits applicable to the Los Angeles-Long Beach Primary Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.
- B. **50% Income Household** means a household whose gross income does not exceed 50% of the area median income, adjusted for household size, as published and periodically updated by HUD. 50% income households include 30% income households.

- C. **80% Income Household** means a household whose gross income does not exceed 80% of the area median income, adjusted for household size, as published and periodically updated by HUD. 80% income households include 50% income households.
- D. **Adjusted for Household Size** means 70% adjustment for a household of one person, 80% adjustment for a household of two persons, 90% adjustment for a household of three persons, 100% adjustment for a household of four persons, 108% adjustment for a household of five persons, 116% adjustment for a household of six persons, 124% adjustment for a household of seven persons, 132% adjustment a household size of eight persons. For households of more than eight persons, adjustments shall be made in accordance with applicable HUD regulations.
- E. **Adjusted for Household Size Appropriate for the Unit** means for a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.
- F. **Affordable Housing Fee** means a fee paid to the City by a multi-family project applicant pursuant to Section 9.64.070 of this Chapter to assist the City in the production of housing affordable to 30% income households, 50% income households, 80% income households, and moderate-income households.
- G. **Affordable Housing Unit** means a housing unit developed by a multi-family project applicant pursuant to Section 9.64.050 or 9.64.060 of this Chapter which will be affordable to 30% income households, 50% income households, 80% income households, or moderate- income households.
- H. **Affordable Housing Unit Development Cost** means the City's average cost to develop a unit of housing affordable to 30% income households, 50% income households, 80% income households or moderate income households.
- I. **Affordable Ownership Housing Cost.** Affordable ownership housing cost means: For moderate income households whose gross incomes exceed the maximum income limits for 80% income households, affordable housing cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of the area median income adjusted for household size appropriate for the unit.
- J. **Affordable Rent.** Affordable rent means:
1. For 30% income households, the product of 30 percent times 30 percent of the area median income adjusted for household size appropriate for the unit.
 2. For 50% income households, the product of 30 percent times 50 percent of the area median income adjusted for household size appropriate for the unit.
 3. For 80% income households whose gross incomes exceed the maximum incomes for 50% income households, the product of 30 percent times 60 percent of the area median income adjusted for household size appropriate for the unit.
 4. For moderate income households, the product of 30 percent times 110 percent of the area median income adjusted for household size appropriate for the unit.

For purposes herein, affordable rent shall be adjusted as necessary to be consistent with pertinent Federal or State statutes and regulations governing Federal or State assisted housing.

- K. **Area Median Income or AMI.** Area median income or AMI means the median family income published from time to time by HUD for the Los Angeles-Long Beach Metropolitan Statistical Area.
- L. **Dwelling Unit.** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with full cooking, sleeping and bathroom facilities for the exclusive use of a single household. Dwelling unit shall also include single-room occupancy units as defined in Santa Monica Municipal Code Section 9.52.020 or any successor thereto.
- M. **Floor Area.** Floor area as defined in Santa Monica Municipal Code Section 9.52.020 or any successor thereto.
- N. **Gross Income.** Gross income has the same meaning as provided in title 25, section 6914 of the California Code of Regulations, as amended from time to time, in accordance with law.
- O. **HCD.** The California Department of Housing and Community Development or its successor.
- P. **Housing Cost.** Housing cost has the same meaning as provided in title 25, section 6920 of the California Code of Regulations, as amended from time to time in accordance with law.
- Q. **HUD.** The United States Department of Housing and Urban Development or its successor.
- R. **Income Eligibility.** Income eligibility is based upon the gross income of the household, including the income of all wage earners, elderly or disabled family members, and all other sources of household income.
- S. **Market Rate Unit.** A dwelling unit as to which the rental rate or sales price is not restricted by this Chapter.
- T. **Moderate Income Household** means a household whose gross income exceeds the maximum income for a 80% income household and whose gross income does not exceed the lesser of: (i) 120% of the area median income, adjusted for household size, as published and periodically updated by HCD or (ii) twice the income limit for 50% income households, adjusted for household size, as published and periodically updated by HUD.
- U. **Multi-family Project.** A multi-family residential development, including but not limited to apartments, condominiums, townhouses or the multi-family residential component of a mixed use project, for which City permits and approvals are sought.
- V. **Multi-family Project Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks City development permits or approvals to develop a multi-family project.
- W. **Multi-family Residential District.** Any district designated in the Santa Monica Zoning Ordinance as a multi-family residential district.
- X. **Parcel.** Parcel as defined in Santa Monica Municipal Code Section 9.52.020 or any successor thereto.
- Y. **Rent.** Rent has the same meaning as provided in title 25, section 6918 of the California Code of Regulations, as amended from time to time in accordance with law.
- Z. **Vacant Parcel.** A parcel in a multi-family residential district that has no residential structure located on it as of August 20, 1998 or which had a residential structure located on it on that date which was subsequently demolished pursuant to a demolition order of the City. No demolition of structures shall be permitted except in accordance with Santa Monica Municipal Code Section 9.25 et seq or any successor thereto.

9.64.030 Applicability of Chapter

- A. The obligations established by this Chapter shall apply to each multi-family project involving the construction of two or more multi-family units, which project has not received its ministerial or discretionary planning approvals including, without limitation: variances, conditional use permits, administrative approvals, development review permits, and development agreement ordinances which have not yet become effective (collectively, "Approvals") on or before July 26, 2013. No building permit shall be issued for any multi-family project unless such construction has been approved in accordance with the standards and procedures provided for by this Chapter. Notwithstanding the above, a multi-family rental housing project that will be developed by a nonprofit housing provider receiving financial assistance through one of the City's housing trust fund programs shall not be subject to the requirements of this Chapter so long as the project is an affordable housing project meeting the requirements of Santa Monica Municipal Code Section 9.52.020 or any successor thereto and the project's affordability obligations will be secured by a regulatory agreement, memorandum of agreement, or recorded covenant with the City for a minimum period of fifty-five years.
- B. Multi-family projects which have received Approvals prior to the effective date of this ordinance shall be subject to the provisions of Santa Monica Municipal Code Section 9.64.010 et seq., as they existed on the date of their approvals, except that pricing requirements for affordable housing units shall be published by the City on an annual basis instead of adoption by resolution of the City Council.
- C. A designated landmark building or contributing structure to an adopted Historic District that is retained and preserved on-site as part of a multi-family project shall not be considered or included in assessing any of the requirements under this Chapter.

9.64.040 Affordable Housing Obligation

- A. Except as provided in Section 9.23.030(A), all multi-family project applicants shall comply with the requirements of this Chapter in the following manner:
 - 1. Multi-family project applicants for multi-family ownership projects of four or more units in multi-family residential districts shall choose one of the two following options:
 - a. Providing affordable housing units on-site in accordance with Section 9.64.050;
 - b. Providing affordable housing units off-site in accordance with Section 9.64.060.
 - 2. In addition to the options established in subsections (1)(a) and (b), all other multi-family project applicants may also choose one of the following options:
 - a. Paying an affordable housing fee in accordance with Section 9.64.070;
 - b. Acquiring land for affordable housing in accordance with Section 9.64.080.
- B. A multi-family project application will not be determined complete until the applicant has submitted a written proposal which demonstrates the manner in which the requirements of this Chapter will be met.

9.64.050 On-Site Option

The following requirements must be met to satisfy the on-site provisions of this Chapter:

- A. For ownership projects of at least four units but not more than fifteen units in multi-family residential districts, the multi-family project applicant agrees to construct at least: (1) twenty percent of the total units as ownership units for moderate-income households, or as an alternative; (2) twenty percent of the total units as rental units for 80% income households if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); (3) ten percent of the total units as rental units for 50% income households if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); or (4) five percent of the total units as rental units for 30% income households if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2).
- B. For ownership projects of sixteen units or more in multi-family residential districts, the multi-family project applicant agrees to construct at least: (1) twenty-five percent of the total units as ownership units for moderate-income households, or as an alternative; (2) twenty-five percent of the total units as rental units for 80% income households if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); fifteen percent of the total units as rental units for 50% income households if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); or (4) ten percent of the total units as rental units for 30% income households if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2).
- C. For all other multi-family applicants, the multi-family project applicant agrees to construct at least:
 - 1. five percent of the total units of the project for 30% income households;
 - 2. ten percent of the total units of the project for 50% income households;
 - 3. twenty percent of the total units of the project for 80% income households; or
 - 4. one hundred percent of the total units of a project for moderate income households.
- D. Except as provided in Section 9.23.030(A), any fractional affordable housing unit that results from the formulas of this Section that is 0.75 or more shall be treated as a whole affordable housing unit (i.e., any resulting fraction shall be rounded up to the next larger integer) and that unit shall also be built pursuant to the provisions of this Section. Any fractional affordable housing unit that is less than 0.75 can be satisfied by the payment of an affordable housing fee for that fractional unit only pursuant to Section 9.64.070(A)(4) or by constructing all the mandatory on-site affordable units with three or more bedrooms. The City shall make available a list of income levels for 30% income households, 50% income households, 80% income households, and moderate income households, adjusted for household size, the corresponding maximum affordable rents adjusted by household size appropriate for the unit, and the minimum number of units required for 30% income households, 50% income households, or 80% income households required for typical sizes of multi-family projects, which list shall be updated periodically.
- E. The multi-family project applicant may reduce either the size or interior amenities of the affordable housing units as long as there are not significant identifiable differences between affordable housing units and market rate units visible from the exterior of the dwelling units; provided, that all dwelling units conform to the requirements of the applicable Building and Housing Codes. However, except as provided in Section 9.23.030(A), each affordable housing unit provided shall have at least two bedrooms unless:

1. The proposed project comprises at least ninety-five percent one bedroom units, excluding the manager's unit, in which case the affordable housing units may be one bedroom;
2. The proposed project comprises at least ninety-five percent zero bedroom units, excluding the manager's unit, in which case the affordable housing units may be zero bedroom units;
3. The proposed project comprises zero and one bedroom units, excluding the manager's unit, in which case the affordable housing units must be at least one bedroom units; or
4. The multi-family project applicant has elected not to pay the affordable housing fee pursuant to Section 9.64.070(A)(4), in which case the affordable housing units must be at least three bedroom units. The design of the affordable housing units shall be reasonably consistent with the market rate units in the project. An affordable housing unit shall have a minimum total floor area, depending upon the number of bedrooms provided, no less than the following:

0 bedrooms	500 square feet	1 occupant
1 bedroom	600 square feet	1 occupant
2 bedrooms	850 square feet	2 occupants
3 bedrooms	1,080 square feet	3 occupants
4 bedrooms	1,200 square feet	5 occupants

Affordable housing units in multi-family projects of one hundred units or more must be evenly disbursed throughout the multi-family project to prevent undue concentrations of affordable housing units.

- F. All affordable housing units in a multi-family project or a phase of a multi-family project shall be constructed concurrently with the construction of market rate units in the multi-family project or phase of that project.
- G. On-site affordable housing units must be rental units in rental projects. In ownership projects, these affordable housing units may be either rental units or ownership units.
- H. Each multi-family project applicant, or his or her successor, shall submit an annual report to the City identifying which units are affordable units, the monthly rent (or total housing cost if an ownership unit), vacancy information for each affordable unit for the prior year, verification of income of the household occupying each affordable unit throughout the prior year, and such other information as may be required by City staff.
- I. A multi-family project applicant in a residential district who meets the requirements of this Section shall be entitled to the density bonuses and incentives provided by Sections 9.22.020 or any successor thereto and 9.22.030 or any successor thereto and the waiver/modification of development standards provided by Section 9.22.040 or any successor thereto. A multi-family project applicant in a commercial or industrial district shall be entitled to the development bonuses and incentives provided in the Land Use and Circulation Element and implementing ordinances.

- J. All residential developments providing affordable housing on-site pursuant to the provisions of this Section shall receive priority building department plan check processing by which housing developments shall have plan check review in advance of other pending developments to the extent authorized by law.
- K. The City Council may by resolution establish compliance monitoring fees which reflect the reasonable regulatory cost to the City of ensuring compliance with this Section when affordable housing units are being initially rented or sold, when the required annual reports are submitted to the City, and when the units are being re-sold or re-leased.

9.64.060 Off-Site Option

The following requirements must be met to satisfy the off-site option of this Chapter:

- A. The multi-family project applicant for ownership projects of four or more units in multi-family residential districts shall agree to construct twenty-five percent more affordable housing units than number of affordable housing units required by Section 9.64.050(A) and (B).
- B. For all other multi-family project applicants, the applicant shall agree to construct the same number of affordable housing units as specified in Section 9.64.050(C).
- C. The multi-family project applicant shall identify an alternate site suitable for residential housing which the project applicant either owns or has site control over (e.g., purchase agreement, option to purchase, lease) subject to City review to ensure that the proposed development is consistent with the City’s housing objectives and projects.
- D. The off-site units shall be located within a one-quarter mile radius of the market rate units.
- E. The off-site units shall satisfy the requirements of subsections (D) through (J) of Section 9.64.050.
- F. The off-site units shall not count towards the satisfaction of any affordable housing obligation that development of the alternative site with market rate units would otherwise be subject to pursuant to this Chapter.
- G. Exceptions to the location of the off-site units specified in this Section may be granted by the Planning Commission on a case-by-case basis upon a showing by the multi-family project applicant, based upon substantial evidence, that the location of off-site units in a location different from that specified in this Section better accomplishes the goals of this Chapter, including maximizing affordable housing production and dispersing affordable housing throughout the City.
- H. The City Council may by resolution establish compliance monitoring fees which reflect the reasonable regulatory cost to the City of ensuring compliance with this Section when affordable housing units are initially being rented or sold, when the required annual reports are submitted to the City, and when the units are being re-sold or re-leased.

9.64.070 Affordable Housing Fee

A multi-family project applicant eligible to meet the affordable housing obligations established by this Chapter by paying an affordable housing fee shall pay the fee in accordance with the following requirements:

- A. An affordable housing fee may be paid in accordance with the following formulas:
 1. Affordable housing unit base fee x floor area of multi-family project;
 2. Multi-family projects with fractional affordable housing units of less than 0.75 based on the formula established in Section 9.64.050:

(City's affordable housing unit development cost) x (fractional percentage)

- B. For purposes of this Section, the affordable housing unit base fee shall be established by resolution of the City Council. Commencing on July 1, 2006 and on July 1st of each fiscal year thereafter, the affordable housing unit base fee shall be adjusted based on changes in construction costs and land costs. The amount of the affordable housing fee that the multi-family project applicant must pay shall be based on the affordable housing unit base fee resolution in effect at the time that the affordable housing fee is paid to the City.
- C. For purposes of this Section, the City's affordable housing unit development cost shall be established by resolution of the City Council. Commencing on July 1, 2007 and on July 1st of each fiscal year thereafter, the City's affordable housing unit development cost shall be adjusted based on changes in construction costs and land costs. The affordable housing fee that the multi-family project applicant must pay shall be based on the affordable housing unit development cost resolution in effect at the time of payment to the City.
- D. The amount of the affordable housing unit base fee may vary by product type (apartment or condominium) and shall reflect, among other factors, the relationship between new market rate multi-family development and the need for affordable housing.
- E. The affordable housing fee shall be paid in full to the City prior to the City granting any approval for the occupancy of the project, but no earlier than the time of building permit issuance.
- F. The City shall deposit any payment made pursuant to this Section in a reserve account separate from the General Fund to be used only for development of affordable housing, administrative costs related to the production of this housing, and monitoring and evaluation of this affordable housing production program. Any monies collected and interest accrued pursuant to this Chapter shall be committed within five years after the payment of such fees or the approval of the multi-family project, whichever occurs later. Funds that have not been appropriated within this five-year period shall be refunded on a pro rata share to those multi-family project applicants who have paid fees during the period. Expenditures and commitments of funds shall be reported to the City Council annually as part of the City budget process.
- G. An affordable housing fee payment pursuant to this Section shall not be considered provision of affordable housing units for purposes of determining whether the multi-family project qualifies for a density bonus pursuant to Government Code Section 65915.

9.64.080 Land Acquisition

- A. A multi-family project applicant may meet the affordable housing obligations established by this Chapter by making an irrevocable offer:
 - 1. Dedicating land to the City or a non-profit housing provider;
 - 2. Selling of land to the City or a non-profit housing provider at below market value; or
 - 3. Optioning of land on behalf of the City or a non-profit housing provider.

Each of these options must be for a value at least equivalent to the affordable housing obligation otherwise required pursuant to this Section.

- B. The multi-family project applicant must identify the land at the time that the development application is filed with the City. Any land offered pursuant to this Section must be located within one-quarter mile radius of the market rate units unless the multi-family project applicant demonstrates that locating the land outside of this radius better accomplishes the goals of this Chapter, including maximizing affordable housing production and dispersing affordable housing throughout the City. The City may approve, conditionally approve or reject such offers subject to administrative guidelines to be prepared by the City Manager or designee. If the City rejects such offer, the multi-family project applicant shall be required to meet the affordable housing obligation by other means set forth in this Chapter.

9.64.090 Fee Waivers

The Condominium and Cooperative Tax described in Section 6.76.010 of the Santa Monica Municipal Code or any successor thereto and the Park and Recreation Facilities Tax established in Chapter 6.80 of Article 6 of the Santa Monica Municipal Code or any successor thereto, the Transportation Impact Fee required by Chapter 9.66, or any successor thereto, the Open Space Fee required by Chapter 9.67, or any successor thereto, and the Childcare Linkage Fee required by Chapter 9.65, or any successor thereto, shall be waived for required affordable housing units and for 30%, 50%, 80% and moderate-income dwelling units developed by the City or its designee using affordable housing fee. However, any multi-family project applicant who elects to pay an affordable housing fee shall not be eligible for any fee waiver under this Section.

9.64.100 Pricing Requirements for Affordable Housing Units

The City shall publish, on an annual basis, the 30%, 50%, 80%, and moderate income household levels, and affordable rents for affordable housing units, adjusted for household size appropriate for the unit.

9.64.110 Eligibility Requirements

- A. Only 30%, 50%, 80% and moderate-income households shall be eligible to occupy or own and occupy affordable housing units. The City shall develop a list of income-qualified households. Multi-family project applicants shall be required to select households from the City-developed list of income-qualified households, except applicants of ownership projects of four or more units in the City's multi-family residential zones may themselves select income-qualified households which shall be subject to eligibility certification by the City.
- B. The following individuals, by virtue of their position or relationship, are ineligible to occupy an affordable housing unit:
1. All employees and officials of the City of Santa Monica or its agencies, authorities, or commissions who have, by the authority of their position, policy-making authority or influence over the implementation of this Chapter and the immediate relatives and employees of such City employees and officials;
 2. The immediate relatives of the applicant or owner, including spouse, children, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, sister-in-law, and brother-in-law.

9.64.120 Relation to Units Required by Rent Control Board

30%, 50%, 80% and moderate-income dwelling units developed as part of a market rate project, pursuant to replacement requirements of the Santa Monica Rent Control Board, shall count towards the satisfaction of this Chapter if they otherwise meet applicable requirements for this Chapter including, but not limited to, the income eligibility requirements, deed restriction requirements, and

pricing requirements. New inclusionary units required by the Rent Control Board which meet the standards of this Chapter shall count towards the satisfaction of this Chapter.

9.64.130 Deed Restrictions

Prior to issuance of a building permit for a project meeting the requirements of this Chapter by providing affordable units on-site or off-site, the multi-family project applicant shall submit deed restrictions or other legal instruments setting forth the obligation of the applicant under this Chapter for City review and approval. Such restrictions shall be effective for at least fifty-five years. In addition to the administrative guidelines specifically required by other provisions of this Chapter, the City Manager or designee shall be the designated authority to enter into recorded agreements with multi-family project applicants.

9.64.140 Enforcement

No building permit or occupancy permit shall be issued, nor any development approval granted, for a project which is not exempt and does not meet the requirement of this Chapter. All affordable housing units shall be rented or owned in accordance with this Chapter.

9.64.150 Annual Report

The City Manager or designee, shall submit a report to the City Council on an annual basis which shall contain information concerning the implementation of this Chapter. This report shall also detail the projects that have received planning approval during the previous year and the manner in which the provisions of this Chapter were satisfied. This report shall further assess whether the provisions of Proposition R have been met and whether changes to this Chapter or its implementation procedures are warranted. In the event the provisions of Proposition R have not been met, the City Council shall take such action as is necessary to ensure that the provisions will be met in the future. This action may include, but not be limited to, amending the provisions of this Chapter or its implementation.

9.64.160 Principles and Guidelines

The City Manager or designee, shall develop guidelines to implement this chapter, which guidelines shall be subject to approval of the City Council. The guidelines shall include, but not be limited to, the methodology for the establishment and periodic adjustment of the base fee and the affordable housing unit development cost; for-sale affordable unit requirements, tenant and purchaser eligibility procedures; and additional requirements for exercise of the off-site option and land acquisition option.

9.64.170 Adjustments or Waivers

- A. A multi-family project applicant may request that the requirements of this Chapter be adjusted or waived based on a showing that applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property.
- B. To receive an adjustment or waiver, the applicant must submit an application to the City Manager or designee, at the time the applicant files a multi-family project application. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

- C. In making a determination on an application to adjust or waive the requirements of this Chapter, the City Manager or designee, or City Council on appeal, may assume each of the following when applicable:
1. The applicant is subject to the affordable housing requirement of this Chapter;
 2. The applicant will benefit from the inclusionary incentives set forth in this Chapter and the City's Municipal Code;
 3. The applicant will be obligated to provide the most economical affordable housing units feasible in terms of construction, design, location and tenure.
- D. The City Manager or designee shall render a written decision within ninety days after a complete application is filed. The City Manager's or designee's decision may be appealed to the City Council if such appeal is filed within fourteen consecutive calendar days from the date that the decision is made in the manner provided in Chapter 9.37 Common Procedures of this Code or any successor thereto.
- E. If the City Manager or designee, or City Council on appeal, upon legal advice provided by or at the behest of the City Attorney, determines that applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the affordable housing requirements shall be adjusted or waived to reduce the obligations under this Chapter to the extent necessary to avoid an unconstitutional result. If an adjustment or waiver is granted, any change in the use within the project shall invalidate the adjustment or waiver. If the City Manager or designee, or City Council on appeal, determines that no violation of the United States or California Constitutions would occur through application of this Chapter, the requirements of this Chapter remain fully applicable.

Chapter 9.65 Child Care Linkage Program

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9.65.030	Definitions
9.65.040	Child Care Requirement
9.65.050	Fee Adjustments or Waivers
9.65.060	Fee Revenue Account
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9.65.080	Automatic Annual Adjustment
9.65.090	Annual Report
9.65.100	Refunds
9.65.110	Fee Revision by Resolution
9.65.120	Regulations

9.65.010 Findings and Purpose

- A. The purpose of this Chapter is to assure that developers of new residential and workplace development mitigate the increased demand for child care attributable to and generated by such development projects by contributing to the creation of an equitable share of child care facility spaces, and thereby help the City meet its child care facility needs.
- B. There is a shortage of licensed child care facilities within the City to meet local needs for child care services. The causal connection between new commercial and residential development and the demand for child care facilities, as well as an estimate of the cost of providing facilities to meet that demand has been studied and presented to the City Council by City staff. The information presented demonstrates that certain new development projects create an influx of new employees and families to the City, and thus generate additional need for child care facilities, creating additional and cumulative impacts on the system for providing child care. A lack of adequate child care facilities in the City will have an adverse effect on the residents' quality of life and the City's economy, as employers will be unable to secure employees who cannot find accessible child care facilities. The increased demand for child care services generated by new development projects, unless mitigated, is detrimental to the City's public health, safety and general welfare.
- C. The public policy of the City, as reflected by the City's Child Care Master Plan and Land Use Element, is to encourage child-care facilities, the provision of which requires a partnership between public and private participants. The fees and exactions established by this Chapter upon receipt shall be used to create new child care facility spaces in the City by public and private child care providers to offset the demand generated by new development projects. The City Council finds that there is a reasonable relationship between the purpose for which the fees established by this Chapter are to be used and the type of development projects on which the fees are imposed, and between the amount of the fees and the cost of the child care facility or portion of the facility attributable to the development on which the fees are imposed.

9.65.020 Applicability of Chapter

The regulations, requirements and provisions of this Chapter and council resolutions adopted pursuant hereto shall apply to developers of residential, office, retail and hotel development projects as defined in this Chapter.

9.65.030 Definitions

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

- A. **Child Care Facility.** A child day care facility as defined in California Health and Safety Code Section 1596.76
- B. **Child Care Linkage Fee.** A fee paid to the City by an applicant pursuant to Section 9.65.040 of this Chapter in connection with approval of a project, to contribute to the creation of child care spaces to meet the increased facility needs created by increases in population and employment in the City.
- C. **Child Care Provider.** An organization which operates a child day-care facility as defined in California Health and Safety Code Section 1596.791.
- D. **Director.** The Director of Community and Cultural Services Department, or his/her designee, or the Director of Planning and Community Development, or his/her designee, as appropriate.
- E. **Hotel.** Hotel as defined at Santa Monica Municipal Code Section 9.51 and Motel as defined at Santa Monica Municipal Code Section 9.51, or any successor legislation.
- F. **Impact Formula.** A formula, adopted by Council ordinance or resolution, to determine the amount of fee due for each project based on the increased demand for child care that results from the project and the per unit cost of meeting that demand.
- G. **Office.** A structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to the following: professional, banking, insurance, management, consulting, technical, sales and design, entertainment or post-production studios, or the office functions of manufacturing or warehousing businesses. This definition shall include, but not be limited to, all uses encompassed within the meaning of Section 9.51, or any successor legislation.
- H. **Project.** Office, retail, hotel development having a gross new or additional floor area of seven thousand five hundred square feet or more or that changes an existing use to a different use that increases the demand for child care spaces, or residential development of improved or unimproved land which conforms to development approvals and requirements of this Code, regardless of the nature of the project, e.g., developing undeveloped land, expanding a use. Gross floor area for the purposes of this definition shall be the same as Section 9.52, or any successor legislation, but shall also exclude parking area. Where the requirements of this Chapter have been adjusted or waived for a project pursuant to Section 9.65.050 hereof, subsequent changes in use, project remodels or tenant improvements that increase the demand for child care facility spaces shall constitute a project as defined herein.
- I. **Residential Development.** Development of a multi-family dwelling units for a household as those terms are defined in Sections 9.51 and 9.52, or any successor legislation, respectively, including but not limited to multi-family residences of more than one unit, apartments, condominiums, townhouses or the multi-family residential component of a mixed use project, for which City permits and approvals are sought. Residential development, for purposes of defining a project subject to this chapter, does not include the following: day care centers; 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; governmental facilities; affordable housing units; community care facilities; senior citizen housing development.

- J. **Retail.** A business which is engaged in selling goods or merchandise to the general public and which may provide services incidental to the sale of such goods as defined in Section 9.51, or any successor legislation.

9.65.040 Child Care Requirement

For any project defined herein, the developer shall pay a child care linkage fee or participate in the construction or establishment of child care facilities in accordance with the following:

A. **Child Care Linkage Fee.** Fees shall be computed as follows:

1. For residential development projects that result in the addition of a dwelling unit: one hundred eleven dollars per dwelling unit.
2. All office, retail and hotel projects shall pay the following based on the gross square footage of the proposed project:
 - a. Office: \$5.27 per square foot.
 - b. Retail: \$3.77 per square foot.
 - c. Hotel: \$2.64 per square foot.
3. For mixed residential/nonresidential development, the sum of the fee required for each component as set forth above in subdivisions (1) and (2) of this subsection.

B. **Timing of Fee Payment.**

1. Fees shall be imposed at the time of approval of any discretionary permit for a development project subject to this Chapter or, if the fees cannot be lawfully imposed as a condition of discretionary project approval, at the time of any other subsequent permit required for the development to proceed, including but not limited to building permits. The project applicant shall pay fees according to the schedule of fees in place on the date the fees are paid, except that the applicant for a vesting tentative map for a development project shall pay the fees in effect on the date the application for the vesting tentative map is deemed complete.
2. No building permit for any development project shall be issued unless a contract to pay the fees has been executed with the Planning and Community Development Department, and no final inspection shall be approved unless fees have been paid. For development projects subject to this Chapter, child care linkage fees shall be paid on the date final inspection approval is received and prior to certificate of occupancy. If a residential development project contains more than one dwelling unit and is approved for development in phases, the developer shall pay the fees in installments based on the phasing of the residential development project. Each fee installment shall be paid at the time when the first dwelling unit within each phase of development has received its final inspection.
3. For all projects subject to this Chapter, the City may require the payment of fees at an earlier time if the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the City has adopted a proposed

construction schedule or plan prior to final inspection, or the fees are to reimburse the City for expenditures previously made.

- C. **Facilities In Lieu of Fees.** The developer of a residential or nonresidential project may satisfy the requirement for the payment of fees by agreeing to participate in the construction or establishment of one or more child care facilities. Such participation shall be secured generally as follows:
1. **Type and Cost of Participation.** A developer seeking to satisfy the child care requirements of this Chapter through participation in the construction or establishment of new child care facilities shall submit documentation acceptable to the Director of Planning and Community Development to support the request for participation in lieu of fees. The documentation shall establish that the type and cost of participation including, but not limited to, construction, rehabilitation of existing structures conforming to license and zoning requirements, or land or premises dedication, bears a reasonable relationship to the fee otherwise required in subsection (A). Construction Cost Indexes, prevailing wage rates, and the best available index of costs of equipment and supplies shall be utilized to determine the level of participation relative to the required fee. In the case of land or premises dedication, the market value of land or premises dedicated shall be reasonably related to the fee otherwise required in subsection (A). If the actual construction cost or market value is greater than the required relevant fees, the City shall have no obligation to pay the excess amount.
 2. **Approval of Participation.** The Director of Planning and Community Development, after consultation with the Director of the Community and Cultural Services Department, shall determine and approve the type and cost of participation in the construction or establishment of facilities.
 3. **Verification of Participation.** The Director of Planning and Community Development shall require that the developer submit a written verification of participation in meeting these requirements. Said verification shall consist of documentation sufficient to enable the Director to readily determine compliance with the provisions of this Chapter. Upon receipt of documentation sufficient to demonstrate compliance, the Director shall issue a notice that the developer has complied with the requirements of this Chapter.
 4. The Director's determination of the type and cost of participation in the construction or establishment of child care facilities pursuant to this Section may be appealed to the City Council if such appeal is filed within fourteen consecutive calendar days from the date that the decision is made in the manner provided in Section 9.37.130.

9.65.050 Fee Adjustments or Waivers

- A. A developer of any project subject to the fee described in Section 9.65.040(A) may request that the requirements of this Chapter be adjusted or waived based upon the absence of a reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type and cost of the facilities to be established or constructed in lieu of fee through participation. The grounds for such request may include, but are not limited to, circumstances where the particular design and use of the workspace building area prevent the proposed project from generating the demand for child care facility spaces in the amount of the child care linkage fee required by this Chapter.
- B. To receive an adjustment or waiver, the developer must submit an application to the Director of Planning and Community Development, or his/her designee, at the time the developer files a project application. The developer shall bear the burden of presenting substantial evidence to support the

request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

- C. The Director of Planning and Community Development shall render a written decision within ninety days after a complete application is filed. The Director's decision may be appealed to the City Council if such appeal is filed within fourteen consecutive calendar days from the date that the decision is made in the manner provided in Section 9.37.130. The decision of the City Council shall be final. If an adjustment or waiver is granted, any change in use from the approved project shall invalidate the adjustment or waiver.

9.65.060 Fee Revenue Account

Pursuant to Government Code Section 66006, the Child Care Linkage Fee Reserve Account is hereby established. The fees paid pursuant to the provisions of this Chapter shall be placed into the Child Care Linkage Fee Reserve Account and used solely for the purpose described in this Chapter. All monies in this reserve account shall be held separate and apart from other city funds. All interest or other earnings of such reserve account shall be credited to that account.

9.65.070 Use of Funds

Funds in the Child Care Linkage Fee Reserve Account shall be expended on the construction and establishment of child care facilities within the corporate limits of the City of Santa Monica, exclusive of ongoing operating expenses and general maintenance. Such expenditures may include, but shall not be limited to, the following:

- A. The reimbursement for all direct and indirect costs incurred by the City for the development of child care facilities pursuant to this Chapter, including but not limited to, the costs of land acquisition, planning, legal advice, engineering, design, construction and equipment.
- B. The reimbursement for all costs incurred by the City associated with the administration of the reserve account, including but not limited to, audits, and yearly accounting and reports.
- C. The making of loans at conventional, low, or no interest, loan guarantees, or grants to child care providers for child care facility capital improvements, including but not limited to, land acquisition, planning, design, and construction (including rehabilitation) which result in the provision of additional child care facilities.

9.65.080 Automatic Annual Adjustment

Each fee imposed by this Chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2007, by a percentage equal to the appropriate Engineering Construction Cost Index as published by Engineering News Record, or its successor publication, for the preceding twelve months.

9.65.090 Annual Report

Except for the first year that this Chapter is in effect, within one hundred eighty days after the last day of each fiscal year, the Director of the Community and Cultural Services Department shall make available to the public and submit for review by the City Council the information required by Government Code Section 66006(b)(1) pursuant to the procedures set forth in Section 66006(b)(2).

9.65.100 Refunds

- A. If a development permit upon which a child care linkage fee was collected expires, is vacated or voided, without commencement of construction, upon request of the developer, the developer shall be entitled to a refund of the unexpended child care linkage fee paid, less a portion of the fees sufficient to cover costs of collection, accounting for and administration of the fees paid. The fee payer shall submit a written request for a refund to the Director of Planning and Community Development within one year of the expiration date of the permit. Failure to timely submit a request for refund may constitute a waiver of any right to a refund.
- B. Fees collected pursuant to this Chapter which remain unexpended or uncommitted for five or more fiscal years after deposit into the reserve account may be refunded as provided by Government Code Section 66001(e) and (f).

9.65.110 Fee Revision by Resolution

The amount of the child care linkage fees and the formula for the automatic annual adjustment established by this Chapter may be reviewed and revised periodically by resolution of the City Council utilizing the best available information. This Chapter shall be considered enabling and directive in this regard.

9.65.120 Regulations

The City Manager, or her/his 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, which is hereby codified in Article 9, Chapter 9.65 of the Santa Monica Municipal Code or as otherwise designated by the City Clerk. All such administrative regulations or guidelines must be in writing.

Chapter 9.66 Transportation Impact Fee Program

Sections:

9.66.010	Findings and Purpose
9.66.020	Applicability of Chapter
9.66.030	Definitions
9.66.040	Transportation Mitigation Requirement
9.66.050	Fee Adjustments and Waivers
9.66.060	Fee Revenue Account
9.66.070	Distribution of Transportation Impact Fee Funds
9.66.080	Periodic Review and Adjustment of Transportation Impact Fees
9.66.090	Fee Refunds
9.66.100	Fee Revision by Resolution
9.66.110	Regulations

9.66.010 Findings and Purpose

- A. The purpose of this Chapter is to implement the goals, objectives and policies of the City of Santa Monica's Land Use and Circulation Element ("LUCE") and, particularly, the City's goal of no net new automobile p.m. peak hour trips occurring when new development is constructed within the City limits. Imposing a fee that is reasonably related to the burdens created by new development on the City's surface transportation system will enable the City to construct the required capital improvements that will contribute to fulfilling this goal.
- B. The City has prepared a Transportation Impact Fee Nexus Study. It shows, and the City Council finds, that there is a reasonable relationship between the purpose for which the fees established by this Chapter are to be used and the type of development projects on which the fees are imposed, and between the amount of the fees and the cost of the transportation facilities or portion of the facilities attributable to the development on which the fees are imposed.
- C. It is the intent of the City Council that the fee required by this Chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the City Charter, the Subdivision Map Act, the California Environmental Quality Act, other State and local laws, which may authorize the imposition of project specific conditions on development.

9.66.020 Applicability of Chapter

- A. The regulations, requirements and provisions of this Chapter and Council resolutions adopted pursuant hereto shall apply to all new projects for which a development application was deemed complete or an application for changes in existing uses was made on or after the effective date of the ordinance codified in this Chapter.
- B. Notwithstanding subsection (A), the following projects, square footage and affordable residential units shall not be subject to the requirements of this Chapter:

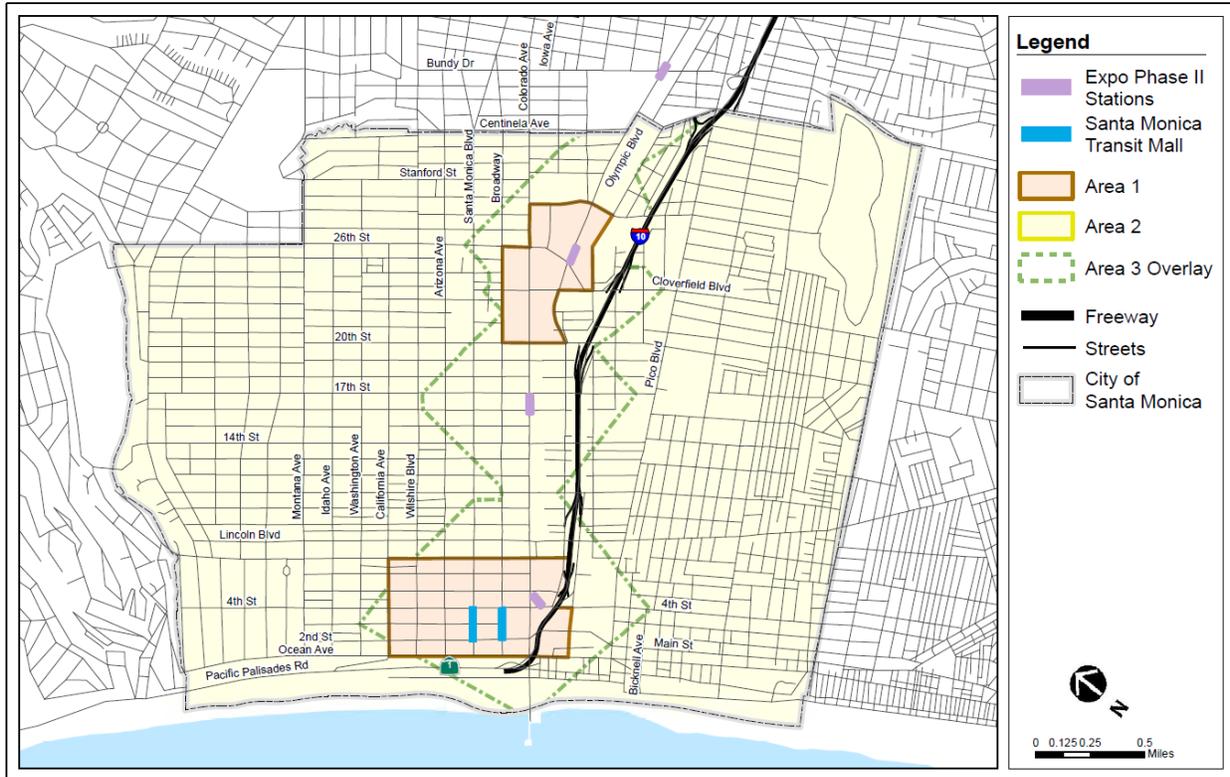
1. Places of worship;
2. City projects;
3. Day care centers;
4. Private K-12 schools;
5. Multi-family rental housing projects developed by a nonprofit housing provider if the developer is receiving financial assistance through a public agency, so long as the multi-family rental housing project is an affordable housing project meeting the definition of affordable housing in Santa Monica Municipal Code Section 9.52.020 and the project's affordable housing obligations will be secured by a regulatory agreement, memorandum of agreement, or recorded covenant with a public agency for a minimum period of fifty-five years;
6. Re-occupancy of square footage in an existing building or structure if there is no change of use;
7. Square footage used for outdoor dining in the public right-of-way; and
8. Affordable housing units deed restricted to very-low income and low income households.

9.66.030 Definitions

For the purpose of this Chapter, the following terms shall be defined as follows:

- A. "Area 1" means the area bounded in the west by California Avenue from 7th Street to Ocean Avenue, in the north by 7th Street from California Avenue to Highway 10 and 4th Street from Highway 10 to Olympic Drive, in the east by Highway 10 from 7th Street to 4th Street and Olympic Drive from 4th Street to Ocean Avenue, and in the south by Ocean Avenue from California Avenue to Olympic Drive and, the area bounded in the west by Broadway from 20th Street to 26th Street and Colorado Avenue from 26th Street to Stewart Street, in the north by 26th Street from Broadway to Colorado Avenue and by Stewart Street from Colorado Avenue to Exposition Boulevard, in the east by Exposition Boulevard and Michigan Avenue from Stewart Street to Cloverfield Boulevard and Olympic Boulevard from Cloverfield Boulevard to 20th Street, and in the south by 20th Street from Broadway to Olympic Boulevard and Cloverfield Boulevard from Olympic Boulevard to Michigan Avenue.
- B. "Area 2" means any remaining area within the City boundary that is not included in Area 1.
- C. "Area 3 overlay" means a one-half mile walk-shed from a transit station within the City boundary. Only housing development projects as defined in Section 9.66.040(A)(6) may qualify for a transportation impact fee based on their location within the Area 3 overlay.

SANTA MONICA TRANSPORTATION IMPACT FEE AREAS



- D. “City projects” means City public works projects and City community facilities (e.g., libraries, public parking structures, recycling centers, and community centers), not including public/private partnerships.
- E. “Housing development project” means a development project with common ownership and financing consisting of residential use or mixed use where not less than fifty percent of the floorspace is for residential use as provided in Government Code Section 66005.1(c) and its successor statutes.
- F. “Nexus Study” means the Transportation Impact Fee Nexus Study prepared by Nelson/Nygaard Consulting Associates Inc, dated April 2012.
- G. “Project” means any development having a gross new or additional floor area of one thousand square feet or more or that changes an existing use to a different use that increases the demand for transportation infrastructure, or residential development of improved or unimproved land which adds dwelling units. Gross floor area for the purposes of this definition shall be the same as Section 9.52, or any successor legislation, but shall exclude parking area. Where the requirements of this Chapter have been adjusted or waived for a project pursuant to Section 9.66.050 hereof, subsequent changes in use, project remodels or tenant improvements that increase trip generation shall constitute a project as defined herein.
- H. “Transit station” means a rail or light-rail station, ferry terminal, bus hub, or bus transfer station, and includes planned transit stations otherwise meeting this definition whose construction is

programmed to be completed prior to the scheduled completion and occupancy of the housing development.

- I. “Transportation impact fee” means a fee paid to the City by an applicant pursuant to Section 9.66.040 of this Chapter in connection with approval of a project, to contribute to the creation of transportation improvements to offset additional vehicle trips generated by new development to achieve no net new trips consistent with the goals, objectives and policies of the City’s Land Use and Circulation Element (“LUCE”).

9.66.040 Transportation Mitigation Requirement

Except as provided in Section 9.66.050, the developer of a project shall pay a transportation impact fee in accordance with the following:

- A. **Transportation Impact Fee.** Fees shall be computed as follows:
 1. For single-family residential development projects that result in the addition of a dwelling unit:
 - a. Seven thousand six hundred dollars per multi-family dwelling unit in Area 1.
 - b. Seven thousand eight hundred dollars per multi-family dwelling unit in Area 2.
 2. For multi-family residential development projects that result in the addition of a dwelling unit:
 - a. Two thousand six hundred dollars per multi-family dwelling unit in Area 1.
 - b. Three thousand three hundred dollars per multi-family dwelling unit in Area 2.
 - c. Two thousand six hundred dollars per multi-family dwelling unit in Area 3 overlay for housing development projects that satisfy the requirements of subsection (A)(6)(a), (b), and (c) of this Section.
 3. All nonresidential projects shall pay the following based on the gross square footage of the proposed project:
 - a. Retail.
 - i. Twenty-one dollars per square foot in Area 1.
 - ii. Thirty dollars and ten cents per square foot in Area 2.
 - b. Office.
 - i. Nine dollars and seventy cents per square foot in Area 1.
 - ii. Ten dollars and eighty cents per square foot in Area 2.
 - c. Medical Office.
 - i. Twenty-eight dollars and ten cents per square foot in Area 1.
 - ii. Twenty-nine dollars and eighty cents per square foot in Area 2.
 - d. Hospital.
 - i. Not applicable.
 - ii. Fourteen dollars and seventy cents per square foot in Area 2.
 - e. Lodging.

- i. Three dollars and sixty cents per square foot in Area 1.
 - ii. Three dollars and sixty cents per square foot in Area 2.
 - f. Industrial.
 - i. One dollar and twenty cents per square foot in Area 1.
 - ii. One dollar and thirty cents per square foot in Area 2.
 - g. Auto Sales and Display Areas.
 - i. One dollar and twenty cents per square foot in Area 1.
 - ii. One dollar and thirty cents per square foot in Area 2.
- 4. The land use categories identified in subsections (3)(a) through (g) shall have the following meanings:
 - a. Single-family residential shall include single-family.
 - b. Multi-family residential shall include congregate care—nonsenior, congregate care—seniors, and multi-family.
 - c. Retail shall include: animal kennels and veterinary hospitals, auto repair, car wash, community meeting facilities, community centers and nonresidential adult care facilities, retail and wholesale construction-related materials, nurseries and garden centers, entertainment and recreational facilities, gas station, library, museums, aquariums and art galleries, nightclubs and bars, personal services, post-secondary educational facility, pre-school/child day care, private studio, restaurants—fast food and cafés, restaurants—sit down, retail durable goods, retail food and markets, retail mixed, and retail non-food.
 - d. Office shall include: creative office, financial institutions and office, and general office.
 - e. Medical office shall include: medical office, including medical clinics, and offices for medical professionals.
 - f. Hospital shall include: full service hospitals.
 - g. Lodging shall include: hotels, motels and other overnight accommodations.
 - h. Industrial shall include: surface or structured auto inventory storage, City maintenance facilities and bus yards, heavy industrial and manufacturing, light industrial, utilities, warehouse and self-storage, and wholesale distribution and shipping.
- 5. For mixed residential/nonresidential development, the sum of the fee required for each component as set forth in subsections (A)(2) and (A)(3) of this Section.
- 6. Housing development projects within the Area 3 overlay that meet the following characteristics shall pay a transportation impact fee of two thousand six hundred dollars per multi-family dwelling unit:

- a. The housing development is located within one-half mile of a transit station and there is direct access between the housing development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length; and
 - b. Convenience retail uses, including a store that sells food, are located within one-half mile of the housing development; and
 - c. The housing development provides either the minimum number of parking spaces required by the municipal code, or no more than one on-site parking space for zero- to two-bedroom units, and two on-site parking spaces for three or more bedroom units, whichever is less.
7. The amount of legally permitted square footage to be demolished in an existing building or structure, or to be removed from an outdoor area used as part of a service station or for auto dealer sales, display and inventory storage, as a part of a project shall be a credit in the calculation of the transportation impact fee. Outdoor area used as part of a gas station shall not include setbacks, landscaping, parking and other paved areas used solely for access and circulation.

B. Timing of Fee Payment.

1. The project applicant shall pay fees according to the schedule of fees in place on the date the fees are paid, except that the applicant for a vesting tentative map for a development project shall pay the fees in effect on the date the application for the vesting tentative map is deemed complete, as automatically adjusted.
2. No building permit for any project shall be issued unless the fees have been paid or, if state law requires the City to accept later fee payment, a contract to pay the fees has been executed with the City, in which case no final inspection shall be approved until the fees have been paid. If a residential development project contains more than one dwelling unit and is approved for development in phases, the developer shall pay the fees in installments based on the phasing of the residential development project. Each fee installment shall be paid at the time when the first dwelling unit within each phase of development has received its final inspection.
3. For all projects subject to this Chapter, the City may require the payment of fees at an earlier time if the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the City has a proposed construction schedule or plan prior to final inspection, or the fees are to reimburse the City for expenditures previously made.

9.66.050 Fee Adjustments and Waivers

- A. A developer of any project subject to the fee described in Section 9.66.040(A) may request that the requirements of this Chapter be adjusted or waived for the conversion of nonconforming ground floor uses in commercial zones to conforming pedestrian-oriented uses.
- B. To receive an adjustment or waiver, the developer must submit an application to the Director or Planning and Community Development, or designee, at the time the developer files a discretionary project application or, if no discretionary application is required, a building permit application. The developer shall bear the burden of presenting a preponderance of the evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

- C. The Director of Planning and Community Development or designee shall render a written decision within ninety days after a complete application is filed. The Director's decision may be appealed to the Planning Commission by the project applicant if such appeal is filed within fourteen consecutive calendar days from the date that the decision is made in the manner provided in Chapter 9.37 Common Procedures of this Code. The decision of the Planning Commission shall be final.
- D. If an adjustment or waiver is granted, any change in use from the approved project shall invalidate the adjustment or waiver.

9.66.060 Fee Revenue Account

Pursuant to Government Code Section 66006, the transportation impact fee reserve account is hereby established. The fees paid to the City pursuant to the provisions of this Chapter shall be deposited into the transportation impact fee reserve account and used solely for the purpose described in this Chapter. All monies deposited into the reserve account shall be held separate and apart from other City funds. All interest or other earnings on the unexpended balance in the reserve account shall be credited to the reserve account.

9.66.070 Distribution of Transportation Impact Fee Funds

All monies and interest earnings in the transportation impact fee reserve account shall be expended on the construction and related design and administration costs of constructing transportation improvements identified in the Nexus Study, or such other report as may be prepared from time to time to document the reasonable fair share of the costs to mitigate the transportation impacts of new development. Such expenditures may include, but are not necessarily limited to the following:

- A. Reimbursement for all direct and indirect costs incurred by the City to construct transportation improvements pursuant to this Chapter, including, but not limited to, the cost of land and right-of-way acquisition, planning, legal advice, engineering, design, construction, construction management, materials and equipment.
- B. Costs of issuance or debt service associated with bonds, notes or other security instruments issued to fund transportation improvements identified.
- C. Reimbursement for administrative costs incurred by the City in establishing or maintaining the transportation impact fee reserve account required by this Chapter, including, but not limited to, the cost of studies to establish the requisite nexus between the fee amount and the use of fee proceeds and yearly accounting and reports.

9.66.080 Periodic Review and Adjustment of Transportation Impact Fees

To account for inflation in transportation infrastructure construction costs, the fee imposed by this Chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2013, by a percentage equal to the appropriate Construction Cost Index as published by Engineering News Record, or its successor publication, for the preceding twelve months.

9.66.090 Fee Refunds

- A. If a transportation impact fee is collected on a project and the permit for that project later expires, is vacated or voided before commencement of construction, the developer shall, upon request, be entitled to a refund of the unexpended transportation impact fee paid, less a portion of the fee sufficient to cover costs of collection, accounting for and administration of the fee paid. Any request for a refund shall be submitted in writing to the Director of Planning and Community Development within one year of the date that the permit expires or is vacated or voided. Failure to timely submit a request for refund shall constitute a waiver of any right to a refund.
- B. Fees collected pursuant to this Chapter which remain unexpended or uncommitted for five or more fiscal years after deposit into the transportation impact fee reserve account may be refunded as provided by State law.

9.66.100 Fee Revision by Resolution

The amount of the transportation impact fees and the formula for the automatic annual adjustment established by this Chapter may be reviewed and revised periodically by resolution of the City Council. This Chapter shall be considered enabling and directive in this regard.

9.66.110 Regulations

The Director of Planning and Community Development, or designee, is authorized to adopt written administrative regulations or guidelines that are consistent with and that further the terms and requirements set forth within this Chapter.

Chapter 9.67 Parks and Recreation Development Impact Fee Program

Sections:

9.67.010	Findings and Purpose
9.67.020	Applicability of Chapter
9.67.030	Definitions
9.67.040	Parks and Recreation Mitigation Requirement
9.67.050	Fee Adjustments and Waivers
9.67.060	Fee Revenue Account
9.67.070	Distribution of Parks and Recreation Development Impact Funds
9.67.080	Periodic Review and Adjustment of Parks and Recreation Development Impact Fees
9.67.090	Fee Refunds
9.67.100	Fee Revision by Resolution
9.67.110	Regulations

9.67.010 Findings and Purpose

- A. The purpose of this Chapter is to implement the goals, objectives and policies of the City of Santa Monica's Open Space Element and Parks and Recreation Master Plan when new development is constructed within the City limits. Imposing a fee that is reasonably related to the burdens on and increased demand for the City's parks and recreation facilities created by new development will assist the City in constructing the required capital improvements to support the fulfillment of these goals, objectives and policies.
- B. The City has prepared a Parks and Recreation Development Impact Fee Nexus Study that demonstrates, and the City Council finds, that there is a reasonable relationship between the purpose for which the fees established by this Ordinance are to be used and the type of development projects on which the fees are imposed, and between the amount of the fees and the cost of the parks and recreation facilities or portion of the facilities attributable to the development on which the fees are imposed.
- C. It is the intent of the City Council that the fee required by this Chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the City Charter, the Subdivision Map Act, the California Environmental Quality Act, and other state and local laws which may authorize the imposition of project specific conditions on development.

9.67.020 Applicability of Chapter

- A. The regulations, requirements and provisions of this Chapter and Council resolutions adopted pursuant hereto shall apply to all new Projects for which a development application was determined complete or an application for change(s) in existing use(s) was made on or after the effective date of this Ordinance. Any project subject to the provisions of this Chapter shall not be required to comply with Chapter 6.80 of the Santa Monica Municipal Code.

- B. Notwithstanding the above, the following projects, square footage and affordable residential units shall not be subject to the requirements of this Chapter:
1. Places of worship;
 2. City projects;
 3. Day care centers;
 4. Private K-12 schools;
 5. Multi-family rental housing projects developed by a nonprofit housing provider if the developer is receiving financial assistance through a public agency, so long as the multi-family rental housing project is an affordable housing project meeting the requirements of Santa Monica Municipal Code Section 9.52.020 and the project's affordable housing obligations will be secured by a regulatory agreement, memorandum of agreement, or recorded covenant with a public agency for a minimum period of fifty-five years;
 6. Re-occupancy of square footage in an existing building or structure if there is no change of use;
 7. Square footage used for outdoor dining in the public right of way; and
 8. Affordable housing units deed restricted to extremely low, very-low income, or low income households.

If a development is exempt from the fee at initial construction, but later converts to a development subject to this Ordinance, the converted square footage will be deemed net new square footage and the parks and recreation fee shall be paid prior to final approval of a building permit or, if required by State law, before the date of final inspection or the issuance of a certificate of occupancy, whichever occurs first.

9.67.030 Definitions

For the purpose of this Chapter, the following terms shall be defined as follows:

- A. "City Projects" shall mean City public works projects and City community facilities (e.g. libraries, public parking structures, recycling centers, and community centers), not including public/private partnerships.
- B. "Nexus Study" shall mean the Parks and Recreation Development Impact Fee Nexus Study prepared by Economic & Planning Systems, Inc. dated August 2013.
- C. "Project" shall mean any development having a gross new or additional floor area of one thousand square feet or more, or that changes an existing use to a different use that increases the demand on the parks and recreation system, or residential development of improved or unimproved land which adds dwelling units. Gross floor area for the purposes of this definition shall be the same as Section 9.52.020, or any successor legislation, but shall exclude parking area.
- D. "Parks and Recreation Development Impact Fee" shall mean a fee paid to the City by an applicant pursuant to Section 9.67.040 of this Chapter in connection with approval of a project to contribute to the acquisition and development of open space, parkland, and recreation facilities to meet demand generated by new development in order to maintain current service levels consistent with the goals, objectives and policies of the City's Open Space Element and Parks and Recreation Master Plan.

9.67.040 Parks and Recreation Mitigation Requirement

Except as provided in Section 9.67.050, the developer of a Project shall pay a Parks and Recreation Development Impact Fee in accordance with the following:

- A. **Parks and Recreation Development Impact Fee.** Fees shall be computed as follows:
1. For Single Family residential development projects that result in the addition of a dwelling unit:
 - a. \$7,636 per single family dwelling unit.
 2. For Multi-Family residential development projects that result in the addition of a dwelling unit:
 - a. \$4,138 per studio/one-bedroom multi-family dwelling unit.
 - b. \$6,665 per multi-family dwelling unit with two or more bedrooms.
 3. All non-residential projects shall pay the following based on the gross square footage of the proposed project:
 - a. Office: \$2.31 per square foot.
 - b. Medical Office: \$1.27 per square foot.
 - c. Retail: \$1.49 per square foot.
 - d. Lodging: \$3.11 per square foot.
 - e. Industrial: \$1.30 per square foot.
 4. The land use categories identified in subsections (1) – (3), above, shall have the following meanings:
 - a. Single Family Residential shall include Single Family.
 - b. Multi-Family Residential shall include: congregate care–non senior, congregate care–seniors, and multi–family.
 - c. Office shall include: creative office, financial institutions and office, and general office.
 - d. Medical office shall include: full service hospitals and medical offices, including medical clinics, and offices for medical professionals.
 - e. Retail shall include: animal kennels and veterinary hospitals, auto repair, car wash, non-residential adult care facilities, retail and wholesale construction-related materials, nurseries and garden centers, entertainment and recreational facilities, gas stations, and art galleries, nightclubs and bars, Personal services, Post-secondary educational facility, private studio, restaurants – fast food and cafes, restaurants – sit down, retail durable goods, retail food and markets, retail mixed, and retail non-food.
 - f. Lodging shall include: hotels, motels and other overnight accommodations.

- g. Industrial shall include: surface or structured auto inventory storage, heavy industrial and manufacturing, light industrial, utilities, warehouse and self-storage, and wholesale distribution and shipping.
- 5. For mixed residential/nonresidential development, the sum of the fee required for each component as set forth above in subdivisions (A)(2) and (A)(3) of this subsection.
- 6. The amount of legally permitted square footage to be demolished in an existing building or structure as a part of a Project shall be a credit in the calculation of the Parks and Recreation Development Impact Fee.

B. Timing of Fee Payment.

- 1. The Project applicant shall pay fees according to the schedule of fees in place on the date the fees are paid, except that the applicant for a vesting tentative map for a development project shall pay the fees in effect on the date the application for the vesting tentative map is deemed complete, as automatically adjusted.
- 2. No building permit for any Project shall be issued unless the fees have been paid, except for residential uses where state law requires payment before final inspection or the issuance of certificate of occupancy, whichever comes first. If state law applies, a contract to pay the fees shall be executed with the City, in which case, no final inspection shall be approved until the fees have been paid. If a residential development project contains more than one dwelling unit and is approved for development in phases, the developer shall pay the fees in installments based on the phasing of the residential development project. Each fee installment shall be paid at the time when the first dwelling unit within each phase of development has received its final inspection.
- 3. For all Projects subject to this Chapter, the City may require the payment of fees at an earlier time if the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the City has a proposed construction schedule or plan prior to final inspection, or the fees are to reimburse the City for expenditures previously made.

9.67.050 Fee Adjustments and Waivers

- A. A developer of any Project subject to the fee described in Section 9.67.040 may request that the requirements of this Chapter be adjusted or waived based on a showing that applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property.
- B. To receive an adjustment or waiver, the applicant must submit an application to the City Manager or her/his designee, at the time the applicant files a discretionary project application, or if no such application is required, a building permit application. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.
- C. The City Manager or her/his designee shall render a written decision within ninety days after a complete application is filed. The City Manager's or designee's decision may be appealed to the City Council if such appeal is filed within fourteen consecutive calendar days from the date that the decision is made in the manner provided in Chapter 9.37 Common Procedures of this Code or any successor thereto.
- D. If the City Manager or her/his designee, or City Council on appeal, upon legal advice provided by or at the behest of the City Attorney, determines that applying the requirements of this Chapter would

effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the affordable housing fee requirements shall be adjusted or waived to reduce the obligations under this Chapter to the extent necessary to avoid an unconstitutional result. If the City Manager or her/his designee, or City Council on appeal, determines that no violation of the United States or California Constitutions would occur through application of this Chapter, the requirements of this Chapter remain fully applicable.

- E. If an adjustment or waiver is granted, any change in use from the approved project shall invalidate the adjustment or waiver.

9.67.060 Fee Revenue Account

Pursuant to Government Code Section 66006, the Parks and Recreation Development Impact Fee Reserve Account is hereby established. The fees paid to the City pursuant to the provisions of this Chapter shall be deposited into the Parks and Recreation Development Impact Fee Reserve Account and used solely for the purpose described in this Chapter. All monies deposited into the Reserve Account shall be held separate and apart from other City funds. All interest or other earnings on the unexpended balance in the Reserve Account shall be credited to the Reserve Account.

9.67.070 Distribution of Parks and Recreation Development Impact Funds

All monies and interest earnings in the Parks and Recreation Development Impact Fee Reserve Account shall be expended solely on the development, design, construction, and administration costs related to the acquisition of land for parks, the improvement of existing and new parkland, and the development of new parks and recreation facilities needed to accommodate additional occupants of new development projects. Such expenditures may include, but are not necessarily limited to the following:

- A. Reimbursement for all direct and indirect costs incurred by the City to construct parks and recreation improvements pursuant to this Chapter, including but not limited to, the cost of land acquisition, planning, legal consultation, engineering, design, construction, construction management, materials and equipment.
- B. Costs of issuance or debt service associated with bonds, notes or other security instruments issued to fund parks and recreation improvements as identified.
- C. Reimbursement for administrative costs incurred by the City in establishing or maintaining the Parks and Recreation Development Impact Fee Reserve Account required by this Chapter, including but not limited to the cost of studies to establish the requisite nexus between the fee amount and the use of fee proceeds and yearly accounting and reports.

No portion of the Parks and Recreation Impact Fee may be diverted to other purposes by way of loan or otherwise.

9.67.080 Periodic Review and Adjustment of Parks and Recreation Development Impact Fees

To account for inflation in construction costs, the fee imposed by this ordinance shall be adjusted automatically on July 1 of each fiscal year, beginning on July 1, 2015, by a percentage equal to the appropriate Construction Cost Index as published by Engineering News Record, or its successor publication, for the preceding twelve (12) months.

9.67.090 Fee Refunds

- A. If a Parks and Recreation development impact fee is collected on a Project and the permit for that Project later expires, is vacated or voided before commencement of construction, the developer shall, upon request, be entitled to a refund of the unexpended Parks and Recreation development impact fee paid, less a portion of the fee sufficient to cover costs of collection, accounting for and administration of the fee paid. Any request for a refund shall be submitted in writing to the Planning and Community Development Director within one year of the date that the permit expires or is vacated or voided. Failure to submit a timely request for refund shall constitute a waiver of any right to a refund.
- B. Fees collected pursuant to this Chapter which remain unexpended or uncommitted for five or more fiscal years after deposit into the Parks and Recreation Development Impact Fee Reserve Account shall be accounted for or may be refunded as provided by state law.

9.67.100 Fee Revisions by Resolution

The amount of the Parks and Recreation development impact fees and the formula for the automatic annual adjustment established by this Chapter may be reviewed and revised periodically by resolution of the City Council. This Chapter shall be considered enabling and directive in this regard.

9.67.110 Regulations

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

Chapter 9.68 Affordable Housing Commercial Linkage Fee Program

Sections:

9.68.010	Findings and Purpose
9.68.020	Applicability of Chapter
9.68.030	Definitions
9.68.040	Affordable Housing Mitigation Requirement
9.68.050	Fee Adjustments and Waivers
9.68.060	Fee Revenue Account
9.68.070	Distribution of Affordable Housing Commercial Linkage Fee Funds
9.68.080	Periodic Review and Adjustment of Affordable Housing Commercial Linkage Fees
9.68.090	Fee Refunds
9.68.100	Fee Revision by Resolution
9.68.110	Regulations

9.68.010 Findings and Purpose

- A. The purpose of this Chapter is to facilitate the development and availability of housing affordable to a broad range of households with varying income levels within the City. As detailed in the findings supporting the ordinance codified in this Chapter, the requirements of this Chapter are based on a number of factors including, but not limited to, the City's long-standing commitment to economic diversity; the serious need for affordable housing as reflected in local, State, and Federal housing regulations and policies; the demand for affordable housing created by commercial development; and the impact that the lack of affordable housing production has on the health, safety, and welfare of the City's residents including its impacts on traffic, transit and related air quality impacts, and the demands placed on the regional transportation infrastructure. Imposing a fee that is reasonably related to the burdens created by new commercial development on the City's need for affordable housing will enable the City to fund development of affordable housing units that will contribute to addressing these impacts and fulfilling these goals.
- B. The City has prepared a Commercial Nexus Study and Linkage Fee Analysis. It shows, and the City Council finds that there is a reasonable relationship between the purpose for which the fees established by this Ordinance are to be used and the type of development projects on which the fees are imposed, and between the amount of the fees and the cost of the affordable housing units or portion of the units attributable to the development on which the fees are imposed.
- C. It is the intent of the City Council that the fee required by this Chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the City Charter, the Subdivision Map Act, the California Environmental Quality Act, other state and local laws, which may authorize the imposition of project specific conditions on development.

9.68.020 Applicability of Chapter

- A. The regulations, requirements and provisions of this Chapter and Council resolutions adopted pursuant hereto shall apply to any commercial portion of any new Project for which a development application was determined complete or an application for change(s) in existing use(s) was made on or after the effective date of this Ordinance. Any project subject to the provisions of this Chapter shall not be required to comply with Part 9.04.10.12 of the Santa Monica Municipal Code, Project Mitigation Measures.
- B. Notwithstanding the above, the following projects or portions of projects as specified thereof shall not be subject to the requirements of this Chapter:
 - 1. Places of worship;
 - 2. City projects;
 - 3. Day care centers;
 - 4. Private K-12 schools;
 - 5. Commercial portions of multi-family rental housing projects developed by a nonprofit housing provider if the developer is receiving financial assistance through a public agency, so long as the multi-family rental housing project is an affordable housing project meeting the requirements of Santa Monica Municipal Code Section 9.04.02.030.025 and the project's affordable housing obligations will be secured by a regulatory agreement, memorandum of agreement, or recorded covenant with a public agency for a minimum period of fifty-five years;
 - 6. Re-occupancy of square footage in an existing building or structure if there is no change of use;
 - 7. Square footage used for outdoor dining in the public right of way.

If a development is exempt from the fee at initial construction, but later converts to a commercial development subject to this Ordinance, the converted square footage will be deemed net new commercial square footage and the housing impact fee shall be paid prior to final approval of a building permit.

9.68.030 Definitions

For the purpose of this Chapter, the following terms shall be defined as follows:

- A. "City Projects" shall mean City public works projects and City community facilities (e.g. libraries, public parking structures, recycling centers, and community centers), not including public/private partnerships.
- B. "Nexus Study" shall mean the Commercial Nexus Study and Linkage Fee Analysis prepared by Rosenow Spevacek Group, Inc., dated July 2013.
- C. "Project" shall mean any development having a commercial use component and gross new or additional floor area of one thousand square feet or more or that changes an existing use to a different use that increases the demand for affordable housing. Gross floor area for the purposes of this definition shall be the same as Section 9.52.020, or any successor legislation, but shall exclude parking area.
- D. "Affordable Housing Commercial Linkage Fee" shall mean a fee paid to the City by an applicant pursuant to Section 9.68.040 of this Chapter in connection with approval of a project, to contribute

to the creation of affordable housing production or preservation to offset additional need for affordable housing generated by new commercial development.

9.68.040 Affordable Housing Mitigation Requirement

Except as provided in Section 9.68.050, the developer of a Project shall pay an affordable housing commercial linkage fee in accordance with the following:

- A. **Affordable Housing Commercial Linkage Fee.** Fees shall be computed as follows:
1. All non-residential portions of a Project shall pay the following based on the gross square footage of each use included in the proposed Project:
 - a. Retail: \$9.75 square foot.
 - b. Office: \$11.21 per square foot.
 - c. Hotel/Lodging: \$3.07 per square foot.
 - d. Hospital: \$6.15 per square foot.
 - e. Industrial: \$7.53 per square foot.
 - f. Institutional: \$10.23 per square foot.
 - g. Creative Office: \$9.59 per square foot.
 - h. Medical Office: \$6.89 per square foot.
 2. The land use categories identified in subsections (a) – (h), above, shall have the following meanings:
 - a. Retail shall include: animal kennels and veterinary hospitals, auto repair, car wash, retail and wholesale construction-related materials, nurseries and garden centers, entertainment and recreational facilities, gas stations, art galleries, nightclubs and bars, Personal services, Post-secondary educational facility, private studio, restaurants – fast food and cafes, restaurants – sit down, retail durable goods, retail food and markets, retail mixed, and retail non-food.
 - b. Office shall include: financial institutions and office, and general office.
 - c. Hotel/Lodging shall include: hotels, motels and other overnight accommodations.
 - d. Hospital shall include: full service hospitals.
 - e. Industrial shall include: surface or structured auto inventory storage, City maintenance facilities and bus yards, heavy industrial and manufacturing, light industrial, utilities, warehouse and self-storage, and wholesale distribution and shipping.
 - f. Institutional shall include: educational and cultural facilities.
 - g. Creative Office shall include: offices, production spaces and work spaces of establishments that are in the business of the development of creative property, including but not limited to, advertising, architectural services, broadcasting,

communications, computer software design, entertainment, engineering, graphic design, interior design, internet content, landscape design, and similar uses.

- h. Medical Office shall include: Medical office, including medical clinics, and offices for medical professionals.
- 3. The amount of legally permitted non-residential square footage to be demolished in an existing building or structure, or to be removed from an outdoor area used as part of a service station or for auto dealer sales, display and inventory storage, as a part of a Project shall be a credit in the calculation of the Affordable Housing Commercial Linkage Fee. Outdoor area used as part of a gas station shall not include setbacks, landscaping, parking and other paved areas used solely for access and circulation. Credit shall be applied on a per square foot basis according to per square foot fee assigned to the type of commercial use that existed on the site prior to the new Project application submittal.

B. Timing of Fee Payment.

- 1. The Project applicant shall pay fees according to the schedule of fees in place on the date the fees are paid, except that the applicant for a vesting tentative map for a development project shall pay the fees in effect on the date the application for the vesting tentative map is deemed complete, as automatically adjusted.
- 2. No building permit for any Project shall be issued unless the fees have been paid.

9.68.050 Fee Adjustments and Waivers

- A. A developer of any Project subject to the fee described in Section 9.68.040(A) may request that the requirements of this Chapter be adjusted or waived based on a showing that applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property.
- B. To receive an adjustment or waiver, the applicant must submit an application to the City Manager or her/his designee, at the time the applicant files a discretionary project application, or if no such application is required, a building permit application. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.
- C. The City Manager or her/his designee, shall render a written decision within ninety days after a complete application is filed. The City Manager's or designee's decision may be appealed to the City Council if such appeal is filed within fourteen consecutive calendar days from the date that the decision is made in the manner provided in Chapter 9.37 Common Procedures of this Code or any successor thereto.
- D. If the City Manager or her/his designee, or City Council on appeal, upon legal advice provided by or at the behest of the City Attorney, determines that applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the affordable housing fee requirements shall be adjusted or waived to reduce the obligations under this Chapter to the extent necessary to avoid an unconstitutional result. If the City Manager or her/his designee, or City Council on appeal, determines that no violation of the United States or California Constitutions would occur through application of this Chapter, the requirements of this Chapter remain fully applicable.
- E. If an adjustment or waiver is granted, any change in use from the approved project shall invalidate the adjustment or waiver.

9.68.060 Fee Revenue Account

Pursuant to Government Code Section 66006, the Affordable Housing Commercial Linkage Fee Reserve Account is hereby established. The fees paid to the City pursuant to the provisions of this Chapter shall be deposited into the Affordable Housing Commercial Linkage Fee Reserve Account and used solely for the purpose described in this Chapter. All monies deposited into the Reserve Account shall be held separate and apart from other City funds. All interest or other earnings on the unexpended balance in the Reserve Account shall be credited to the Reserve Account.

9.68.070 Distribution of Affordable Housing Commercial Linkage Fee Funds

All monies and interest earnings in the Affordable Housing Commercial Linkage Fee Reserve Account shall be expended solely on the production or preservation of affordable housing to help fulfill the need identified in the Nexus Study to increase the supply of housing affordable to worker households of extremely low, very low, low, or moderate income, or such other report as may be prepared from time to time to document the reasonable fair share of the costs to mitigate the increased need for affordable housing that is created by new commercial development. Such expenditures may include, but are not necessarily limited to the following:

- A. Reimbursement for all direct and indirect costs incurred by the City to fund the production of affordable housing pursuant to this Chapter, including but not limited to, the cost of land and right-of-way acquisition, planning, legal advice, engineering, design, construction, construction management, materials and equipment, or issuing loans to nonprofit affordable housing developers to acquire land and/or to rehabilitate existing buildings or build new developments to increase the supply of affordable housing units.
- B. Costs of issuance or debt service associated with bonds, notes or other security instruments issued to fund affordable housing needs identified.
- C. Reimbursement for administrative costs incurred by the City in establishing or maintaining the Affordable Housing Commercial Linkage Fee Reserve Account required by this Chapter, including but not limited to the cost of studies to establish the requisite nexus between the fee amount and the use of fee proceeds and yearly accounting and reports.

No portion of the Affordable Housing Commercial Linkage Fee Reserve Account may be diverted to other purposes by way of loan or otherwise.

9.68.080 Periodic Review and Adjustment of Affordable Housing Commercial Linkage Fees

To account for inflation in affordable housing development costs, the fee imposed by this ordinance shall be adjusted automatically on July 1 of each fiscal year, beginning on July 1, 2015, by a percentage equal to the appropriate Construction Cost Index as published by Engineering News Record, or its successor publication, for the preceding twelve (12) months.

9.68.090 Fee Refunds

- A. If an affordable housing commercial linkage fee is collected on a Project and the permit for that Project later expires, is vacated or voided before commencement of construction, the developer shall, upon request, be entitled to a refund of the unexpended housing commercial linkage fee paid, less a portion of the fee sufficient to cover costs of collection, accounting for and

administration of the fee paid. Any request for a refund shall be submitted in writing to the Director of Planning and Community Development within one year of the date that the permit expires or is vacated or voided. Failure to timely submit a request for refund shall constitute a waiver of any right to a refund.

- B. Fees collected pursuant to this Chapter which remain unexpended or uncommitted for five or more fiscal years after deposit into the Affordable Housing Commercial Linkage Fee Reserve Account shall be accounted for or may be refunded as provided by state law.

9.68.100 Fee Revision by Resolution

The amount of the affordable housing commercial linkage fee and the formula for the automatic annual adjustment established by this Chapter may be reviewed and revised periodically by resolution of the City Council. This Chapter shall be considered enabling and directive in this regard.

9.68.110 Regulations

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